MALIKI JURISPRUDENCE AND *BOKO HARAM* IDEOLOGY *VERSUS* NIGERIAN NATION BUILDING: NEED FOR PLURALISM IN ISLAMIC PRAXIS

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Abstract

There seems to be an area of intersection between *Boko Haram* ideology and Maliki jurisprudence. Both are radical and fundamentalist oriented Islamic convictions. *Boko Haram* seeks to hatch a pure hard core Islam devoid of any outside, especially, Western influence, a project which resembles, to say the least, those of ISIL (Islamic State of Iraq and the Levant), *Al-Shabab,* and on a global level, *Al-Qaeda*. In the same vein, Maliki School of Islamic law is a strict jurisprudence desiring to resuscitate Medinan practices that are deemed uncorrupted and seen as remaining as they were in Muhammad's days. The Maliki regime governing the whole of North Africa and West Africa is the underlying Islamic legal framework operative in Nigeria even if not fully. Yet full implementation of its tenets remains a goal to be achieved and which *Boko Haram* appears to be assiduously working towards. No doubt this aspiration is consistent with the sect's recent rechristening of itself with the term 'Islamic State of West African Province (ISWAP)'. This paper aims at exploring the common thread connecting *Boko Haram* philosophy to Maliki thought in the light of the multifarious ways of practicing Islam as exemplified in Pakistan,Indonesia and Malaysia. The study finally examines the effects of the discussed ideological mindsets on Nigerian nation building.

Key words: Maliki Jurisprudence, *Boko Haram*, National Development, Islamic Law, Nigeria

1. Introduction

The fight against *Boko Haram* insurgents in the North-East of Nigeria by the military and the consequent recovery of captured territories, and rescue of hundreds of hostages held in Sambisa forest had further revealed certain ideological tenets of the sect.

Testimonies of women who were turned into 'sex machines' are to the effect that members of the sect entertain a fundamental belief that impregnating women-captives would ensure perpetration and transmission of genes to the eventual offspring who will later adopt the same ideological principles shared by their fathers. This creed might spark off a debate as to whether the members of *Boko Haram* do not see their sexual maneuvers as rape or at least adultery if the concerned women are married. More so, one may ask whether there are certain situations such as Jihad wherein sharia offence of rape, for instance, can be permitted. Of course this is not to dismiss the possibility of the psychological phenomenon known as Stockholm syndrome or capture-bonding, in which hostages express empathy and sympathy and have positive feelings toward their captors, sometimes to the point of defending and identifying with the captors.[1] The result is that there can be actual giving of consent by the woman, which attitude would surely vitiate rape. Yet, such mutual agreement would not dispense with *zina* which is a highly detested and prohibited offence punishable with the death penalty under Islamic law. Does *Boko Haram* sect therefore not share, for instance, this criminal law belief with the mainline traditional Muslim *ummah*?

The above derogation triggers the important and more fundamental question of who after all speaks for Islam, and which answer is evidence to the fact that there is hardly any uniform way of practicing the religion. The varieties that exist in many Muslim and Muslim-dominated countries bear testimony to these religio-legal idiosyncrasies. Surely, it does appear that the extent of the rule of Islamic law is conditioned and shaped by the socio-political and religio-cultural history and circumstances of a given nation or sect. One serious contention in the articulation and consideration of Islamic law is no doubt the existence of the multiple schools of sharia jurisprudence (*fiqh*). This result was precipitated out of efforts, in 8th century A D, and thereafter, of jurists who sought to determine the answers to questions of legal and personal practice of Islam. In the course of this attempt, the Quran and Sunna were applied where they had a clear answer to a question. Ozigboh[2] notes that answers were also sought from hadith reports, equity, social

utility, consensus of legal authorities (ijma), or from inferred analogy from hadith reports (qiyas).

Soon the above efforts graduated into traditions of Islamic jurisprudence which had grown in the principal capitals of Iraq, Syria, and Hijaz. Schacht observes that these traditions or schools 'disputed with each other about methods and rules, and came to be called after the most revered master of each.'[3] Moreover, Ozigbo holds that each school usually called 'a *madhhab* (a chosen way) was tied to an ideological position rather than to a geographical area.' He observes that 'it was the relative attitude of each school to the roots or sources of Islamic law (Quran, Sunna / hadith, Ijma, Qiyas, ray) that gave each its marked characteristic'. In addition, Ozigbo maintains that 'all the Muslim sects (Sunni, Shiite, Kharijite, etc) were interested in working out their respective schools of fiqh'.[4] However, the four main traditions of Islamic law (the Hanafi, Maliki, Shafii and Hanbali) are the ones worked out by the Sunni Ulema. The Shiites and Kharijites worked out their own schools which however were not fully developed. As a rule, each Muslim chooses the school of law he would follow but especially the one prevalent in his region. This paper aims at investigating the nexus between the ideological tenets of *Boko Haram* and the Maliki philosophy of law vis-a-vis the variety of ways of practising Islam. Responding to the common rigidity and hard core proselytism of both systems, the paper considers the difference in practice of Islam in selected enclaves, namely, Indonesia, Pakistan and Malaysia. The study finally examines the effects of the discussed ideological mindsets on Nigerian national development and integration.

2. Maliki Law and *Boko Haram* Sect in Nigeria

The Mālikī *madhhab* is one of the four major schools of Islamic Jurisprudence (*fiqh*) within Sunni Islam.[5] It is the second school founded in the 8th Century by Malik Ibn Anas (715-795 AD) and referred to as the School of Hejaz or Medina School. Unlike other Islamic *fiqhs,* the Maliki School relies on Quran and hadiths as primary sources, and preferred the Muslim tradition prevailing in Medina as the most orthodox and authentic in Islam. Thus, like all Sunni schools of Sharia, the Maliki School sees the Qur'an as primary source, together with and followed by the sayings,

customs/traditions and practices of Muhammad, transmitted as hadiths. In the Mālikī School, the said tradition includes not only what was recorded in hadiths, but also the legal rulings of the four rightly guidedcaliphs, especially Umar. The Malik believed that the Medinan practices were uncorrupted and had remained as they were in Muhammad's days. Characterized by strong emphasis on hadith, many doctrines are attributed to early Muslims such as Muhammad's wives, relatives, and companions. A distinguishing feature of the Maliki School is its reliance on the practice of the companions in Medina as a source of law. Additionally, Malik was known to have used *ray* (personal opinion) and *qiyas* (analogy).[6] Hence, the consensus of opinion in Medina regarding any Islamic tradition was seen as a valid source of Islamic law and considered final.[7] The Maliki book *al-Muwatta* (the level path) in which the founder preserved the old Medinese law is about the oldest surviving corpus of Islamic law.

Maliki School considers *apostasy,* that is, the act of leaving Islam, converting to another religion or becoming an atheist, as a religious crime punishable with the death penalty. Leaving Islam is regarded as a *Hudud* (or *Hadd*) crime in Maliki jurisprudence, that is, one of six 'crimes against God' a Muslim can commit, which deserves the fixed punishment of death as that is a 'claim of God.'[8] Maliki School also considers apostasy as a civil wrong.[9]As a result, the property of the apostate is seized and distributed to his or her Muslim relatives. His or her marriage is annulled (*faskh*); and his or her children removed and considered ward of the Islamic state.[10] In case the entire family has left Islam, or there are no surviving Muslim relatives recognized by Sharia, the apostate's property is liquidated by the Islamic state.[11] Maliki Sunni School of jurisprudence does not consider any wait as mandatory, before children and property are seized.[12]

Maliki law views blasphemy as an offence distinct from, and more severe than apostasy. Death is mandatory in cases of blasphemy by Muslim men, and repentance is not accepted. For women, death is not the required punishment, but she is arrested and punished till she repents and returns to Islam or dies in custody.[13] A non-Muslim who commits blasphemy against Islam must be punished; however, he or she can escape punishment by converting

and becoming a devout Muslim.[14] Unlike the liberal Hanafi School, the Maliki is conservative and commands about 100 million Muslims.[15] In a nutshell, Maliki School is known for its strictness and rigidity with early Islamic ethos and pathos, and hardly admits of changes and reforms.

Today, Maliki jurisprudence prevails in North Africa (with the exception of Lower Egypt), East Arabia, Upper Egypt, Republic of Sudan, Bahrain, United Arab Emirates, Kuwait and West Africa. In fact, Maliki is almost the only school of Muslim law throughout West Africa and the Maghreb. Particularly, that is the only acceptable version operating in Nigerian Islam. It is therefore within the above strict jurisprudential framework that *Boko Haram* Islamic fundamentalist sect operates in Nigeria.

Boko Haram officially called *Jama'atu Ahlis Sunna Lidda' Awati Wal-Jihad*[16] has, in Nigeria, killed thousands of people, destroyed property worth trillions of Naira and abducted thousands of men and women since July 2009. The group was also originally and informally named 'Yusufiyya', after its first leader, Mohammed Yusuf. The name *Boko Haram* is usually translated as 'Western education is forbidden'. While *Haram* derives from the Arabic *harām*, meaning 'forbidden', *Boko* is an Hausa word originally denoting 'fake' but has come to mean[17] and is widely translated as *'*Western education*'* and thought to possibly be a corruption of the English word 'book'. *Boko Haram* has also been translated as *'*Western influence is a sin*'* and *'*Westernization is sacrilege.*'*[18] Recently, *Boko Haram* has been using the same Black Standard flag as ISIL (Islamic State of Iraq and the Levant) as one of its symbols. *Boko Haram* uses a number of visual symbols in flags, printed materials and in propaganda videos that are regularly released to the public.

Boko Haram was founded as a traditional (Sunni) Islamic fundamentalist sect advocating a strict form of Sharia Law and developed into a Jihad group in 2009, influenced by the Wahhabi movement. The movement is so diffuse that fighters associated with it do not necessarily follow Salafi doctrine.[19]*Boko Haram* seeks the establishment of an Islamic state in Nigeria. It is adverse to the Western influence on Nigerian society. The sharia law imposed by political authorities, beginning with Zamfara State in 2000 and

extending to other eleven core northern States by 2002, may have promoted links between *Boko Haram* and political leaders, but was considered by the group to have been corrupted, and the sharia practice insufficient and largely unimplemented.

It goes without saying that Maliki thought and *Boko Haram* ideology possess a common goal, namely, to return to the roots of Islam no matter how anachronistic. Both convictions aim at formulating and articulating an Islam that would be devoid of any external especially Western or Christian influence, The *Boko Haram* seems not to see much of original Islam in Nigeria today, and hence vows to establish an Islamic State that would surpass mere Islamic community or society as currently prevailing in the country. This explains why *Boko Haram* violence appears not to discriminate today between non-Muslims and Muslims, between Church and Mosque in their bid for total Islam. Indeed, for *Boko Haram*, the current practice of Islam in Nigeria is still a fake. It has not aligned itself with the strict intention of Maliki law for original Islam. *Boko Haram* drive seeks not only to realize the Usman dan Fodio manifesto, namely, to deep the Quran in the Atlantic, but also to effect a radical turn-around of what is considered by sect members as a weak or limping Islam and bring it up to a real Maliki version that would be faithful to the Prophet's intention to Islamize the world. *Boko Haram* considers ineffective the various and steady attempts made by Islam in Nigeria to arrive at the Fodio destination of turning the entire country into Islamic enclave. The sect sees as more effective and faster the use of force of arms (vi et armis) and war rather than such measures as smuggling of the multi-religious Nigeria into the Organisation of Islamic Conference (now Co-operation) (OIC), manipulating the school curriculum to Islam's advantage, violating the fundamental rights of non-Muslims for proselytizing purposes, *shariarization,* and recently, abduction of teen non-Muslim females, and so on. Yet, the type of religio-cultural rigidity and collectivism which *Boko Haram* and Maliki law yearn for is hardly human, and far from being universal even in the house of Islam (ummah) as a religion. The evidence of this observation would be demonstrated *anon* from the point of view of three Islamic states: Malaysia, Indonesia and Pakistan.

3. Reality of Pluralism in Islam: Echoes from Selected Muslim States

The aim of the writer in this section of the study is to demonstrate, in the light of the selected jurisdictions, the fact that practice of Islam and observance of sharia are by no means monolithic, but rather carried out in varied ways. Malaysia just like Nigeria was a perfect British colony. Malaysia's population of 25 million incorporates 60 percent Muslims.[20] The Malaysian legal system comprises of essentially two sets of laws, namely, one derived from the British common law tradition and the other based on Islamic cultural tradition [Art 121 (1A)]. Emerging from the erstwhile Federation of Malaya, which in turn had been formed from the coalescence of the various Malay states and British crown colonies on the Malay Peninsula, modern Malaysia is a federation of fourteen states. Under the Malaysian constitution, just like the Nigerian, the powers of the central government are overwhelming in contrast to those of the federating units. Nine of the states made up of the indigenous Malay Muslims *(Bumuputera Melayu)* are still headed by royal heads (Sultans) which offices, though decoratively ceremonial, are constitutionally recognized.[21] These royal figure heads are nevertheless entrusted with the administration of the Islamic religion within their domains, and which practice has often given rise to recurring constitutional tensions over the division between federal and state powers. This has frequently resulted to conflicts over competing sharia jurisdictions and enforcement prerogatives especially in relation to Muslim family laws of respective states in cases of divorce and polygamy.

However, due to the country's varied culture and history, the Malaysian federal constitution of 1957 which was amended in 1963 and further amended in 1988 is an amalgam of diverse elements. Some elements have their origin in indigenous Malay ideas predetermined by the political realities of its multi-cultural, social and political life. Others derive from British, Australian and Indian contexts. Apart from the federal constitution, called Merdeka (Independence), each state in the federation also possesses its own constitution which however must conform to the provisions of Article 71 of the federal constitution in relation to the essential provisions enumerated in the 8th Schedule of the federal

constitution. Malaysia has a population of little over 27 million. Muslims number 60.4 percent of the population. 39.6 percent is shared among Buddhists, Christians, Hindus, Chinese and other religions.[22] Nonetheless, these figures may be misleading as professing the religion of Islam is a constitutional requirement for being Malay [Article 160 (2)]. Therefore, all Malays are considered to fall under sharia as Islam is considered intrinsic to Malay ethnic identity which is brought under the rule of a Sultan. In fact, in 2001, Mahathir Muhammad declared that the country was an Islamic State amidst oppositions.[23] The Islamic laws applicable in Malaysia appear to follow the Shafii School and Malay customs as modified by Islamic law.[24] These regulate such matters as marriages, divorce, adoption, legitimacy, inheritance and certain religious offences among Muslims. A three-tier sharia court exists to take care of these cases.

Be that as it may, of more concern to this study is the fact that Islam and sharia unlike other religions and their law enjoy a protected position under the Malaysian constitution. Since Malays are by constitutional definition required to be of Muslim faith, all Malays are liable to prosecution in sharia courts if their conducts are in violation of Islamic precepts. Thus, in spite of constitutional guarantee of religious freedom (Article 11), no non-Muslim can still lay claim to opting out of Sharia. In cases taken to sharia courts, it is not necessary that both parties be Muslims, thus compromising the freedom of a non-Muslim from the jurisdiction of Islamic laws as guarantee by the constitution. In Nigeria, this is not the position at least *de jure*. Non-Muslims in Nigeria are not by law though not necessarily by practice subject to sharia law.[25] (The exposé is specifically on Malaysia)

More still, under the dual legal system, it would not be unexpected that complications would arise with regard to religious freedom. In the 2007 case of Lina Joy, a Malay who converted to Christianity, the federal court of Malaysia in holding that the subject matter is that of sharia court declined jurisdiction to entertain her cause relating to changing her religion as indicated in her identity card. In 2004, followers of a spiritual movement called 'Sky Kingdom' saw their commune razed by authorities as their beliefs and religious practices were declared deviationist and heretical.[26]

Again, Muslims who wish to convert from Islam face severe obstacles. In fact, in 1999, the High Court ruled that secular courts have no jurisdiction to hear applications by Muslims to change religions. According to the ruling, religious conversion of Muslims lies solely within the jurisdiction of Islamic courts.[27] Under this judicial apparatus, it would be unlikely that the Islam-owned court would uphold the exercise of right to convert from Islamic faith. Further, in 2002, the government banned the Bible in Malay and in 2010, the Metro Tabernacle, an Assemblies of God Church in Kuala Lumpur, the country's capital, was set on fire.

The above scenarios indicate that in spite of remarkable efforts towards revamping the national economy, constitutionalism and respect for human rights, especially religious freedom, are still in abeyance. Democracy is still on trial. Despite the dual legal system aimed at addressing the multi-religious character of Malaysia, sharia and Islam still enjoy a constitutional protection that is not accorded to other faiths and legal frameworks. The Nigerian constitution and legal structure are different, though in practice, some of the Malaysian attitudes replicate themselves.

Indonesia, the world's most populous state,[28] has been described as the country that has the highest number of Muslims in the whole world. Hence, the majority (about 88 percent) of Indonesian 240 million people are Muslims. Yet despite the high proportion of Muslims in the total population of Indonesia, Islam is not the religion of the state.[29] However, although Islam is not mentioned in the constitution of Indonesia, it cannot be denied that it has a significant role in the social and political lives in the country.[30] In fact, since the establishment of the first Islamic kingdom in Indonesia in the end of the 13th century, Islam became one of the sources in the formation of values, norms and behaviours of the Indonesian people.[31] Indonesia was colonized by the Dutch from 1602. The Dutch colonialists were however pushed aside in 1942 by the Japanese who promised to grant independence to Indonesia. For this reason, the investigation committee for preparation of Indonesian Independence was set up in 1945. The most important term of reference bordered on the basis of the new Indonesian state. Two political currents, namely, idea of an Islamic state and the idea of separation between state and religion were considered. At the end,

a compromise was reached in the form of the Jakarta Charter on June 22, 1945 which made the Pancassila the basis of the state and which first principle (belief in God) was followed by the clause; 'with the obligation for Islamic adherents to implement the Islamic faith'. According to Hosen, Pancassila denotes 'five pillars that include belief in one God, humanitarianism, national unity, representative democracy, and social justice'.

However, the clause 'with the obligation for Islamic adherents to implement the Islamic faith' continued after independence on August 17, 1945 to engender controversy and debates over the position of Islam and its sharia in Indonesia. There were, especially from non-Muslims, stringent calls for the clause to be expunged from the constitution. In fact, the non-Islamic minority in eastern Indonesia refused to ratify the constitution in protest. The first democratic general election which was conducted in 1955 saw the consequent inauguration of the Constituent Assembly whose major task was to determine the definitive form of the Indonesian constitution. Again, Islam and Pancassila presented themselves for consideration. While the Islamic parties who were minority supported Islam as the ideological basis of the state, the majority voted for Pancassila. However, none of the debating camps could garner the required percentage of votes necessary to ratify the new constitution. Consequently, President Soekerno promulgated the decree of July 5, 1959 on 'the return to the 1945 constitution with the removal of the clause'. Paradoxically, while Muslim parties and leaders continued unsuccessfully to press for official recognition of the original Jarkata Charter as the Preamble of 1945 constitution with the attendant suspicion from non-Muslims of Muslim intention to establish an Islamic state, the Muslim leaders still reaffirmed their support to Pancassila.[32]

Nevertheless, the reform era (1998 to present) that began with the fall of Socharto in 1998 witnessed very vigorous debates on the implementation of sharia in Indonesia sequel to the interpretation of Article 29 of the constitution. Hosen (2005: 424) articulates the Muslims' position thus:

> The logical consequence of a Muslim-majority state was to have Islam as the state foundation. The

> presence of an Islamic state then was perceived as an efficient tool to bring all Indonesian Muslims' faith to a higher level which was not possible with pancassila as the national ideology.[33]

Thus, the foremost position of the Muslim argument was the reinsertion of the earlier stated clause into article 29 of the constitution to read: 'The state is based on Belief in One Almighty God with the obligation upon the followers of Islam to carry out Islamic law'. Hosen notes that the main argument for reinserting the clause is that 'since Muslims have accepted a pancassila state – and this could be seen as 'the greatest gift and sacrifice of the humble Indonesian Muslims as a majority population for the sake of Indonesian national unity and integrity--, Muslims should ask for compensation, namely, that the constitution guarantees the implementation of Islamic law as part of their freedom to exercise religion'.[34] It is further claimed by the advocates that all that is sought is the implementation of Islamic law for Muslims rather than the establishment of an Islamic state.

No doubt, the above Muslim position elicited many reactions and raised many questions from non-Muslims especially. After Islamic law is fully implemented, what will be the difference between an Islamic state and the pancassila state? What precisely is meant by Sharia? Will it include *hudud* punishments as determined by sharia? Will Islamic law become one of the sources of Indonesian law, which would change the Indonesian legal system dramatically? Why is it necessary to amend Article 29 when as it is, Islam can be practiced freely? Certainly, non-Muslims believe that pancassila-based state is one where no religion in Indonesia wins, and no one loses. Surely, the fear of non-Muslims regarding their status under sharia is understandable by looking at the concept of *Zimmi* (non-Muslims under Muslim rule). The *zimmi*who include monotheists such as Jews and Christians, but not followers of other faiths, are allowed to practise their religion and follow their own community laws as long as they accept a politically subordinate and tributary statues. This form of second-class citizenship is just what non-Muslims in Indonesia would not accept.

Presently, with the refusal to reinsert the said clause in Article 29 with the effect that the Article reads only 'that the state is

based on beliefs in One Almighty God', Indonesia still stands on the point of being neither a secular state nor an Islamic state. The implication is that religion can have an impact on public life in Indonesia without implying that political institutions are subject to it as in a theocratic system. However, the state officially, though not constitutionally, recognizes four religions, namely, Islam, Christianity (protestant and Roman Catholic), Hinduism, Buddhism, and Confucianism.[35] Thus, it seems that in the reform era, Indonesian people are attempting to promote substantive democracy while maintaining the important position of religion in the life of the state. No wonder, Lupp notes that after a period of sustained economic growth, Indonesia is now experiencing the effects of a popular democratic revolution'.[36]

Constitutional efforts in Pakistan seem to be a series of fallacies. According to Bilal, 'the Pakistani constitution has gone through many trials and tribulations, and has been amended and re-amended to suit the needs of each new ruler. Through it all however, the individual and his/her rights have been conveniently forgotten'.[37] As at 2003 when Bilal was writing, Pakistan's 56 years had been described as those of 'high constitutional mortality rate'. This is betrayed by the fact that 'Pakistan has had three formal constitutions… but has experimented with eight constitutional documents'. However, the concern of this paper here is not so much about the constitutional rape in Pakistan but the level of entrenchment of sharia organogramme.

Abdillah reports that like in Saudi Arabia, Iran, Sudan and Libya, the constitution of Pakistan stipulates that 'Islam is the state religion, the head of state should be Muslim, and sharia should be the national law'.[38] No wonder Lupp observes that in Pakistan, there is 'a tremendous resistance to the move to amend the constitution that gives blanket powers to the government to institute its interpretation of Islam'.[39] Such a sharia legal system is intended to override 'anything contained in the constitution, any law or judgment of any court'. Perhaps, this is a consequence of the submission in 1947 of the Constituent Assembly which declared Pakistan an Islamic state. Although this report was not adopted, the 1956 constitution proclaimed Pakistan to be an Islamic Republic and the head of state to be a Muslim. The constitution contained non-

justiciable section called the Directive Principles of State Policy which defined ways in which Islamic morals and life styles should be adopted. The implication of rendering this section non-justiciable is to ensure that the provisions are not subject to judicial review. That is to say, issues arising therefrom are not to be entertained by any court of law. This provision is equally retained in the 1962 constitution which vested all the executive authority in the President even as it excluded the word 'Islamic' from the country's name to read only 'Republic of Pakistan'. Yet this exclusion does not necessarily change the Islamic character of the Pakistani state as regulated by the extant 1973 federal constitution. This is not surprising as, according to Bilal 'all the constitutions of Pakistan have asserted that the sovereignty belongs not to the people but to God'.[40] In line with this divine sovereignty in Pakistan, Bilal sarcastically observes that 'in a public sphere, a divine being was held omnipotent with the individual being reduced to a mere robot who would live his life according to what the Council of Islamic Ideology would decree Islamic'.[41] The effect of the above observation is that Pakistan is an Islamic state from head to toe with attendant enormous implications on human rights and democratic tenets.

What is revealed in the above study is that while Islam preponderates over the lives of people in Malaysia and Pakistan, such is not the case in Indonesia in spite of its high population of Muslims. The latter is also applicable in places like Turkey with its very high Muslim population density. This shows that religious practice is hardly uniform in all respects, rather should consider the social milieu of the adherents, and cast an eye to the fact that society is dynamic and that the world is fast becoming a global village. No doubt, the religious flexibility and freedom in Indonesia is paying off as demonstrated in the socio-economic development currently experienced in that country. The opposite is certainly the case in the war-torn Somalia, Sudan, and Pakistan wherein fundamentalist Islamic fighters seek daily to impose radical Islam on unwilling citizens. Thus, the drive by *Boko Haram* members in Nigeria and its environs, fueled by Maliki intent, leaves a lot of implications for Nigeria national growth and development.

4. *Boko Haram*, Maliki Law and Nigeria Nation Building

Islam as other religions has been an important index in nation building across the world. Many a scholar has delineated religion generally as an integrator and developer of human society. Thus, Bergson finds integration to be an important function of what he calls the 'static religion of the closed society'.[42]Nadel insists that religion 'holds societies together and contains their structure'[43]. Dzurgba similarly observes that 'religion has been the most general instrument used in integrating meanings and motivations in social actions'[44]. It is here that religion's integrative duty lies. Milton Yinger and Emile Durkheim are also proponents of this view[45]. In relation to the integrating function of Islam, Toynbee observes that 'the extinction of race consciousness as between Muslims is one of the outstanding moral achievements of Islam, and in the contemporary world there is, as it happens, a crying need for the propagation of this Islamic virtue'[46]. Yet as experience shows, it is hard for Maliki and other forms of fundamentalist Islam to accommodate the adherents of other religions without proselytizing them into Islam either by hook or crook. Serious discrimination is meted out against all those who refuse to be so co-opted. This is despite the fact that one of the most frequently cited verses of the Quran is 'that there is no compulsion in religion'[47]. Yet, Maliki Islam in practice does not tolerate apostasy which it rather punishes with death[48]. This precludes the possibility of conversion from Islam. This, no doubt, is a portent tool for divisiveness and mal-development from many facets.

First, *Boko Haram* terrorism is an obstacle to Nigerian socio-economic development. It is a disincentive to potential indigenous and foreign investors. This is shown in the fast changing indices in form of changing migration patterns, cost of insurance in the North-East, mass repatriation of funds, dearth in skilled labour, and general lack of security very needed for any economic pursuit. Going through the annals, each region in Nigeria compliments the other. What the North lacks for inability to have access to the sea, the South provides. The North wields greater percentage of Nigeria's land mass which supports most of Nigeria's agriculture for food, cash crops and livestock. The South-East habours much of nation's

industrial and entrepreneurial centres and skills, and has its diligent and hardworking populace littered all over the country promoting commercial activities. The South-West region, on the other hand, facilitates both domestic and international commerce and provides an import/export rout, just as the South-South and some parts of the South-East wield Nigeria's oil wealth. However, with *Boko Haram* activities and consequent counter-attack by military action, a mass exodus of people from the violent zones was occasioned as a result of gripping tension, insecurity, suffering humiliation, brutalization, extortion and undue hardship. The effect is that there is a significant reduction in the number and availability of professionals, artisans and business men in the region. Business, social and educational activities have virtually fizzled out as eateries, schools and markets had often been steady targets of decimation. More still, *Boko Haram* onslaught is responsible for the hike in the food items in the South, especially on food items cultivated in the North.

It is argued further that the socio-economic implications of *Boko Haram* activities is not limited to the Northern region as some State Governments in the South are now regulating the activities of the Hausa/Fulani in their States. Some have their commercial activities restricted and closed in some cases, while some have been suspiciously arrested without legal trial. This no doubt portends threat to national integration. It is observed that many of the internally displaced persons (IDPs) find it difficult to begin a new life and manage to survive. Those who could not earn their living would be desperate and thus become threat to their host community. As a result, they would engage in different forms of social vices and criminality, and consequently would be treated with suspicion, discrimination and resistance by the host community. By implication, the yearning for national integration is doomed. Furthermore, *Boko Haram* practice has raised serious problem about National Youth Service Corp (NYSC) scheme aimed at uniting Nigeria[49]. It is not uncommon to observe that many corps members sent to work in the Northern states develop cold-feet or go there with grudges, as recently a good number of corps members lost their lives as a result of terrorism. The insurgency is certainly an obstacle to the realization of Nigeria's federal union.

Again, psycho-cultural and political implications are also agog following the fundamentalist beliefs of *Boko Haram* sect in utter pursuit of Maliki objective. Until recently, *Boko Haram* insurgency and 'successes' made the Nigeria security agencies look inept. Consequently, there is a growing perception that the Nigeria police and the military are weak, corrupt, and poorly trained. The real trouble lies in the constant anxiety, phobia, suspicion and discord it is creating among Nigerian citizens. This has often led to the evacuation exercises conducted by many southern states that fear for their indigenes' lives in the region. More still, *Boko Haram* attacks would adversely affect intra and intermarriage relationship between the South and the North.

In addition, *Boko Haram* continued onslaught has negatively impacted on the credibility of government. A government that cannot or is unable to secure lives and property would certainly find it difficult to govern or command respect that could promote integration of the electorate. This may consequently lead to a crisis of leadership. Thus, when the center no longer holds in the face of ethnic and religious bigotry, integration of varied groups within the context of national identity and cultural unity becomes a mirage. Furthermore, Nigeria would no less be regarded as a terrorist and pariah state with the result that Nigerians will be subjected to inhuman treatment both at home and abroad. There results a situation where everybody suspects everybody.

More still, the religious and ethnic implications of *Boko Haram* and Maliki convictions are untold. Though the rumours are not often confirmed, *Boko Haram* seems to pose indirect threat to attack Southern cities and oil producing states. This is surely a potential for escalation of inter-communal ethnic and religious tensions and continued erosion of Nigeria's faith in the central government. It is commonplace for some southern groups to perceive *Boko Haram* as anti-South and anti-Christian. It must be reminisced that attacks by *Boko Haram* sect were initially targeted at Christians in their churches. The recent resurgence of Biafra struggle and thirst for self-determination may not be dissociated from the impression created by *Boko Haram* insurgency. Killings by *Boko Haram* and the fear of becoming targets of retaliation has also led to

the exodus of Muslim northerners from the southern parts of the country.

5. Recommendations and Conclusion

The relevance of the above discourse, no doubt, pivots around the fact that there is no monolithic way of practicing Islam even in the Muslim world. It is observed that population of Muslims is not always a deciding factor on whether or not sharia should constitute or dominate the source of legislation. The situation in Indonesia where the greater part of the populations is Muslim and yet do not promulgate sharia regime is testimony to this fact. The study indicates that sometimes extra-Islamic elements are a source of socio political tension in Muslim countries. Again, while some Islamic revivalist movements succeeded in implementing the sharia, for example, in Sudan like in Iran, some succeeded in merely influencing the states' policy to be more favourable towards Islam as in Indonesia, Malaysia and Jordan. Further, the discussion shows that many Muslim countries did not fully enact the sharia and many of them have even developed their national legal system in the mould of Western law. However, in most of the Muslim and Muslim-dominated countries, Islamic family law is in place and governs only the personal aspects of Muslims lives. It therefore goes without saying that the extent, if any, of sharia enforcement in Muslim states and Muslim communities is a function of a particular nation's socio-cultural and political history in spite of the fact that the Muslim world considers itself as an *ummah*. Hence, the Muslim claim that an adherent's total life is governed by full sharia is after all spatio-temporally determined. This legislative fluidity and flexibility is simply a demand before the dynamicity of human culture and society. Thus, the results of this study may be helpful in any consideration of Islam and its praxis in Nigeria today.

Nigeria is a multi-religious country in which every citizen should be reasonably allowed to practice his or her faith. Although Islam is claimed by Muslims to govern the entirety of their lives from cradle to grave, yet the operation of Islam must stop where the right of, at least, a non-Muslim begins. This is sequel to the fact that religious freedom has to do with the very nature of man. And since every revelation is received according to the manner of the receiver,

the revelation and reception of Islam should be re-examined in the light of the free nature of man. Man is created free, and he is free to worship the way he likes or even not to worship at all. The future of Nigerian democracy would always be bleak unless fundamentalist Islam as pursued by Maliki adherents and *Boko Haram* ideologues comes to terms with the fact that monolithic and rigid culture has long since been replaced by modern pluralism and dynamicity. This is perhaps why the Constitutions of the Federal Republic of Nigeria had always limited the operation of Islamic law to 'personal' aspects. It follows that any attempt to extend the practice of Islam, or any other religion for that matter, to unreasonable dimension will certainly truncate the unity and development of Nigeria.

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