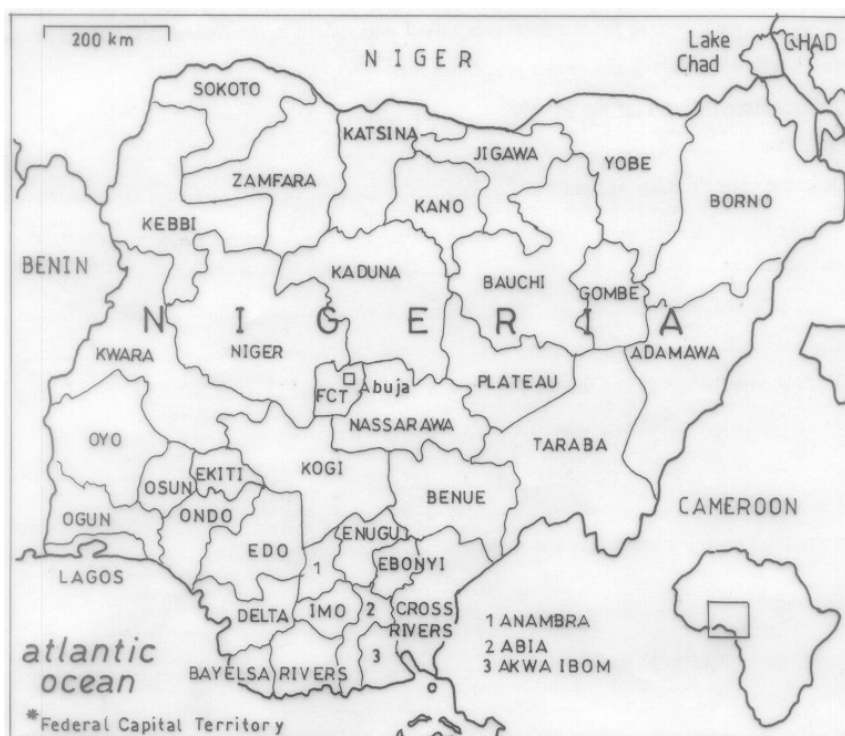


PREFACE TO VOLUMES I - V

1. Sharia implementation.

Alhaji Ahmad Sani, *Yariman* Bakura,¹ was elected Governor of Zamfara State in the elections held on 9 January, 1999 – the first such elections after fifteen years of military rule in Nigeria. Zamfara State, in Nigeria’s far north, has a predominantly rural population of about three million, of which perhaps 84% are Muslim.² Governor Sani was its first elected governor, the state only having been created (out of Sokoto State) in 1996.



Governor Sani says that during his campaign:

In any town I went to, I first started with *kafaral*, which is chanting *Allahu Akbar* thrice. Then I always said, “I am in the race not to make money, but to improve on our religious way of worship, and introduce religious reforms that will make us get Allah’s favour. And then we will have abundant resources for development.”³

This promise was little noticed outside Zamfara during the campaign. But after his inauguration on 29 May, 1999, Governor Sani proceeded to make it good – at least as to

¹ The title *Yariman* Bakura signifies that Alhaji Ahmad Sani is a prince of the house of the Emir of Bakura. In fact he is a son of the late Emir and the junior brother of the present one.

² See demographic data, xix infra.

³ Reported in *Tell*, 15 November 1999, 19.

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the religious reforms – and thus began a new chapter in the history of Nigeria’s Muslims and of their relations with their non-Muslim neighbours and (since 1900 or so) compatriots.

“Religious reforms that will make us get Allah’s favour”. By this Governor Sani did not mean reforms of the religion, of Islam. He meant reforms of the laws and institutions of Zamfara State, to bring them more into conformity with Islam – in particular with Islamic law, with Sharia. “Sharia implementation”, as the reforms quickly came to be called, has been effected primarily by legislation at the State and Local Government levels, aimed at making the legislating jurisdictions, in various ways, more “Sharia compliant” than they had formerly been. After Zamfara showed the way eleven other States – Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto and Yobe – followed with similar legislative programmes. The range of matters touched on has been impressive:

- new State Sharia Courts have been established, to apply the full range of Islamic law, civil and criminal, to Muslims; appeals from the Sharia Courts in all matters have been directed to the State Sharia Courts of Appeal;
- Islamic criminal law has been reinstated, in the form of new Sharia Penal and Criminal Procedure Codes applicable in the Sharia Courts to Muslims;
- a wide range of other legislation has been directed at particular “social vices” and “unIslamic behaviour” like the consumption of alcohol, gambling, prostitution, unedifying media, and excessive mixing together of unrelated males and females;
- two States – Zamfara and Kano – uniquely among all Nigerian States – have even tackled the pan-Nigerian problem of corruption, setting up their own statutory Public Complaints and Anti-Corruption Commissions in accordance with Islamic principles;
- other institutions have been established – State Sharia Commissions and Councils of Ulama with important advisory and executive functions; boards for the collection and distribution *zakaat* (alms) taxes; *bisbah* organisations to monitor and try to enforce Sharia compliance, but also to engage in mediation and conciliation within the society; and others; – all with the aim of deepening and enforcing the application of Sharia law in the lives of the Muslims of the Sharia States.

Not all twelve States have done all these things, and what has been done has been done differently from State to State, and with different degrees of enthusiasm, persistence, and effectiveness on the part of the State Governments, each with its own ethnic and religious mix of peoples to appease. Care has been taken to try and keep within the Constitution and Laws of the Nigerian Federation, whose supremacy all Sharia States have acknowledged. Subject to these variations and within these limitations, the fact remains that the Sharia States have gone quite far towards the re-establishment of Islamic law within their borders, at least for Muslims, and the implementation of traditional Islamic values as the official policies of their governments. Sharia implementation in Northern Nigeria is a highly interesting set of experiments in the

adaptation of Islam, and of large populations of Muslims, to the modern age and to modern forms of government, and of the modern age to them.

2. The Gusau launching and its aftermath.

Governor Sani's programme of Sharia implementation was brought dramatically to the attention of the rest of the country with its official "launching" on Wednesday, 27 October, 1999. This was a significant day in the history of Islam in Nigeria. A contemporary news report well conveys a sense of the occasion:

[It was] what could better be described as "mother of all launchings". Gusau, the capital of Zamfara State, in the history of its existence witnessed for the first time a crowd that cannot easily be compared to any recent gathering in Nigeria... Three days to the D-day, people started coming into Gusau. In fact, about two million Muslim faithful from all parts of the country converged in the state capital to herald the commencement of Sharia in the state. Every available space within the capital city was converted by traders for their wares... The Gusau-Sokoto, Gusau-Zaria [and] Gusau-Kano roads had the busiest traffic ever as people came from these directions in thousands. Those who could not afford transport trekked from appreciably far distances to witness the occasion... Movement in the town was brought to a standstill as the crowd covered a radius of four kilometres...

The event was slated for 8:00 a.m. at the Ali Akilu Square, but interestingly enough the square came to full capacity on the eve of the launching. Around 10:30 a.m. the Governor, Ahmad Sani, made a triumphant entry into the square amidst a thunderous ovation of welcome. At the appearance of the Governor, the shouts of *Allahu Akbar* (God is Great!) filled the air while the Governor managed to squeeze his way to the high table where other dignitaries...were seated.

The programme...showed that the events would only take 3 to 4 hours but many items on the agenda were skipped when it became apparent that the occasion may start recording casualties... Scores of people fainted because of exhaustion and suffocation. The good however was that the members of the Islamic Aid Groups were...at hand to carry shoulder-high any casualty, not without difficulty anyway, as they would pass the victims across the wall of the square for those outside to receive them and take to the hospital...

[Among the speakers] was the Aare Musulimi of Yorubaland, Alhaji Abdulazeez Arisekola Alao, [who] said he was the happiest man on earth having been alive to witness the historic occasion. [He] thanked the Governor and the members of the State House of Assembly who, according to him, unanimously passed the bill on Sharia into law, thereby making it possible "for Allah's law to be operative in Zamfara State instead of man-made law forced on us by our colonial masters."⁴

⁴ Fidel Agu, "The Birth of Sharia", *The Guardian*, 30th October 1999, reprinted in M.A. Musa et al., eds., *The Development of Zamfara State and the Introduction of Shariah Legal System* (Gusau: Office of the Executive Governor, 2002), 119-23 at 120-21.

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To this let us add a passage from an essay to be found later in this work:

The declaration of the implementation of Sharia in Zamfara State, done with fanfare and huge celebration at Gusau, obviously put all the other States with substantial Muslim populations on serious alert. The Gusau declaration was attended by prominent representatives of almost all Muslim organisations in Nigeria. All the leading *ulama* from all over the country were also in attendance. Speeches were delivered by the scholars and finally by the Governor, Ahmad Sani, ushering in a new era in the application of the Sharia in Nigeria. It must be appreciated that what Governor Sani did was a revolution hitherto unthinkable. What the colonial masters removed after intensive negotiations based on the reports of so many committees,⁵ Governor Ahmad Sani restored by a single simple declaration. The expectations of the people were high; the support was total and absolute in the belief that Sharia would quickly bring about the much-needed security, social and economic justice and morality that have eluded the society for too long. It was also firmly believed that corruption in all facets of life including nagging delays in judicial proceedings would soon come to an end.⁶

Unfortunately, the interplay of Islam and Christianity in Nigeria has too often been seen as a zero-sum game; and the great hope and joy aroused among Muslims by the Gusau launching was matched by the fear and loathing aroused among Christians. In their view the Muslims could not possibly be motivated by sincerely held religious beliefs. Under that hypocritical cover they were actually aiming to “destabilise the country”, to “create chaos”, to “topple the newly elected president” (Olusegun Obasanjo, a southern Christian), to “derail Nigeria’s new democratic system”, to “bring back the rule of a military dominated by northern Muslims”. The Muslims would never rest with implementing their programme in States where they predominated; their ultimate aim was to turn the country into “the Islamic Republic of Nigeria”; this indeed was “the Second *Jihad*” (the first being that led by Uthman dan Fodio in the early 19th century). If their programme went ahead in any State it must “result in religious war in this country”. The Sharia was “a monster from the pit of hell”. Governor Sani was “Ayatollah Sani”; his minions were “the Nigerian Taliban”. Divine intervention must be (and was) invoked by days of fasting and prayer. A Sovereign National Conference must urgently be called to consider whether and on what terms Nigeria should even continue as one country. All of this was typical of the agitated, suspicious, polarised, apocalyptic thinking of many Nigerian Christians about religion and about politics at that time. It was as unrealistic on its side, as the inflated expectations of Muslims about the benefits that would accrue from the implementation of Sharia were on theirs.⁷

⁵ Documented extensively in Chapter 1, *infra*.

⁶ I.N. Sada, “The Making of the Zamfara and Kano State Sharia Penal Codes”, this work Vol. IV, 22-32 at 25.

⁷ This paragraph and the next two are adapted from P. Ostien, “Ten Good Things about the Implementation of *Shari’a* in Some States of Northern Nigeria”, *Swedish Missiological Themes*, 90 (2002), 163-74 at 172-73. The quoted phrases are from Nigerian newspapers and newsmagazines of late 1999 and early 2000. E.g., as to the motivations attributed to Governor Sani, see *The Guardian*, 7th January 2000, 48 (“derail the country’s democratic system”); *The Guardian* 27th December 1999, 4 (“destabilise the Obasanjo administration and consolidate northern

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Unrealistic thinking and rhetorical excess can kill, and in fact mayhem did ensue, in Kaduna State, long a locus of ethnic and religious violence – in Nigeria the two are not always easily distinguishable. Probably the majority of the people living in Kaduna State are Muslims, but no one really knows because no reliable census has asked the question since 1952.⁸ In any case the Governor elected in 1999 was a Muslim, as were a majority of the members of the State House of Assembly. In December 1999, under the intense pressure resulting from the Gusau launching, the House appointed a committee to deliberate on the implementation of Sharia in the State, as Zamfara had done and as was being done elsewhere. Large demonstrations began almost at once in the state capital, Kaduna City: thousands of Muslims brought in to shout loudly that Sharia must be implemented; thousands of Christians brought in to shout equally loudly, “over our dead bodies”. Despite the efforts of the authorities to keep the peace, clashes on 22 February, 2000 escalated into several days of fighting, killing and destruction in Kaduna City that spread also to other parts of the State and left hundreds, perhaps thousands, dead. When the bodies of Christians began to arrive in southern cities for burial, reprisals against Muslims there left many more dead. Sporadic outbreaks of fighting in Kaduna and elsewhere continued for several weeks afterwards before the crisis simmered down.

What happened afterwards in Kaduna State is much more typical of how Sharia implementation has also proceeded elsewhere. Outside the glare of the publicity that had attended their first deliberations, and relieved of the pressure of shouting mobs, Kaduna’s politicians forged and legislated a compromise that seems to suit the situation well: a scheme of Sharia, Customary, and Civil Courts to administer the multiple systems of law that have long governed the ethnically and religiously diverse population of the State, and the devolution of limited powers on Local Government Councils to make, as bye-laws, according to the desires of their more homogeneous local populations, laws that would not be accepted throughout the state. Another political experiment in one of Nigeria’s many laboratories of incipient democracy. Some predominantly Muslim Local Governments have acted on it by implementing pared-down versions of the more ambitious Sharia programmes being enacted elsewhere. As with the similar experiments underway throughout the North, how well it will work in the long run, and how satisfying it will be, will depend on the realism, the good faith, the civic-mindedness, and the hard work of officials high and low, and of ordinary citizens, all over the State.

domination of the country”); *Tell* 15th November 1999, 15 (“Islamize Nigeria”). Predicting “religious war”, “chaos” etc.: e.g. *Sunday Vanguard* 14th November 1999, 2. “Second *jihad*”, “Nigerian Taliban”, “Ayatollah Sani”: *Guardian* 25th February 2000, 53; see also P. Marshall, *The Talibanization of Nigeria: Sharia Law and Religious Freedom* (Washington, D.C.: Freedom House, 2002). Calls for prayer and fasting: e.g. *Guardian* 15th November 1999, 4. Calls for a Sovereign National Conference: e.g. *Vanguard* 15th November 1999, 1 & 18 and for many months thereafter. A small selection of news stories about Sharia implementation, mostly from late 1999 and early 2000, is collected in Musa, *The Development of Zamfara State*, 107-44. It would be useful if someone would do for this episode of Nigeria’s history what *The Great Debate* did for the making of the 1979 Constitution: collect, organise around themes, and publish a large selection of contemporaneous news and opinion. See W.I. Ofonagoro, A. Ojo, and A. Jinadu, eds., *The Great Debate: Nigerian Viewpoints on the Draft Constitution, 1976/1977* (Lagos: Daily Times Publications, 1977).

⁸ See demographic data, xix *infra*.

3. Documenting Sharia implementation.

Sharia implementation in Northern Nigeria is a phenomenon crying out for systematic study and analysis by scholars in many fields, at many levels on the scale from empirical detail to theoretical abstraction. Up till now it has hardly gotten the attention it warrants. Nigerian scholarship has been hampered by the scarceness of the resources needed to approach so widespread and complex a phenomenon in any systematic way. Foreign scholarship – with some exceptions – has tended to rely on reports from the newspapers, which have been often conflicting, often very obviously biased or confused, and always frustratingly lacking in pertinent background and detail. I remember my own bafflement, as a quasi-foreign academic lawyer⁹ specialized in the development of the laws and legal institutions of Northern Nigeria, trying to piece together from the Nigerian newspapers what the Governments of the Sharia States were actually doing – let alone why. The only solution was to get in the car and go there and find out. But as a quasi-Nigerian academic lawyer,¹⁰ I had to face the question, where is the money coming from to undertake this investigation, across the vastness of Northern Nigeria?

Fortunately the money was provided. Two European foundations – the **Volkswagen Foundation** in Germany¹¹ and **Cordaid** in Holland¹² – have generously funded, first, a two-year programme of systematic information-gathering about Sharia implementation in all twelve Sharia States and elsewhere in Nigeria (2002-2004: Volkswagen); and, second, the updating, editing, and publication of the documents and other information gathered earlier (2005-2007: Cordaid).

The story of the grant from Volkswagen has been told elsewhere.¹³ Suffice it to repeat here what the project accomplished in the way of information-gathering:

The information-gathering aspect of the project, particularly in Nigeria, went very well. A “Nigeria Team” was constituted – including five Muslims, four Christians, and one “free-thinker.”¹⁴ Detailed lists of documents to be sought for, people to be interviewed, and questions to be asked, were prepared. Over thirty trips were then made, to all twelve Sharia states plus Adamawa, Benue, Enugu, Lagos, Nasarawa, Plateau, Taraba, and the Federal Capital Territory of Abuja. Interviews – of which detailed records were made – were conducted with state officials, religious leaders, and laypersons, men and women, Muslims and Christians. Thousands of pages of primary documents were collected, including the reports of several of the state Sharia Implementation Committees and Councils of Ulama on various aspects of Sharia implementation, all Sharia-related legislation enacted by the Houses of Assembly in all twelve Sharia States, many of

⁹ US citizen, educated in the US, taught and practised law in the US.

¹⁰ Born in Jos, taught in the Faculty of Law, University of Jos since 1991.

¹¹ See www.volkswagenstiftung.de/english.html.

¹² See www.cordaid.nl.

¹³ P. Ostien, J.M. Nasir and F. Kogelmann, *Comparative Perspectives on Shari'ah in Nigeria* (Ibadan: Spectrum Books Limited, 2005), in the Introduction, ix-xli.

¹⁴ “The members of the Nigeria team, besides two of the editors of this book, were Dr. Umar H.D. Danfulani, Dr. Musa Gaiya, Mr. Muhammad Daud Abubakar, Miss Rahmat Awal, Dr. J.D. Gwamna, Dr. Sati Fwatshak, Alhaji Muhammad al-Khamis Idris, and Hajiya Khadijah Abdullahi Umar. For their hard work and dedication to the project we extend our warmest thanks.”

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the Sharia-related bye-laws enacted by Local Government Councils, materials relating to *hisbah* groups and to the collection and distribution of *zakat*, the decisions of the courts in several important cases,¹⁵ crime statistics covering several years before and several years after Sharia implementation, and more. A great deal of secondary literature was also collected – writings by Nigerian Muslims and Christians on Sharia implementation as they understand its purposes and its effects. We are grateful to the hundreds of people throughout the North and elsewhere in Nigeria who took the time to talk with us at length, freely answered our many questions, and unstintingly gave us the documents we sought. Only rarely in our travels did we encounter any suspiciousness or reluctance to cooperate, and this was usually quickly overcome. Our only regret is that we have not yet found the time to prepare for publication the documents (many of them already hard to find in 2003) and other information we collected. The book containing them, tentatively to be entitled *Sharia Implementation in Northern Nigeria 1999-2003*, when it comes out, will be a valuable historical record of this phase of Nigeria's history and a resource for scholars for years to come.¹⁶

And so the book is now at last beginning to come out, thanks to Cordaid, which over the past two years has funded further extensive travel in the Sharia States in which more documents have been collected and more interviews conducted; the translation of a number of documents originally in Hausa and/or Arabic; the typing-up and editing of over a thousand pages of primary documentary material; a significant amount of basic scholarship, including the annotation of a number of the new Sharia statutes to show their relationships to prior law and to each other, some provision of historical context, analyses of how the law in the Sharia States has changed, and the collation, analysis, and writing-up of the non-documentary information that has been gathered; and now publication of the first fruits of all this effort. Cordaid works primarily in the areas of development cooperation and humanitarian aid. This has been an unusually “academic” project for them. But the underlying focus is consistent with Cordaid's own: “the worth of every human being and the solidarity to offer everyone a dignified existence, regardless of age, gender, sexual orientation, origin, religion or political conviction.” Cordaid deserves all credit for funding what adds up to a sustained effort to take seriously, on its own terms, what Northern Nigeria's Muslims are doing to try to improve the conditions under which they live. Without this no mutual understanding, dialogue, or trust can ever be possible.

The title of the work has changed slightly from what was originally contemplated. The range of years covered has been extended to *1999-2006*, to reflect incorporation of the additional information gathered under the Cordaid project. And the subtitle, *A Sourcebook*, has been added, to convey the essentially documentary nature of the work. The scientific purpose is to establish a reliable platform, first of documentary sources, then to a lesser extent of other relatively unvarnished factual information, on the basis of which further study, analysis, and debate about Sharia implementation – what it is, what it is not, and what it is actually achieving – can proceed.

¹⁵ “Including the decisions of all the courts that decided the two controversial *zina* cases of Safiya Hussaini and Amina Lawal.”

¹⁶ Ostien, Nasir and Kogelmann, *Comparative Perspectives*, xxiv-xxv.

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At the time of this writing only about two-thirds of the entire work (in numbers of pages) is ready for publication. But for a variety of reasons it has been thought best to go ahead and publish now what is ready now, the rest to follow sometime in 2008. What is published now are the following:

Volume I: comprising this Preface and Chapter 1: "Historical Background". Chapter 1 documents "the Settlement of 1960", by publication for the first time of (among other things) the Reports of the Panel of Jurists which had such a large role in the legal and institutional reforms of that day. It is in many ways against the Settlement of 1960 that Northern Nigeria's modern-day Sharia-implementers are reacting.

Volume II: comprising Chapter 2: "Sharia Implementation Committee Reports and Related White Papers". Published here are (1) the "Report of the Bauchi State Sharia Implementation Committee", appointed to advise the Governor on how Sharia could and should be implemented in Bauchi State (all including memoranda submitted to the Committee by citizens of the State); (2) a paper on "The Adoption and Implementation of Sharia Legal System in Zamfara State" by the person who was Zamfara's Attorney-General at the time; (3) The Kebbi State Government's "White Paper on the Report of the Committee on the Implementation of Sharia in Kebbi State"; and (4) the "Report of the Committee for the Implementation of Sharia in Kebbi State"; this Committee was responsible for carrying out the decisions laid down in the Kebbi State White Paper.

Vol. III: comprising Chapter 3: "Sanitizing Society". Published here are the new laws enacted by all Sharia States and by some Local Governments relating to corruption, liquor, gambling, sexual immoralities, other matters relating to women, unedifying media, and some other social vices. There is also a long essay analysing how the law in the Sharia States has changed on these subjects, and an essay on "Sharia Implementation and Female Muslims in Nigeria's Sharia States".

Vol. IV: comprising Chapters 4 and 5: "The Sharia Penal Codes" and "The Sharia Criminal Procedure Codes". The centre-pieces of these two chapters are the "Harmonised" Sharia Penal and Criminal Procedure Codes prepared by the Centre for Islamic Legal Studies, Ahmadu Bello University, Zaria, annotated section by section, to show variations between the Harmonised Codes and all the actually-enacted Sharia Penal and Criminal Procedure Codes of all the Sharia States on the one hand, and between the Harmonised Codes and the Northern Region's Penal and Criminal Procedure Codes of 1960 on the other. Other pertinent materials are included in these chapters as well.

Vol. V: comprising Chapter 6: "Two Famous Cases". The centre-pieces of this chapter are translations of the records of proceedings and judgments of all the courts that heard and decided the two famous *zina* cases of Safiyatu Hussaini and Amina Lawal. Also included are a "Bibliography of Islamic Authorities Cited", a "Glossary of Islamic Legal Terms Used", "Brief Biographies of the Judges", and an essay "On Defending Safiyatu Hussaini and Amina Lawal" by one of the principal lawyers involved in the cases.

What is to follow in 2008, in two or three more volumes, are chapters on:

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“Court Reorganisation”, publishing Zamfara State’s Sharia Courts Law, annotated to show variations between it and the Sharia Courts Laws of the other Sharia States, on the one hand, and between it and the Area Courts Law which these laws displaced, on the other; this chapter will also include other statutes enacted by the Sharia States affecting the court systems and an essay analysing the changes that have been made and how they are being implemented in practice.

“Judges of the Sharia Courts”, giving information about the *alkalis* and *kadis* serving in the Sharia Courts and Sharia Courts of Appeal, including how they are educated, the processes by which they were selected, their pay, and how they are performing.

“Hisbah and the Police”, publishing the statutes of the new *hisbah* organisations and some of their regulations and reports, and including an essay presenting and analysing other information about them, their work, and their interactions with the police, the people, and, in the case of the Kano *hisbah*, the Federal Government.

“Crimes and Punishments”, publishing official crime statistics gathered from ten Sharia and two non-Sharia States covering 1998-2005, and including essays on “Effects of Sharia Implementation on Crime Rates” and “A Study of the Pronouncement and Execution of *Hudud* and *Qisas* Punishments Since Sharia Implementation Began”.

“Councils of Ulama and Related Bodies”, publishing the statutes of the new Councils of Ulama, Sharia Commissions, etc., some of their regulations and reports, and including an essay on “The Bureaucratisation of the Ulama” analysing the new official roles of the *ulama*, how they are being performed, and their effects on the *ulama* themselves.

“Zakat and Endowments”, publishing the statutes of the new *zakat* boards, which in some cases are also charged with the regulation of *awqaf*, some of their regulations and reports, and including an essay presenting and analysing other information about the new bodies and their work.

Some of these chapters are in advanced stages of preparation already. There will also be a concluding chapter, in the form of a summary essay, and at the end an index to the whole work, *in Allah ya yarda*.

4. Editing the documents.

A major part of this work has been the preparation for publication of official documents produced by the Sharia States. This has made a serious fault glaringly obvious to those of us who have done the work: the carelessness with which official documents are often produced and sent out into the world in all these States – and no doubt not only in them. The problem begins with the typists, and continues upward through the hierarchies of officials who should be responsible for correcting and perfecting the texts but who because of inability or indifference or haste do not do so. The result is an abundance of mistakes and an anarchy of irrelevant and distracting variations. For instance one often finds the same word spelled three or four different ways on the same page: an extreme case is the series *sharia*, *shari’a*, *shari’u*, *shariah*, *shari’ah*, *shari’ab*, any of which might or might not at random be capitalised or italicised or bolded. The problem runs from

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spelling, pluralisation, capitalisation and punctuation through to highly inconsistent formatting and to more serious errors such as the omission in enacted statutes as published in official gazettes of whole sections or subsections and the confusion of the entire text as a result. If, based on this work, there were one main recommendation we would make to the Governments of the Sharia States, it would be this: take more care and pride in the preparation and presentation of your official texts, especially your laws. They are after all your most solemn acts, which many must study and act on. A place to begin would be proper training for the typists and other staff of the legal drafting departments. But there is no substitute for enforcement from the top of higher standards.

One decision made early was to retype rather than to scan the documents we proposed to publish: this would permit compression into fewer pages of texts often double-spaced and printed in large fonts in the originals. This immediately raised the question what to do about all the problems in our texts. After some hesitation, we finally decided discreetly to correct most mistakes and to impose a large measure of uniformity on spellings, grammar, and formatting. For instance we have used 'Sharia' throughout, capitalised but unitalicised, in place of all the forms of this word found in our texts. Other spellings have also been standardised. Words from Arabic or Hausa have been italicised or not depending on our estimate of the extent of reception of particular words into Nigerian English. Capitalisation – used a bit more liberally in Nigeria than in some other parts of the world, has again been standardised. All of this takes away from the texts, as they appear in this work, some of their local flavour; but this loss is more than made up for by the elimination of a thousand irrelevant distractions and confusions, and the local flavour remains perceptible. The reader may not agree with every choice we have made, but at least we have tried to be consistent and unconfusing. Problems in statutes, such as missing sections, have in some cases been solved by comparative analysis or by consultation with the appropriate authorities; we are happy to think that we have contributed in some cases to the improvement of these texts. Where we have been unable to resolve difficulties we have so indicated in the appropriate places, giving what the original text has and our best guess, if any, as to what was intended.

Large parts of Chapters 2 and 6 are translations of documents originally written in Hausa with intersprinklings of Arabic. In Chapter 2 these are letters and memoranda submitted to the Bauchi State Sharia Implementation Committee in response to its calls for input from the general public, plus transcripts of certain proceedings in which the Committee or its members took part. In Chapter 6 they are the records of proceedings and judgments in the Safiyatu Hussaini and Amina Lawal cases. Most of the work of translation of the two *zina* cases was done by Barr. Aliyu Musa Yawuri, one of the lawyers involved in them; all other translations were done by Sama'ila A. Mohammed and Ahmed S. Garba, research assistants on the Cordaid project. All the translations were gone over by the editor in consultation with the translators, line by line, in an attempt to produce texts that make sense and read well in English, while remaining faithful to the sense in Hausa. The proceedings and judgments in the two *zina* cases presented particular problems that are discussed further in the introduction to Chapter 6.

All the original documents we have worked with are to be kept in an archive in the Documents Section of the University of Jos Library, where they will be available for inspection and copying by interested scholars.

5. Acknowledgements.

The indispensable support of the Volkswagen Foundation and of Cordaid have already been acknowledged, as have the contributions of those who helped to make the Volkswagen project such a success – the Nigeria Team and the many people all over the North who gave us the documents and other information we sought – without which this work would never even have gotten started.

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¹⁷ All offices attributed are as at the times we visited and were assisted by these people.

PREFACE TO VOLUMES I - V

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Philip Ostien
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