

NON-MILITARY *JIHĀD* AS AN APT STRATEGY TO IMPLEMENT
ISLAMIC THEOCRACY IN CONTEMPORARY NIGERIA

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ABSTRACT

Imposition of Western political ideology on the territories predominantly occupied by Muslims or previously governed by Islamic theocracy is not pleasant to well-informed Muslims. The imperialists' subjugation of Shariah system led to the continuity of frontiers of colonialism and resultant Anglo-phobia feelings among the conscious Muslims. In the attempt to revert to the orthodox legal system of Islam, some concerned Muslims employed militant approach which is inappropriately referred to as *Jihād* to bring about Islamic heritage. Besides, some other Muslims decide to shun western education and democratic government which they regard as hazardous to their religion, the consequence of which is anti-Islam decisions made against Muslims by non-Muslims and un-informed Muslims who occupy the positions of authority. It is against this backdrop that this paper examines the manner of non-military struggle as an apt strategy employable to actualise the implementations of Islamic provisions in a multi religious society where non-Muslims seriously resist any attempt to re-introduce Islamic theocracy. Discussion method is adopted as the paper reveals that non-military *Jihād* by Muslims in form of peaceful participation in decision making within the existing democratic system of government is capable of realising pronounced aspects of Islamic theocracy. Thus, it recommends that Muslims should be enlightened on the need to pursue functional education, both western and Islamic, and participate actively in politics to place, as majority in government, up-right and well-informed Muslims who shall uphold Islamic provisions.

Introduction

Islam is a complete way of human's life being it spiritual, social, political and economic. It is to be noted that theocracy connotes religious rules. In this regard, administration of social and economic relationships of people according to provisions enshrined in Islamic Law is regarded as Islamic theocracy. The Islamic theocracy of Madinah as successfully established by Prophet Muhammad has laid down the model of the socio-political order of Muslim community.¹ It is noted that imposition of any other rule contrary to the Islamic provisions on the life of Muslims is perceived by conscious Muslims as a hindrance militating against the attainment of an ideal way of life based on Islamic provisions. The attempts of some Muslims to live according to Islamic provisions in the society where everyone has the right to practise his religious teachings, are described as unconstitutional and vehemently resisted by non-Muslims as noted in Nigeria. This resistance leads to revolts from some Muslims who consider their actions as *Jihād*. It should be noted also that participation in the present system of government is perceived by some Muslims as an act of strengthening un-Islamic political order which restricts the proper practice of Islam.. The resultant effect of the feeling is political apathy. This paper, therefore, examines the manner of non-military *Jihād* and its applicability to implement Islamic rules in contemporary Nigeria without resorting to unfruitful seclusion from society or violent struggle which usually results into the loss of lives and properties of people, most of who are innocent.

Definition of *Jihād*

Many people perceive *Jihād* as a holy war waged against non-Muslims. This is the reason for which whenever the term is heard, the people feel anxious and scared just because it rings alarm bell of violence. *Jihād* is an Arabic word formed from the verb '*Jāhada*' meaning: To struggle or strive against one's rival.² Al-Rāghib defines *Jihād* 'A struggle to prevent menace of

evil actions of enemies with hand, tongue and any possible means'. He further asserted that the struggle is of three types, namely: struggle against visible enemy, Shytān (Devil) and the soul.³ According to him, all the three types of *Jihād* are contained in the following verse which reads "And strive in Allah's cause as you ought to strive (with sincerity and under discipline) (Qur'ān 22:78).

However, the term '*Jihād*' is interpreted from different perspectives. It is described by Jurists as 'the fight in the cause of Allah'.⁴ This meaning is in line with the themes of their works which are conditions and manners of the fight against enemies that attacked or persecuted Muslims. This definition takes *Jihād* as military struggle aimed at preventing the evils of aggressors and tyrants. The implication of this type of *Jihād* is that non-Muslims who do not fight Muslims are not to be fought. Allah says: "Fight in the cause of Allah those who fight you, but do not transgress limits, for Allah loves not transgressors. Qur'ān 2:190 . Also, Allah says: -- - "But if they cease, let there be no hostility except to those who practice oppression". Qur'ān 2:193.

Jihād is defined, according to historians, as 'conquest'. Muhammad Bakr Ismail noted that this definition is in accordance with a theme of their works which is the description of places, people, and outcome of the fight against enemies and other occurrences associated with the fight.⁵ While contextualising the term '*Jihād*' as it is used in the Qur'ān, Hadith and literal definition of the term, Islamic educationists define it as 'any type of the striving in the cause of Allah to curb evils and promote the truth and justice'.⁶ This is a comprehensive definition which connotes that *Jihād* should not be confined to the military struggle against the enemies. Professor Is'haq Oloyede recommended in his inaugural lecture that the description *Jihād* Jihād as holy war should be reviewed.⁷

The word *Jihād* as used in the Qur’ān and Sunnah connotes different meanings. In the Qur’ān 25:52, *Jihād* is mentioned to imply: The use of Qur’ān to propagate Islam to non-Muslims. More so, the Prophet considered the purification of soul from corrupted thoughts as ‘Greater *Jihād*’. The corrupted thoughts include; injustice, miserliness, cowardice, greed, laziness, selfishness, wickedness among others. These are evil thoughts which one must strive to remove from one’s soul. Allah says: Truly, he succeeds that purifies it (soul). And he fails that corrupts it.. Qur’ān 91:9-10. Another meaning of *Jihād* as derived also from the Sunnah is ‘the exhortation’. To this effect, the Prophet says: “The highest kind of *Jihād* is to speak out for truth in the face of unjust authority”.⁸ It is discernible from the various meanings of *Jihād* as advanced above that it is of different kinds which can be broadly categorised under the two types, namely: Military and Non-Military *Jihād*.

Military *Jihād* in the Early Period of Islam

Physical fight with rival is not enforced in Islam until Muslims are militarily confronted by non-Muslims. It should be noted that Muslims are admonished, as indicated in Qur’ān 60:8, to be kind and just to non-Muslims who do not fight or drive them out from their homes. Some weak Muslims ran away to Abyssinia with their religion when the Quraysh hostility to them increased day by day, while the Prophet later migrated to Madinah. The command to fight in the Qur’ān was instigated by persistent attack against Muslims by the Quraysh after Islamic state of Madinah had been peacefully established and consolidated by the Prophet and his companions. More so, what led to the subsequent battles between Muslims and non-Muslims outside Arabia peninsular was to protect the existence of Islamic state from being conquered at the hand of conquerors that had occupied and ruled over parts of Arabia peninsular. It should be noted that,

in the past, mighty struggles for supremacy through expansion of territories were the order of the day between Roman and Persian Empires and between those empires and Islamic state.⁹

In this regard, all the battles fought in Islam were not to coercively convert non-Muslims to Islam, rather they were to strengthen Islamic state.. Allah says: "-- Fight in the name of Allah those who fight you, but do not transgress limits, for Allah loves not transgressors". Qur'ān 2:190. This verse implies that those military struggles commanded in Islam are defensive in nature. It is perceivable from this verse that transgression of limits is forbidden in military *Jihād*. These limits according to the Sunnah include; avoidance of killing old people, women and children if they do not partake in the fight.¹⁰ Also, those who are ready to live peacefully with Muslims should not be fought.

Military *Jihād* in Nigeria

The military struggle of Shaykh Uthman Ibn Fodio was to subdue the tyrants that maltreated their subjects, attacked the Muslims, and used force to halt the spread of true teachings of Islam in their areas. Thus, there was no pagan forced to embrace Islam. Onwubiko submits:

The Hausa kings could not count on the support of their peasant subjects whom they had alienated by their taxation and arbitrary government. The peasant population or "Talakawa" naturally rallied to the support of Usuman, who had been condemning these cruel practices, for they looked on him as their deliverer.¹¹

Similar to those eras when mighty struggle for supremacy was the order of the day, wars of conquest broke out between Muslims rulers and infidels with the main intent of expansion of empire. This continued throughout 19th century until the encounters among different tribes were halted by British colonisation in Nigeria. To defend Islamic theocracy in the Muslims' empires, the military *Jihād* becomes inevitable.

Military *Jihād* to defend Islamic theocracy in the form described above was no more founded in Nigeria except that which can be referred to as violent responses of some Muslims to some aggressions, such as violation of Muslims' rights to free movement by Ololu masquerades in Ibadan,¹² making insulting remarks about Prophet Muhammad by some Christians,¹³ and violence of some antagonists of Shariah against Muslims in Northern Nigeria.

More so, it should be noted that an Islamic group which began as non-violent that focused on preaching against un-Islamic practices in the north-eastern part of Nigeria turned to militant group in 2009. This attempt followed the killing of their seventeen members by Nigeria police for not wearing helmet. In retaliation of this extra judicial killing, the group invaded several police stations and public buildings in Bauchi, Borno, Kano and Yobe states.¹⁴ They were named Boko-Harām because they oppose western education and democratic system of government which does not allow the practice of Islamic theocracy accordingly.

The escalation of Boko Harām crisis followed the death of their leader, Muhammad Yusuf, under a questionable circumstance in the custody of police. About 3,500 casualties and destruction of properties worth millions of naira were recorded between 2009 and 2012 as a result of violent activities of Boko Harām group.¹⁵ The persistent militant struggles vehemently condemned by all and sundry, make this group fail to achieve their basic objective to implement Islamic theocracy because their strategy was brutal, insurgent, and transgressing the limits of *Jihād* as pointed out above from the Qur'ān and the Sunnah. It is to be noted that Boko-Harām kill the civilians who do not fight them, destroy their properties and terrorise both Muslims and Christians who co-exist peacefully.

Obstacles Militating against Implementation of Islamic Provisions in Contemporary Nigeria

A well-organised system of government based on Shariah was adopted in almost parts of Northern Nigeria before the arrival of British colonialists. This Islamic political order was retained by the colonial rulers until 1951 when a new Native Court Ordinance which limited the Shariah penalty was enacted to replace the existing one which adhered to the Sacred Law of Allah.¹⁶ This step was taken to find a solution to conflicting jurisdiction between Islamic criminal Law and English Common Law. Thus, Muslims were denied their rights to be ruled according to their religious provisions.

Besides, the strong minority groups in the Northern Nigeria frowned at the compulsory jurisdiction of Muslim courts over non-Muslims. In this regard, the government introduced Penal Code which prescribes its punishment as those of an English-based penal code. It became effective on 3rd November, 1960.¹⁷ Likewise, an attempt to establish Federal Shariah Court of Appeal, as recommended by Constitution Drafting Committee for the Second Republic, was halted when it was violently opposed by Christians on the grounds that it would undermine the secularity of the country and accord Muslims an unfair advantage.¹⁸

More so, the attempt to re-introduce the full implementation of Shariah in some Northern parts on Nigeria was violently opposed by Christians on the basis of the claim that Nigeria is a secular state. This violent objection claimed many lives particularly in Kaduna state in the year 2000.¹⁹ Also, the introduction of Non-Interest Banking System in Nigeria was described by Christians as a plot to Islamise Nigeria, because it is based on the teachings of Islam.²⁰ Professor Nwabueze, Kayode Eso among others argued that establishment of Islamic Banking amounts to adopting Islam as a state religion.²¹

The objections raised by non-Muslims against the full implementation of Shariah and introduction of Interest-Free Bank were based on the provision of section 10 of the constitution of the Federal Republic of Nigeria. Professor Olademo declared:

The Nigerian Constitution succinctly defines the Nation's status as Multi-religious with section 10 of the 1999 Constitution prohibiting the federal or the state government from adopting any religion as a state religion.²²

It should be noted that a state declared for a particular religion must base its constitution on the provisions originating from such a religion. Nigerian constitution from which Muslims derive their right to implementation of Shariah was based on the consensus of National Confab, rather than the tenets of a particular religion. Section 275 (1) and Section 38 (1) of 1999 Nigerian Constitution guaranteed Muslims the right to establish Shariah courts and practise the prescriptions of their religion respectively.²³

According to Section 38 (1) of the 1999 Constitution:

Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.²⁴

countries of the world, including China and Japan which are secular states.²⁵

Another obstacle to the implementation of Islamic theocracy is the attitude of some un-informed Muslims who also antagonise the introduction of implementation of Shariah in Nigeria because of their apprehension of being rebuked by non Muslims. The freedom to practice and observance of the teachings of one's religion in public is assured in section 38 (1) of 1999 Nigerian Constitution. It is to be noted that obedience to the provisions of Islamic Law in the social and economic aspects of Muslim's life is one of his religious observances. An institution which maintains justice and order among Muslims in Nigeria, according to Islamic Religious

Teachings, is Shariah courts, while an institution guaranteeing wellbeing of financial transactions in accordance with Islamic provisions is Non-Interest Banking (NIB). It should be noted that all those institutions agitated for by Muslims are in no way imposed on any non-Muslim. They are for Muslims and those who voluntarily consent to patronise any of the institutions. Despite the fact that Britain remains as a Christian state, it has Islamic Bank of Britain (IBB) in its soil. Thus, today, NIB or Islamic Banking is practiced in not less than seventy

Efforts of Muslim leaders to introduce Shariah courts in Yoruba states, particularly Oyo state, prove abortive despite the fact that Muslims are the majority in the position of political authority. Honorable Ashimiyu Niran Alarape, onetime speaker of Oyo State House of Assembly argued that the reason why a bill for introduction of Shariah Court in the state was not passed is that the state is heterogeneous in nature. He further stated that a situation whereby members of the House were seventeen and fifteen Muslims and Christians respectively did not encourage them to present the bill to the House.²⁶ It should be noted that the politicians know how they persuade one another on a bill that benefits them even if it would not benefit the majority of citizens.

More so, the chairman of the Organising Committee for Oyo State Independent Shariah Implementation Panel, Alhaji Ishaq Kunle Sanni noted that Muslims are being marginalised when it comes to matter judiciary in this country and in Oyo State in particular. He lamented that while traditional people have customary courts and Christians have the Common Law, Muslims are being denied the right to have Shariah Courts in South-West States of Nigeria. Sanni, however, contended that the three systems of law 'are most respected in the Constitution'.²⁷ It should be noted that as Customary Law is not enforced on those who do not consent to it. Shariah Law is binding only on Muslims and those who voluntarily wish to make use of it.

Apt Strategy for the Implementation of Islamic Theocracy

The formalization of administration of social affairs is very vital to ensuring justice and order among the people. The administration of justice must conform to the belief of the people. This brought about the issue of Islamic theocracy which guarantees the justice for Muslims based on their religious belief. It should be noted that it is a fundamental human right of the Muslims to practice the teachings of their religion in this respect. This was the reason for which the British Colonialists allowed the Muslims in the Northern Nigeria to administer their social affairs according to principles of Islamic theocracy which they have been used to.²⁸ Denial of such a right to the Muslims in contemporary society leads some conscious Muslims to adopt one method or the other in their attempts to practise the teachings of Islam regarding their social activities.

Some Muslims were frustrated to adopt armed struggle, some decide to seclude themselves from political participation based on un-Islamic system. If Muslims secluded from political participation, many decisions shall be made against the Islamic provisions, while administration of Muslims' affairs privately without according it official recognition would be regarded as unconstitutional and an act of insurgent against the government on power. In the light of this, some other Muslims employ non-military struggle to agitate for their right to Islamic administration of their social affairs. To this effect, Mallam Aminu Aliyu Gusau submits:

Islam has a complete code and as Muslims, we were supposed to implement that in full. But in practice, it is not possible for us because we are living within a system which does not allow for that. That is our problem. But now, what we are doing practically is that we do realize that we cannot achieve this one hundred percent. But we also believe that whatever percentage we achieve is still an achievement, and we will not forsake it.²⁹

Efforts of Muslim politicians who struggled to incorporate the legality of Shariah court in the Constitution cannot be over emphasized. More so, the struggle of some Muslim elites to legalise the Islamic financial institutions in Nigeria cannot be forgotten. The recent prohibition of homo-sexual marriage in the country, through the efforts of up-right and religious people, is another good example of peaceful struggle for the practice of Islamic provisions in society.

Conclusion

It is observed from the foregoing that the apt method to realise the desire for Islamic theocracy for Muslims, in the contemporary Nigeria, is Non-Military *Jihād* (the peaceful struggle) from within this democratic system. The objections to the implementation of Islamic provisions for Muslims amount to an act of injustice on the part of the antagonists including nominal Muslims who join others in opposing the implementation of Islamic provisions on social matters. To arrest this situation, the teeming Muslims must be educated on the need to have Shariah courts and Islamic (Non-Interest) Bank and cooperative societies in their areas for the success of Islamic administration of Muslims' affairs socially and economically. Both Muslims and Non-Muslims should also be enlightened on importance of collective effort to legislate against immoral acts which are also forbidden in their religion, even though such acts are legalised in the West. Non-Muslims should be made to realise that they do not need to be apprehensive about the establishment of Shariah courts and Islamic Banking as the institutions are not binding on anyone except those who voluntarily consent to patronise them.

Media should be judiciously used as a means of education and enlightenment of people about the importance of Islamic theocracy in this contemporary society. Mosques and other various of Muslim gatherings should be used as avenues for the enlightenment. Furthermore, the Muslims should participate actively in politics by voting for up-right people who shall uphold the

provisions Islamic Law, and refuse to back anyone, either Muslim or non-Muslim that shall antagonise their right to practise the provisions of their religion accordingly.

More, so, the politicians should be made to pledge that rights of Muslims to Islamic Law shall be guaranteed. By doing so, their dream to implement Islamic provisions that governs the social and economic activities of Muslims shall be actualised to a great extent. The non-violent struggle in this manner is more apt and successful, in contemporary Nigeria, than the military struggle which usually claims the lives of innocent people in aggression. However, if the antagonists violently resist the Muslims' demand for their rights, retaliation may be carried out with the consent of Muslim leaders. Jurists agree that it is a duty of the conscientious Muslims to stand militarily, and without transgression, against those who militarily fight them in their land.³⁰

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