Islamic Law and Politics in Northern Nigeria

Policing Muslim Communities

The Routledge Handbook of Islamic Law
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The Concept of Mens Rea in International Criminal Law

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Shar'i'ah History of the Application of Islamic Criminal Law: Oxford Bibliographies Online Research Guide

Crime and Punishment in Islamic Law

Criminal Law and the Rights of the Child

In Muslim States

Democratization and Islamic Law

Shari'ah Law for White Man God

Islamic Criminal Law in Northern Nigeria: Politics, Religion, and International Law

Constitutionalism in Islamic Countries: Between Upheaval and Continuity

Examines the question of whether something similar to an "Islamic constitutionalism" has emerged out of the political and constitutional upheaval witnessed in many parts of North Africa, the Middle East, and Central and Southern Asia. In order to identify its defining features and to assess the challenges that Islamic constitutionalism poses to established concepts of constitutionalism, this book offers an integrated analysis of the complex frameworks in Islamic countries, drawing on the methods and insights of comparative constitutional law, international law, and legal history. Furthermore, and North American experiences are used as points of reference against which the peculiar challenges, and the specific answers given to those challenges in the countries surveyed, can be assessed. The book also examines ways in which the key concepts of constitutionalism, including fundamental rights, separation of powers, democracy and rule of law, may be adapted to an Islamic context, thus providing valuable new insights on the prospects for a genuine renaissance of constitutionalism in the Islamic world in the wake of the "Arab spring."

Shari’a in Africa Today

Reactions and Responses explores how Islamic law has influenced relations between Muslims and Christians, through a series of case studies by young African scholars working in Sudan, Nigeria, Kenya and Tanzania

One of the most important developments in Muslim politics in recent years has been the spread of movements calling for the implementation of shar'i'a or Islamic law. Sharīʿa-Politics maps the ideals and organization of these movements and examines their implications for the future of democracy, citizen rights, and gender relations in the Muslim world. These studies of eight Muslim-majority societies, and state-of-the-field reflections by leading experts, provide the first comparative investigation of movements for and against implementation of shar'i'a. These essays reveal that the Muslim public's interest in shar'i'a does not spring from an unchanging devotion to received religious tradition, but from an effort to respond to the central political and ethical questions of the day.

Islamic law influences the lives of Muslims today as aspects of the law are applied as part of State law in different forms in many areas of the world. This volume provides a much needed collection of articles that explore the complexities involved in the application of Islamic law within the contemporary legal systems of different countries today, with particular reference to Saudi Arabia, Morocco, Indonesia, Nigeria, Turkey, Malaysia and Pakistan. The articles identify the relevant areas of difficulties and also propose possible ways of realising a more effective and equitable application of Islamic law in the contemporary world. The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research.

The purpose of this book is to find a unified approach to the doctrine of mens rea in the sphere of international criminal law, based on an in-depth comparative analysis of different legal systems and the jurisprudence of international criminal tribunals since Nuremberg. Part I examines the concept of mens rea in common and continental legal systems, as well as its counterpart in Islamic Shari'a law. Part II looks at the jurisprudence of the post-Second World War trials, the work of the International Law Commission and the concept of genocidal intent in light of the travaux préparatoires of the 1948 Genocide Convention. Further chapters are devoted to a discussion of the boundaries of mens rea in the jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda. The final chapter examines the definition of the mental element as provided for in Article 30 of the Statute of the International Criminal Court in light of the recent decisions delivered by the International Criminal Court. The study also examines the general principles that underlie the various approaches to the mental elements of crimes as well as the subjective element required in perpetration and participation in crimes and the interrelation between mistake of law and mistake of fact with the subjective element. With a Foreword by Professor William Schabas and an Epilogue by Professor Roger Clark From the Foreword by William Schabas Mohamed Elewa Badar has taken this complex landscape of mens rea at the international level and prepared a thorough, well-structured monograph. This book is destined to become an indispensable tool for lawyers and judges at the international tribunals. From the Epilogue by Professor Roger Clark This is the most comprehensive effort I have encountered pulling together across legal systems the 'general part' themes, especially about the 'mental element', found in confusing array in the common law, the civil law and Islamic law. In this endeavour, Dr Badar's researches have much to offer us.
In the past two decades, Muslim countries across the globe have been faced with a crisis in governance. Starting with a summary of Islamic Law (Sharia) and its implications for law enforcement, this book will highlight the unique needs and challenges of law enforcement, and particularly policing, in these communities. It will provide a scholarly exposition of Sharia law and how it is compatible (or not) with policing in a modern context. The role and contribution of Sharia Law towards conceptualizing law enforcement in a modern context is certainly worth looking forward to, especially understanding its co-existence with civil law in countries with minority Muslim communities. Featuring case studies from throughout the Muslim world, this volume will highlight key qualities of Sharia law and Muslim culture that play a role in law enforcement, including: case processing, community policing, police administration, human rights, and the influence of globalization. Taking a comprehensive approach, this work provides a historical context for colonization events in Muslim countries and their influence on current law enforcement systems, as well as providing key insights into the particular norms that make up the bases for Muslim societies, and their unique needs. Looking into the future, it provides guidelines for how community policing can play a proactive role in law enforcement and crime prevention.

In 2000 and the first half of 2001 eleven Northern states re-Islamised their legal system. Seven of them (Bauchi, Kebbi, Jigawa, Kano, Zamfara, Yobe, Sokoto) introduced Shari’a Penal Codes. One (Niger) amended the existing 1960 Penal Code with provisions of Shari’a criminal law, and three others (Gombe, Kaduna, Katsina) are expected to enact Shari’a Penal Codes in the near future. This book discusses these recently enacted codes.

This book, first published in 2006, is an account of the theory and practice of Islamic criminal law.

Arinze, growing up poverty, the slums of Lagos - Southern Nigeria, surrounded by ignorance and superstition, is friends with the fascinating Ireneh. Soon, he discovers that Ireneh has a disturbing side quite hidden from the public especially when the boy admits to auditory hallucinations. Ireneh’s family spot his unhealthy behavior and, convinced he was possessed by evil spirits, put him in an exorcism programme run by their church pastor. But the dysfunctional abusive environment Ireneh encounters at home and school triggers an explosive relapse that culminates in violence and tragedy. Years later, with the onset of democracy, Islamic northern Nigeria erupts in violence over the introduction of the Islamic penal code Shari ah into criminal law. Riots break out between southerners in Kaduna who are predominantly Christian and the northern Muslim indigenes. At this time, Arinze, trying to make a living up north selling stolen cars, has decided to become non-Christian, a decision that would cut him off fellow southerners while his ethnicity makes him unacceptable by the northerners. Keenly aware of the dangers they faced because of the Islamic law, Arinze and his companion Tolu rely on the protection offered by the Mallam in charge of the garage. Things turn sour when the law catches up with them and is manipulated to political ends. Arinze and Tolu find themselves in no man’s land and in the reach of severe corporal justice. About the Author Taiye Tenpin was born and raised in Lagos, Western Nigeria. He studied philosophy in South Africa where he became interested in writing about the social significance of religion and ethnicity. On his return to Nigeria, he taught English to students preparing for university for a few months before travelling to the UK for a Masters programme in Business. He currently lives in the north of England.

Sudan has been undergoing profound changes characterized by an uncertain transition from conflict to post-conflict society and the separation of the country in the midst of ongoing human rights concerns. This book examines the nature, policy aspects and interrelationship of Sudanese criminal law and law reform in this context, situating developments in the broader debate of international human rights, rule of law and transitional justice. For the first time, Sudanese, national, regional and international experts and practitioners are brought together to share experiences, combining a range of legal and policy perspectives. The book provides valuable lessons on how relevant standards and experiences can be used to inform criminal law reform in Sudan. It also considers what broader lessons can be drawn for reform initiatives in other societies facing similar challenges. This includes the type of violations that need to be addressed in reforms as a prerequisite for enhanced human rights protection, challenges experienced in this regard, and the contribution of civil society in this process.

A survey of Sharia criminal law, commissioned by the European Commission, and to provide analysis of the re-islamification of the Northern Nigerian states, based on classical Islamic texts. The study clarifies and explains the circumstances and background to these new codes, paying special attention to the Koraic offences of fornication, theft, robbery and alcohol consumption. It further identifies conflicts between these codes and the human rights principles guaranteed in the Nigerian federal constitution, and in the United Nations conventions on human rights to which Nigeria is a signatory; and surmises the views of the local people about the laws. The author is Professor of Islamic Law at the University of Amsterdam.

This work analyzes the history of the application of Islamic law (Shari’ah) in Nigeria. It analyzes how Islamic law emerged in Nigeria toward the beginning of the 19th century and remained applicable until the arrival of the British Colonial regime in Northern Nigeria in 1903. It sheds light on how the law survived colonial rule and continues until today. Dr. Yushau Sodiq analyzes progressive elements in Islamic law over the past two centuries. He goes on to discuss many objections raised by the Nigerian Christians against the application of Islamic law, as well as how Muslims respond to such criticism. In a world that is often saturated with Islamophobia and ignorant misconceptions about Islam, this book aims to clarify and respond to many important concepts and ideas within Islamic religious tradition.

This book focuses on Boko Haram and terrorism in Nigeria, framing the conflict in an international law context. It analyses the nature of political violence and the dominant roles of a violent nation-state (in both colonial and post-colonial experiences) and the rise of terrorism in Nigeria. The book unearths embedded evidence of religious nepotism on the part of state officials using such state
institutions as Islamic Preaching Boards to promote one Islamic sect over another in mainly Muslim Northern Nigeria. The book offers insights into this subtle sectarian divide and how this and other ‘subterranean’ elements have contributed to the rise of Boko Haram in Northern Nigeria beyond the dominant poverty-terrorism nexus narrative. Furthermore, the book analyses the various components of Boko Haram’s radical ideology, situates them in Islamic Jurisprudence, and examines the philosophy of the group (both in doctrine and practice) – their interpretation of the Koran and the waging of Jihad, and the extent to which they conform to the Islamic Sect Boko Haram claims to follow. The book then examines the basic doctrinal features and characteristics of Boko Haram – waging Jihad, prohibiting revealing dresses for women and mixing of genders, rejecting western values and institutions, denouncing scientific inquiry and democracy, hostage taking, sexual exploitation of captives and other aspects of Hudud and in belli in the Boko Haram jurisprudence and international law. Finally, the book analyses the plight of vulnerable groups such as internally displaced persons, the atrocities committed against women and girls in the Boko Haram insurgency and the (in)ability of international law to enforce the protections offered to the victims. From the perspective of critical intellectual inquiry, the book also challenges a number of fundamental assumptions and encourages us to revisit our legal characterisation of certain concepts such as “gender-based crimes”. It then goes further to analyse some legal grey areas in the Boko Haram insurgency such as the legal status of the Civilian Joint Task Force (CJTF) and the legal framework for holding members accountable for violations of international human rights and humanitarian law. Overall, the book represents a valuable contribution to scholarship, deepens our understanding and delineates how international law could respond to the Boko Haram insurgency in Nigeria in particular and terrorism in Africa in general.

This book seeks to interrogate the classical fiqh formulation on gender and homicide with a view to exploring further the debate on whether the so-called gender injustice in Islamic law is a human creation or attributable to the divine sources of the Qur’an and Sunnah. The study is in response to the increasing criticism of the Islamic criminal law regime and the accusation that it discriminates on the basis of gender. It argues that any attempt to critique a religious question through the lens of traditional Western human rights ideals would be resisted by the vast majority of Muslims. An examination of the question and any suggested solutions offered would be much more effective if situated within the system they identify with; that is to address the question of gender justice deficit from within the Islamic legal tradition. Focusing on Nigeria and Pakistan, the book achieves this by drawing on classical fiqh literature, contemporary literature, legislative sources and relevant case law.

This handbook is a detailed reference source comprising original articles covering the origins, history, theory and practice of Islamic law. The handbook starts out by dealing with the question of what type of law is Islamic law and includes a critical analysis of the pedagogical approaches to studying and analysing Islamic law as a discipline. The handbook covers a broad range of issues, including the role of ethics in Islamic Jurisprudence, the mechanics and processes of interpretation, the purposes and objectives of Islamic law, constitutional law and secularism, gender, bioethics, Muslim minorities in the West, Jihad and terrorism. Previous publications on this topic have approached Islamic law from a variety of disciplinary and pedagogical perspectives. One of the original features of this handbook is that it treats Islamic law as a legal discipline by taking into account the historical functions and processes of legal cultures and the patterns of legal thought. With contributions from a selection of highly regarded and leading scholars in this field, the Routledge Handbook of Islamic Law is an essential resource for students and scholars who are interested in the field of Islamic Law.

In Crime and Punishment in Islamic Law: A Fresh Interpretation, Mohammad Kamali considers problems associated with and proposals for reform of the hudud punishments prescribed by Islamic criminal law, and other topics related to crime and punishment in Shariah. He examines what the Qur’an and hadith say about hudud punishments, as well as just retaliation (qisas), and discretionary punishments (ta’zir), and looks at modern-day applications of Islamic criminal law in 15 Muslim countries. Particular attention is given to developments in Malaysia, a multi-religious society, federal state, and self-described democracy, where a lively debate about hudud has been on-going for the last three decades. Malaysia presents a particularly interesting case study of how a reasonably successful country with a market economy, high levels of exposure to the outside world, and a credible claim to inclusivity, deals with Islamic and Shariah-related issues. Kamali concludes that there is a significant gap between the theory and practice of hudud in the scriptural sources of Shariah and the scholastic articulations of jurisprudence of the various schools of Islamic law, arguing that literalism has led to such rigidity as to make Islamic criminal law effectively a dead letter. His goal is to provide a fresh reading of the sources of Shariah and demonstrate how the Qur’an and Sunnah can show the way forward to needed reforms of Islamic criminal law.

Africa continues to be a region with strong commitments to religious freedom and religious pluralism. These, however, are rarely mere facts on the ground? they are legal, political, social, and theological projects that require considerable effort to realise. This volume ? compiling the proceedings of the third annual conference of the African Consortium for Law and Religion Studies ? focuses on various issues which vastly effect the understanding of religious freedom in Africa. These include, amongst others, religious freedom as a human right, the importance of managing religious pluralism, and the permissibility of religious practice and observance in South African public schools.

Dispensing Justice is designed to serve as a sourcebook of Islamic judicial practice and qadi judgments from the rise of Islam to modern times, drawing upon court records and qadi court records, in addition to literary sources. The volume fills a large gap in Islamic legal history. “Dispensing Justice” is designed to serve as a source book of Islamic judicial practice from the rise of Islam to modern times, drawing upon legal documents, qadi court records, archival materials and literary sources. The volume fills a large ap in our understanding of Islamic legal history. (modified by Powers).

By analyzing legislative and judicial actions in a selection of Muslim and non-Muslim States in relation to the rights of the child in criminal matters, this book identifies the possible harmonization between the obligations of international human rights law (e.g. the UN Convention on the Rights of the Child [UNCRC]) and the criminal justice systems within each State, particularly Islamic law (Sharia). The book features introductory chapters on child offenders in criminal law and Islamic law, and country reports (from rapporteurs) on Afghanistan, Egypt, Lebanon, Iran, Malaysia, Nigeria, Pakistan, Spain, Turkey, the United Arab Emirates, as well as the UK. Among other issues, the book discusses: the definition of 'child' in criminal law * the rights for child offenders under international law (UNCRC, the Beijing Rules, etc.) * the rights of the child under Islamic regional instruments * Islamic law, as it relates to child offenders * the age of criminal liability * the death penalty * the role of the judiciary in criminal cases within Muslim jurisdictions. Theoretical and comparative research methods highlight that the position of Islamic law on the age of criminal
liability and the legal rights of child offenders is nuanced, both through the way various ways Islamic criminal law is implemented and the role of the judiciary in expanding the protection of juvenile offenders.

Annotation. In 2000 and 2001, twelve northern states of the Federal Republic of Nigeria introduced Islamic criminal law as one of a number of measures aiming at “reintroducing the shari’ah.” Immediately after its adoption, defendants were sentenced to death by stoning or to amputation of the hand. Apart from a few well-publicised trials, however, the number and nature of cases tried under Islamic criminal law are little known. Based on a sample of trials, the present thesis discusses the introduction of Islamic criminal law and the evolution of judicial practice within the regions historical, cultural, political, and religious context. The introduction of Islamic criminal law was initiated by politicians and supported by Muslim reform groups, but its potential effects were soon mitigated on higher judicial levels and aspects of the law were contained by local administrators. This title can be previewed in Google Books - http://books.google.com/books?id=ISBN9789056296551.

In November of 1999, Nigerians took to the streets demanding the re-implementation of shari’ah law in their country. Two years later, many Nigerians supported the death sentence by stoning of a peasant woman for alleged sexual misconduct. Public outcry in the West was met with assurances to the Western public: stoning is not a part of Islam; stoning happens “only in Africa”; reports of stoning are exaggerated by Western sensationalism. However, none of these statements are true. Shari’ah on Trial goes beyond journalistic headlines and liberal pieties to give a powerful account of how Northern Nigerians reached a point of such desperation that they demanded the return of the strictest possible shari’ah law. Sarah Eltantawi analyzes changing conceptions of Islamic theology and practice as well as Muslim and British interactions dating back to the colonial period to explain the resurgence of shari’ah, with implications for Muslim-majority countries around the world.

In 2000 and 2001, twelve northern states of the Federal Republic of Nigeria introduced Islamic criminal law as one of a number of measures aiming at “reintroducing the shari’ah.” Immediately after its adoption, defendants were sentenced to death by stoning or to amputation of the hand. Apart from a few well-publicised trials, however, the number and nature of cases tried under Islamic criminal law are little known. Based on a sample of trials, the present thesis discusses the introduction of Islamic criminal law and the evolution of judicial practice within the regions historical, cultural, political, and religious context. The introduction of Islamic criminal law was initiated by politicians and supported by Muslim reform groups, but its potential effects were soon mitigated on higher judicial levels and aspects of the law were contained by local administrators.

When democracy was introduced to Nigeria in 1999, one-third of its federal states declared that they would be governed by sharia, or Islamic law. This work argues that such a break with secular constitutional traditions in a multireligious country can have disastrous consequences.

In many parts of Africa three different systems of laws are concurrently applied - the imported "Colonial" law, the indigenous customary law and Islamic law. In some countries the customary and the Islamic law are kept separate and distinct, while in others they are fused into a single system. This volume represents a unique survey of the extent to which Islamic law is in fact applied in those parts of East and West Africa which were at one time under British administration. It examines the relevant legislation and case law, much of which has never appeared in any Law Reports; the judges and courts which apply it and the problems to which its application give rise.

This ebook is a selective guide designed to help scholars and students of Islamic studies find reliable sources of information by directing them to the best available scholarly materials in whatever form or format they appear from books, chapters, and journal articles to online archives, electronic data sets, and blogs. Written by a leading international authority on the subject, the ebook provides bibliographic information supported by direct recommendations about which sources to consult and editorial commentary to make it clear how the cited sources are interrelated. A reader will discover, for instance, the most reliable introductions and overviews to the topic, and the most important publications on various areas of scholarly interest within this topic. In Islamic studies, as in other disciplines, researchers at all levels are drowning in potentially useful scholarly information, and this guide has been created as a tool for cutting through that material to find the exact source you need. This ebook is a static version of an article from Oxford Bibliographies Online: Islamic Studies, a dynamic, continuously updated, online resource designed to provide authoritative guidance through scholarship and other materials relevant to the study of the Islamic religion and Muslim cultures. Oxford Bibliographies Online covers most subject disciplines within the social science and humanities, for more information visit www.aboutobo.com.

This book explores how the unique historical development of Islamic Shari'ah's criminal law alongside English common law in northern Nigeria has created a hybridised criminal legal system through a pluralist dynamic of mutual accommodation. It studies how this system may potentially be accommodated by the International Criminal Court. The work examines how this could be accommodated through the current understanding and operation of complementarity, and that it could ultimately prove to be preferable in encouraging the Shari'a courts to exercise criminal justice over the radical insurgents in northern Nigeria. These courts would have the unprecedented ability to combine binding adjudicative judgments together with religious interpretation and guidance, which can directly combat the predominantly unchallenged domain of ideology by extremist actors. It is submitted that these pluralist perspectives are timely and welcome, given the undeniably Western European foundations of modern International Criminal Law. In exploring such potential avenues, our shared understanding of modern international criminal justice is widened to necessarily include other stakeholders beyond its Western founders. It is the aim and hope that such interactions and engagements with non-Western traditions and cultures will lead to a greater shared ownership of the international criminal justice project, which will only strengthen the global fight against impunity. The book will be essential reading for academics, researchers and policy-makers working in the areas of International Criminal Law, Legal Pluralism, Islamic Shari’ah Law, Nigeria, and religiously-inspired violence.

Using contemporary illustrations, Legal Maxims in Islamic Criminal Law delves into the theoretical and practical studies of al-Qawaid al-Fiqhiyyah in Islamic legal theory. It elucidates the importance...
of this concept in the application of Islamic law and demonstrates how the concept relates to the objectives of Islamic law (maqāṣid al-Shari‘ah), generally.

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