

Sharia Implementation in Northern Nigeria Over 15 Years.

Policy Brief No.2

The Case of Hisbah





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Introduction:



The return to democratic politics in 1999 saw the declaration of full Sharia law in 12 Muslim majority states in northern Nigeria. To give effect to this declaration, the states created many institutions, such as the Sharia Commission, the Zakat Commission, and the Hisbah, a group expected to promote Islamic virtue, whilst discouraging vice. The creation of hisbah in many states immediately raised fears of religious zealotry, if not intolerance, and the repression of non-conformists, Muslim and non-Muslim, alike. These fears are reflected in descriptions of the hisbah

variously as ‘Islamic police’, ‘morality police’, and even ‘state police’, a reference to the contentious issue of policing powers, currently vested solely in the federal government within Nigerian federalism. In general, the hisbah has had a very bad press. After about 15 years of Sharia implementation, we set out to investigate the true situation regarding this institution. What do the hisbah organizations represent? What social and religious forces are active within them? What has happened to the hopes for religious renewal and social reorientation that came in the wake of Sharia declaration? How far have the institutions gone in meeting the high hopes surrounding their establishment? What challenges have they faced? Our research concentrated on the various hisbah institutions across the Sharia implementing states.

Studying Nigerian Hisbah:

There is a growing literature on the hisbah in Nigeria. Barkindo (2011 and 2011a) approaches hisbah from the religious/legal lens. He seeks to show the foundations of hisbah within long-established Islamic thought and practice and the applicability of these religious principles to contemporary Nigeria. On the other hand, Dukawa (2009) concentrates on the administrative problems of organizing the various Hisbah bodies formed after 1999, and the difficulties inherent in their interface with extant bureaucracies of the state governments.

For her part, Adamu (2008) explores the gender dimension of Hisbah, noting its contradictory tendencies. She highlighted the tendency of hisbah to give women’s issues a higher profile within society, while at the same time restricting their mobility and their access to the public sphere. Garba and Ostien (2006) concentrate on the theological/legal foundations of Hisbah, noting some of its consequences for the operation of the courts and the realization of justice. In its contribution, Human Rights Watch (2004) released a report alleging widespread human rights abuses by hisbah groups - summary and extra-judicial arrests and

1. Based on Abdul Raufu Mustapha & Mustapha Ismail, 2016, ‘Sharia Implementation in Northern Nigeria Over 15 Years: The Case of Hisbah’, Report for NSRP/dRPC/NRN Research Project on Sharia Implementation Over 15 Years.

floggings; stopping vehicles carrying men and women and forcing the women to disembark; disrupting conversations between men and women in public places on the grounds of alleged immorality; the seizure and destruction of alcoholic drinks and the causing of damage to the vehicles transporting them; and the violation of the rights of people to privacy.

This study seeks to build on the insights of these previous studies. Specifically, our approach is socio-political. We seek to understand the social and political effects of the establishment of the various Hisbah bodies over the last 15 years and their collective impact on the populations and the governance systems in the Sharia implementing states. Whilst paying adequate attention to the religious element in hisbah, this study is nevertheless firmly rooted in an evidence-driven attempt to assess the impact of the various hisbah organizations and their current state of play. We collected the evidence from interviews, focus group discussions, perception surveys, and reviews of relevant literature on, and by, the hisbah organizations.

A second approach of our study is that it is comparative. We seek to understand Nigeria's experience of hisbah in the context of similar experiences in places like Saudi Arabia, Aceh, Pakistan, Mauritania, and even Israel.

Key Findings:

1. Hisbah is often presented as a state-created organization. In reality, most hisbah organizations start life as volunteer organizations formed by like-minded Muslim individuals. This is because in Islamic thought, hisbah can be both the activity of doing 'good' by individuals (*Ihtisab*) as commanded by Allah, and secondly, it can be the institution that makes possible these activities (*Wilayatul Hisbah*). In virtually all Sharia implementing states, the activity by volunteers preceded the interventions by the states to establish the institutions to guide the activities of the volunteers.
2. The importance of volunteers in the establishment of hisbah has created the impression that hisbah is just another vigilante organization. However, there is a big difference between hisbah and vigilantism, even if both share some voluntarist impulses. Hisbah is governed by many religious rules, injunctions, and duties which differentiate it clearly from vigilantism which is solely concerned with the provision of security. Hisbah is different from vigilante groups.
3. Despite the monochromatic media presentation of all hisbah organizations as some form of identikit 'morality police', the hisbah in each state is unique and distinctive. No two hisbah organizations are the same. What determines the characteristics of the hisbah in each state are: (a) the strength of Islamic institutions and individuals within society who often initiate the formation of hisbah; (b) the sectarian and theological cohesion of the Islamic clerics associated with the volunteers; (c) the relationship of those forming the hisbah with pre-existing centres of local power like the Emirate Councils and Islamic civil society organizations; (d) the ability of the volunteer hisbah organization to align its interests with those of important state government institutions like the legislature and the executive; (e) and finally, the ability of hisbah to establish functioning relationships with the Nigerian Police. In virtually each of these attributes, all the hisbah groups are different from each other.

4. The forces acting from above the hisbah volunteers –state government institutions, emirate councils, council of ulama – can vary very widely, as can the input coming from below the hisbah organization from within society – volunteers, clerics, and financial supporters. These variations mean that no two hisbah organizations are the same. The multiplicity of institutional forms, formation processes, and power dynamics behind each state’s hisbah suggests that the institutions should be understood as individual, complex organizations, rather than sweeping them all under the undifferentiated banner of the ‘Islamic police’.
5. Institutionally, at one extreme are the hisbah in Kano and Zamfara states, with a legally sanctioned board or commission with state-wide powers, and employing thousands of people paid for by the state government. At the other extreme are the hisbah in Borno (existing only on paper) and Gombe (completely formed by volunteers, lacks any supporting legislation, has no state funding, and the volunteers sometimes have to contribute financially to the running of the organization). In between these two extremes are the states like Bauchi, where Hisbah is just a department under the Sharia Commission and is effectively organized at the emirate level instead of the state level, and the hisbah in Kaduna and Katsina which are completely private run, very similar to the Gombe model. The powers and resources enjoyed by these various hisbah formations vary, as does their ability to interface with their state’s extant political and administrative infrastructure.
6. Similar variations can be found in the relationship of the various hisbah organizations to Islam, despite the appellation of ‘Islamic police’. Only the Zamfara hisbah law specifically connects the definition of Hisbah to Sharia implementation, with about 80% of its functions directly connected to Sharia implementation. In the Jigawa law, only five out of eight items in the functions of the Committee are directly connected to Sharia implementation, while in the Kano law, no section directly talks of Sharia implementation. Though all hisbah groups are infused with Islamic values, the extent to which they are ‘Islamic’ varies greatly.

Box 1: Hisbah – Key Features

- Hisbah in Nigeria are not state-initiated. Most hisbah organizations are started by volunteers, before the states step in to formalize them.
- Hisbah is different from a vigilante group. Vigilantism is about providing security; hisbah does much more than that.
- The hisbah in each state is unique and distinctive. No two hisbah organizations are the same. We should stop seeing them all simply as ‘religious police’.
- Hisbah Institutional Variations: Kano and Zamfara hisbah have their foundations in state law and get state funding; Gombe hisbah has no legal backing and is funded by volunteers; Borno hisbah exists only on paper.

7. In all cases, these hisbah groups perform vital 'social services' which the state should ordinarily be expected to render to its citizens, regardless of religion. These functions include dispute resolution, marriage counselling, match-making for widows and single women, controlling the use of illegal drugs, traffic control, helping the needy, promoting science competitions, running refresher courses for pre-degree science students, conducting science exhibitions, and organizing workshops on drug addiction. These social services reach segments of the population long neglected by state institutions.
8. Hisbah groups also carry out specifically 'Islamic' evangelical functions such as sermons, conversion of people to Islam, repair of Mosques, protection of people at religious functions, and First Aid services during festivals and ceremonies.
9. However, hisbah also performs controversial 'morality duties' such as preventing the mixing of the sexes by forcing women out of the public transport system; enforcing a dress code, especially on women in educational institutions; preventing the performance of music and films; seizing and destroying alcoholic drinks, especially on the federal highway; and putting pressure on 'deviant' youth, prostitutes, homosexuals, and lesbians.
10. These 'moral' campaigns have led to a hostile backlash against hisbah from artistes, women's groups, youth, and residents in largely Christian neighbourhoods. We note that in Saudi Arabia, a similar backlash forced the regime to restrict the powers of hisbah, while in Aceh, court cases have been initiated against erring hisbah members. In Nigeria, many hisbah organizations have monitoring, disciplinary, and training departments. The evangelical activities, especially when conducted with little regard for the religious sensibilities of non-Muslims, has led to anxiety within the Christian communities of the Sharia implementing states.
11. There is a tension between the religious ethos of hisbah and the administrative ethos of the state institutions hisbah has to relate to. Increasingly, this is leading to the bureaucratization of hisbah and the diminution of its religious zeal. We note that in Pakistan, there is a similar bureaucratization of hisbah and its take-over by the bureaucracies of the state.

Box 2: Hisbah - Key Functions

- Social Service functions: dispute resolution; marriage counselling; match-making; drug control; traffic control; helping the needy; and running refresher courses for pre-degree science students. They are social welfare institutions, not just religious ones.
- Islamic functions: evangelism through sermons; conversion of people to Islam; repair of Mosques; protection of people at religious functions; and First Aid services during festivals.
- Repressive Functions: forcibly preventing the mixing of the sexes on public transport system; enforcing a dress code, especially on women in educational institutions; preventing the performance of music and films; seizing and destroying alcoholic drinks; and putting pressure on 'deviant' youth, prostitutes, homosexuals, and lesbians.

Policy Recommendations:

1. Most people – Muslims and Christians - surveyed want hisbah to continue, especially because they see it as providing vital social services to neglected communities and curbing moral excesses in society more generally. The various Sharia implementing states should put more resources behind this social service dimension of their hisbah organizations.
2. However most people also want hisbah to be more respectful of religious differences and the human rights of groups and individuals. Other hisbah organizations can learn from the efforts of the Niger State hisbah to reach out to the Christian communities in the state. Regarding enclaves like *Sabon Gari* in Kano where the population is largely non-Muslim, the rights and duties enjoyed under the Hausa diasporic institution of the *Zango* might be an appropriate model to copy from. The *Sabo* Quarters in Ibadan, started around 1919, is one of such historical *Zango* that can be used as a model.

Box 3: Hisbah - Public Legitimacy - % saying ‘yes’

	Bauchi	Kano	Niger
<i>Hisbah follows Sharia law</i>	56.3	84.9	21.0
<i>Hisbah treats women fairly</i>	54.9	88.4	18.8
<i>Hisbah treats Christians fairly</i>	35.8	58.0	17.4
<i>Hisbah is Less corrupt than the Police</i>	52.2	91.9	23.4
<i>Hisbah is more Trustworthy than the Police</i>	58.0	84.3	19.7
<i>Hisbah should be disbanded.</i>	1.3	4.7	1.3

3. Hisbah needs to have a proper balance between its: (a) service delivery; (b) evangelism; and (c) morality mandates. Increasingly various hisbah groups, faced with a pushback from different aggrieved forces in society, are muddling through in establishing this delicate balance. Even when the result of the muddling through is not strictly in keeping with the letters and spirit of the enabling laws of the hisbah organization, it should still be supported as being in the long-term best interest of the whole society.
4. The huge variations in the institutionalization of hisbah is a good thing. Each hisbah organization is better suited to its local milieu and can better respond to local interests. The variations also emphasise the federal nature of Nigeria and draw attention away from the narrowly religious interpretation of these institutions. Efforts to standardize the hisbah organizations are therefore unnecessary.

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