

Sarah Eltantawi: *Shari'ah on Trial: Northern Nigeria's Islamic Revolution*
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Reviewer: Andrea Brigaglia (University of Cape Town)

This book is a minimally (alas...) revised version of the author's PhD thesis ("Stoning in the Islamic Tradition: The Case of Northern Nigeria," Harvard University, 2012). The author, as she narrates in the introduction, came to academic study after a history of activism in Muslim organisations in the United States. Initially, she had decided to embark on a research on the penalty of stoning for adultery with the aim of trying to understand why many northern Nigerian Muslims, after their successful agitation for the implementation of a Sharia-inspired penal code, had apparently supported the sentence of stoning for *zinā* (adultery) that had been declared in 2002 by a Sharia court of Katsina State against 30-year old Amina Lawal, after the latter had conceived a child out of wedlock. Although Amina's case was successfully overturned by a Sharia court of appeal in 2003, the study of this case and of its aftermath provided the author an entry point into a discussion of the application of Islamic law in a postcolonial Muslim society, as this was "the first time shari'ah was put on trial in Nigeria." (p. 201) Amina's case was actually the second trial for *zinā* in post-colonial northern Nigeria, as it followed the similarly famous one of Safiyya Hussaini – which is not discussed in the book – by about one year.

After her journey of research, the author slightly reframed her initial research questions, which were originally set in the context of her wider concerns about Islam and human rights. Having developed the *Journal for Islamic Studies*, Vol. 36, 2017, 286-295

conviction that “‘Nigeria’ is more essential than ‘Islam’ to understanding what is happening in Nigeria,” and that “there is little or no ahistorical ‘Islam’ that can be separated from a particular cultural manifestation” (p. 3), she decided to frame her study as an ethnography of discourses about Sharia and the penalty for adultery in contemporary northern Nigeria – rather than as a historical study of the stoning penalty. The new concern of the author became, thus, “to understand how social and cultural manifestations of religion,” in a specific context, “interact with a canon of overdetermined divine religious texts” (p. 3).

The author’s central argument is indeed a valid one: in contemporary northern Nigeria, she argues, the interaction between canon and context takes place within a multi-layered ‘Sunnaic paradigm.’ The Sunnaic paradigm, nicely defined by Eltantawi, is a three-layered dialectic which integrates (1) the Nigerian present with its specific concerns; (2) the nineteenth-century Sokoto Caliphate as a local “model of strength and self-determination”; and (3) the ‘classical’ period of Islam, i.e. the Prophetic period (which in fact, should be more correctly called the ‘primitive’ or ‘formative’ period, for ‘classical Islam’ is normally used by historians as a reference to the centuries ranging from the formation of the Abbasid caliphate to the beginning of the decline of the Ottoman one). While the symbolic power of the ‘Sunnaic paradigm’ explains the popular expectations that a large sector of northern Nigerian Muslim public opinion, during the early pro-Sharia agitation, associated with ‘idealised Sharia,’ the author correctly emphasises how the actual implementation of Islamic law was in fact, the fruit of a pragmatic compromise which the more disenchanted Muslim public of today’s northern Nigeria calls ‘political Sharia.’

In the first chapters, the author provides an overview of the history of the application of the *ḥudūd* (canonically established physical punishments) during the first two layers of the ‘Sunnaic paradigm’: the ‘classical’ (read: formative) period of Islam, and the nineteenth-century Sokoto Caliphate. Eltantawi stresses how, during the life of the Prophet and the companions, the penalty of stoning for adulterers was integrated into nascent Islamic practices as a legacy from Jewish practices, and not directly from Quranic

sources. In eighteenth-century northern Nigeria, the severity of *ḥudūd* punishments like stoning (for adulterers), flogging (for fornicators) and hand amputation (for thieves) were used by the Sokoto Caliphate leaders like Usman ‘Dan Fodio, who seldom applied them, “to make a case for the atemporal legitimacy of the entire corpus of Islamic law” (p. 63). Thus, for ‘Dan Fodio and his associates, the “legitimizing severity” (p. 41) of *ḥadd* punishments served mainly a symbolic purpose. In a similar way, the author insightfully emphasises how, seen through the lenses of the three-layered Sunnaic paradigm, the seeming support of some sectors of contemporary northern Nigerian public opinion for the stoning of Amina Lawal has to be understood in terms of “the symbolic power that Islamic law holds in contemporary northern Nigeria” (p. 42), which is “intimately tied to a sense of sovereignty and of self-determination” (p. 42).

The central argument is a valid one, but one wonders whether some engagement with sociological literature on myth and politics could have added to the concept of ‘Sunnaic paradigm’ and to the analysis of the tension between idealised and political Sharia, a deeper theoretical reach beyond the northern Nigerian context to an understanding of human societies in general.

The second section of the book looks more closely into the case of Amina Lawal’s trial, sentence and ultimate acquittal. One of the author’s central conclusions, i.e. that in most cases, women pay the price for the most stringent interpretations of Islamic penal law (p. 202), is not supported by hard data. Data from the Nigerian Sharia courts, in fact, show that virtually all the individuals sentenced to amputation for theft in Nigeria, and an increasing number (especially during the last few years) of those sentenced for stoning for adultery (usually in cases of rape), are actually men.¹ This does not certainly mean that the personal ordeal of Amina Lawal and of a number of other women similarly convicted for adultery, would not have

1 See: <https://www.timesofmalta.com/articles/view/20080216/world/convicts-await-stoning-in-nigeria.196498>. For more details, see the rich documentation discussed in Philip Ostien, Ahmed S. Garba, and Musa U. Abubakar, “Nigeria’s Sharia Courts,” in Philip Ostien, Abdul Rauf Mustapha and Muhammad Sani Umar (eds.), *Sharia Implementation in Northern Nigeria Fifteen Years On: Six Research Reports and an Overview* (forthcoming).

deserved a thorough study. But in the opinion of the present reviewer, the case of Amina is explained more by an intrinsic problem present in the inherited procedures of traditional Maliki practice (where the case of a pregnant unmarried woman is excluded from the otherwise extremely restrictive rules of evidence for *zinā*) than by the alleged choice of contemporary Nigerian courts to persecute women rather than men.

The author's journey into Amina's story is concluded by the following questions, framed within the author's point of view of a Muslim concerned, on the one side, with issues related to women's rights in Islam and, on the other side, with discourses around Islamic identity in postcolonial Muslim societies and in the West:

Can Islamic law be reformed in a postcolonial/postmodern climate in which many Muslim-majority societies understand the medieval jurisprudential tradition as conferring stability to chaotic situations, historically grounded sovereignty to weak states, and moral order to cultures fraying under economic pressure? If intellectuals like Ramadan were to move beyond the politically unsatisfying "moratorium" and declare stoning invalid, on what credible basis could she or he make that case to Muslims suffering under the aforementioned conditions? Do contemporary Muslims have the political will and the anti-corporal-punishment, and even feminist, commitments to conduct this reform? If not, how can that groundwork be established, and what would be the role of Western intellectuals, intellectual traditions, and politicians in that process? (p. 177).

[...]

In this complex terrain wherein the politics of outrage about the oppression of Muslim women often conceals imperial and other agendas, scholars and activists for Muslim women's rights who are aware of these dynamics take up a difficult and delicate topic (p. 185).

These are important questions, and the book's central merit is in raising them. Moreover, the author's engagement with the argument of Lama Abu-Odeh, who had pointed out how family law has become, in the legal systems of modern Muslim countries, a "sacrificial lamb" that has allowed other areas of legal practices to be secularised, is very useful. Hauwa Ibrahim, in her *Practicing Shariah Law: Seven Strategies for Achieving Justice in Shariah Courts* (American Bar Association, 2013), provided some thoughtful answers, from an activist viewpoint, to similar questions related to the Nigerian case. This book was published only one year after the submission of Eltantawi's thesis, and four years before the publication of her book. As Ibrahim is one of the lawyers who had fought for the acquittal of Amina Lawal, and as one of the central chapters in her book discusses the experience gathered from Amina's trial in great detail, her contribution would have certainly deserved a discussion - or at least a mention.

Issues of Methodology

The neglect of relevant published scholarship is in fact, one of the most serious shortcomings that the present reviewer sees in Eltantawi's book. This is a book on Sharia in Nigeria which ignores the three most important monographs previously written on the topic (Johannes Harnischfeger, *Democratization and Islamic Law: The Sharia Conflict in Nigeria*, Frankfurt: Campus Verlag, 2008; Gunnar Weimann, *Islamic Criminal Law in Northern Nigeria: Politics, Religion, Judicial Practice*, Amsterdam: Amsterdam University Press, 2010; Brandon Kendhammer, *Muslims Talking Politics: Framing Islam, Democracy, and Law in Northern Nigeria*, Chicago: University of Chicago Press, 2016), as well as the rich collection of essays edited by Franz Kogelmann (*Sharia in Africa Today: Reactions and Responses*, Leiden: Brill, 2014), which contains various contributions on the Nigerian case and adds an important comparative perspective.

Eltantawi's is also an ethnographic study of Islam and Hausa women, who are arguably the most richly documented case in the field of anthropological and historical studies on African women. Yet the author does not reference any of the landmark works of the likes of

Barbara Callaway (*Muslim Hausa Women in Nigeria: Tradition and Change*, Syracuse: Syracuse University Press, 1987), Barbara Cooper (*Marriage in Maradi: Gender and Culture in a Hausa Society in Niger, 1900-1989*, Portsmouth: Heinemann, 1997), and Adeline Masquelier (*Women and Islamic Revival in a West Africa Town*, Bloomington: Indiana University Press, 2009).

The absence of an engagement with the existing body of literature on Sharia in Nigeria, as well as on Islam and women in Nigeria, is partly made up for by the ethnographic materials contained in the book. This is usually presented in the form of the author's reflections around her conversations and interviews with people encountered during her visit to Nigeria. Such ethnographic materials, however, are often presented in an anecdotal style that borders the style of a travellers' diary, partly undermining its worth as anthropological literature. The reader wonders, for instance, what exactly does a long account of a conversation with a British professor of English at Bayero University (Kano) over whether or not Nigerians are capable of critical thinking (pp. 195-200), contribute to the overall economy of the book. The same can be said of the account of a conversation around the temptations of Lesbian sex with one of the author's Nigerian friends (pp. 187-188). Yes, the views held by the Nigerian Muslim public around homosexuality could have deserved a paragraph or two in a book dedicated to the legal penalties for sexual conduct. But the section appears out of context in a chapter on western reactions to the Amina Lawal's case. And, more importantly, why the choice of entering into the details of a private conversation with an individual informant and not, instead, engaging Rudolf Gaudio's outstanding monograph on homosexuality in the northern Nigerian city of Kano (*Allah made us: Sexual Outlaws in an Islamic African City*, Hoboken: Wiley, 2009) – one of the best anthropological studies of a homosexual community in an African city?

In sum, Sarah Eltantawi's book could have been a valid essay, if the author was the first anthropologist to write about northern Nigerian Muslims. As she is dealing with the most widely studied Muslim society in sub-Saharan Africa, however, her disregard for decades of anthropological and historical literature is deeply problematic.

Issues of Content

In Chapter 3, the discussion of the debate around the historical origins of Islamic law is based on an engaged reading of the literature, and the reader has a lot to learn from it. The same cannot be said, however, of the historical overview of Islam in Nigeria (Chapter 2), where the many amateurish mistakes result in an account full of chronological inconsistencies.

At p. 44, for instance, the author affirms that “cities in modern Nigeria including Kano, Katsina, Kanem Borno, and Sokoto, were famous in the eleventh century for their Arabic and Islamic learning.” Now, (1) Kanem Borno has never been the name of a city but of a State; (2) Kano and Katsina were islamised only in the fourteenth century – as the author correctly states a few pages after, seemingly without realising the inconsistency with her previous statement; and (3) the city of Sokoto was only established in 1809!

In the same page, the statement that “[e]leventh-century scholars including 'Abd-al-Karīm al-Maghīlī al-Tilimsānī (d. 1505 C.E.)” (where the century is mistaken but the dates in parentheses are correct), leaves the reader perplexed. In the same sentence, the name of al-Maghīlī is followed by those of a number of other scholars (al-Tāzaktī; Aḥmad Bāba; Muḥammad b. Masani; al-Suyūṭī), all located by the author in the eleventh century, and all of whom lived, without exception, between the fifteenth and the sixteenth centuries. A few pages after (p. 47), the chronology of al-Maghīlī is mistaken once again, and the late fifteenth-century Algerian is now defined as a contemporary of ʿDan Fodio, who lived between the eighteenth and nineteenth century.

All the above chronological inconsistencies were already present in the PhD thesis that earned the author a doctorate at Harvard. But seemingly, no historian specialising on Nigeria has read chapter 2, either before the award of the PhD or during the successive five years of editing of the book.

The reader will also notice a few questionable points in the author’s references to the history of Islamic religious trends and schools. To give a few examples, the statement that the nineteenth-century Jihad leaders

placed “Hausaland within a wider Islamic legalistic, textual episteme whose epicenter was in the east” (p. 44) is questionable if one considers the extent to which the scholars of Hausaland continued to rely on Mālikī, Ash‘arī and Sufi scholarship that was largely produced in the Maghreb rather than in the Islamic east. Similarly questionable is the assertion that Usman ‘Dan Fodio was directly influenced by the thought of Muḥammad ibn ‘Abd al-Wahhāb, which appears in several instances throughout the book. There was obviously a parallel concern between the two in strictly defining the parameters of belief (*īmān*) and unbelief (*kufr*), but no reference to Ibn ‘Abd al-Wahhāb can be found in the numerous treatises of ‘Dan Fodio who, on the contrary, continued to rely principally on the very Sufi sources that were the object of the anathemas of the eponym of the Wahhābī school. At p. 59, the author conflates two distinct figures of Islamic eschatology (the *mujaddid* and the *mahdi*). And finally, the author’s definition of Boko Haram as a group that believes “that any book that is not the Qur’an is harām (a sin)” (p. 32), is unpardonable after the publication of a wealth of valid articles and books that analyse Boko Haram’s extensive and sophisticated use of the literature emanating from global Salafi-Jihadi sources.²

Technical Issues

In the opinion of the present reviewer, social scientists should never feel compelled to follow the philological conventions established by departments of Oriental studies for the transliteration of Arabic words. Yet, if the author chooses to state (p. xi) that she is following the standards of the *International Journal of Middle East Studies*, a minimal standard of consistency should have been required by the editors.

In this book, one struggles to find Arabic words that are correctly transliterated. Examples like *Mukhtasar* (a number of times) for *Mukhtaṣar*; *Muwatta* for *Muwaṭṭa’*; *aḥādīth* (a number of times) for *aḥādīth*; and *Sahīh*

2 For example, Abdulbasit Kassim, “Defining and Understanding the Religious Philosophy of *jihādī*-Salafism and the Ideology of Boko Haram,” *Politics, Religion and Ideology*, 16, 2-3 (2015): 173-200; Alex Thurston, “The disease is unbelief: Boko Haram’s religious and political worldview,” *The Brookings Project on U.S. Relations with the Islamic World, Analysis Paper*, No. 22, January 2016.

(repeatedly) for *Ṣaḥīḥ*, are certainly minor mistakes, though their recurrence begs some questions about the process of editing of the book. But *izān* for *adhān*; *istishān* for *istiḥsān*; *yatafaqa* for *yatafaqqah*; and *riḍa* for *ridda* are quite extreme ones. Not to mention titles of books, texts of hadiths and Quranic verses, and various sentences in Arabic, which become almost illegible in the author's transliteration: *'idilat wujūb itbā' al-sunnah* (instead of *adillat wujūb ittibā' al-sunnah*); *Ṭaḥāfuth al-Ḥukām* (instead of *Tuḥfat al-ḥukkām*); *in ta'abudu Allah kinnaka tarāhu fa-lam takun tarāhu fa-innaka yarāk* (instead of *in ta'bud Allāh ka-innaka tarāhu fa-in lam takun tarāhu fa-innahu yarāk*); *l'in lam tantahu l'arjammāka* (instead of *la-in lam tantahi la-arjumannaka*); *Muhammad salla Allah alayhu wasalama tabakuha, wa ana tabaktuha fi zāriā* (instead of *Muḥammad ṣallā Allāhu 'alayhi wa-sallama ṭabbaqqahā wa-anā ṭabbaqtuhā fi Zāriyā*); just to quote a few.

Proper names are not spared: Qādiriyya is spelt most of the times as Qādariyya and in one instance as Qādīriyya; 'Ibādīyya is spelt as Ibādīyya; Ibn 'Abd al-Waḥḥāb is spelt throughout the book as Ibn 'Abd al-Waḥḥab; Aḥmad al-Bakkā'ī is spelt Aḥmad al-Bakki; Qayrawānī always appears as Qaywarānī; etc.

A similar sloppiness can be observed in the spelling of proper names of Nigerian informants mentioned in the text, and even of many of the English surnames of the authors cited in the bibliography: Usmanu Bugage for Usman Bugaje; Dr Guando for Dr Gwandu; Mustapha Guadebe for Mustapha Gwadabe; Auwalu Hamsxu for Auwalu Hamisu; Junybol (at least twice) for Junybol; Andrew Rippen (multiple times) for Andrew Rippin.

To add to the poor editing of the book (for which the publisher shares some of the responsibility with the author), this text has never been reviewed by a Hausa speaker, as Hausa terms are invariably mis-spelt, too: *motaci* instead of *motoci*; *escanche* for *iskanci*; *Ma'lims* for *Malam*; *magajiri* (!) for *almajiri* (repeatedly).

Conclusive remark

Sarah Eltantawi's book raises important questions on Islamic law and Muslim women in Nigeria, and the author has to be credited for this. However, it answers them in disregard of existing scholarship in the

area and in a very poorly edited style. The gross chronological mistakes contained in the historical section could have been easily avoided if the book (and the dissertation) had gone through a more careful process of review and editing. For a book that is framed within a feminist and post-colonial approach, the neglect of a rich corpus of outstanding literature on Muslim women in Nigeria, and the fact that the author did not give her informants the agency to correct the spelling of their names and of Hausa words of daily usage, are additional flaws that should not go unnoticed.