



Universiteit
Leiden
The Netherlands

Gender, Mobility, and Sharia

Hutson, A.S.

Citation

Hutson, A. S. (2002). Gender, Mobility, and Sharia. *Isim Newsletter*, 11(1), 16-16.
Retrieved from <https://hdl.handle.net/1887/16821>

Version: Not Applicable (or Unknown)
License: [Leiden University Non-exclusive license](#)
Downloaded from: <https://hdl.handle.net/1887/16821>

Note: To cite this publication please use the final published version (if applicable).

Nigeria
ALAINE S. HUTSON

In present-day Nigeria there are twelve states that have adopted or implemented *shari'a* law. These laws have spawned death sentences for two women accused of adultery. The cases have received international attention, including the boycott of the Miss World contest in Nigeria by pageant contestants upset by the sentences, and the November riots and killings surrounding the pageant's controversy. The Nigerian Federal Government has already intervened to help free the first woman on appeal and to promise to protect the second, and has denied that the pageant was to blame for the riots. However, thousands more northern Nigerian women are affected by *shari'a* laws, which attempt to limit forms of transportation for women and control when and how they will marry.

Mobility is required for women to learn, teach, or work. International audiences are not addressing these seemingly mundane issues and the Nigerian government is not giving relief from such laws even though they affect the overwhelming majority of northern Nigerian women.

Shari'a law has only been in effect for three years in Zamfara, the first Nigerian state to adopt *shari'a*, but historically Nigerian laws based on the *shari'a* in the 20th century have attempted to closely govern women's mobility and marital status.* *Shari'a* laws promulgated since 1999 have attempted to bring moral leadership to northern Nigeria by limiting women's mobility. The first governor to institute *shari'a* law, Ahmad Sani of Zamfara, has described the laws regarding women as essential 'in his drive to create ... a decent society' (Phillips 2000b). Most of the restrictions on women's mobility have concentrated on sex-segregated transportation. States have mandated that taxis and buses be designated specifically for men or women; women's taxis being differentiated by pictures of veiled women on the side. It has even been suggested that though men now drive the women's taxis, women may replace them in the future (Phillips 2000a, 2000b). Women have also been prohibited from hiring motorcycle taxis (BBC 2000). Motorcycle taxis are a popular form of transportation because they are often faster than waiting for a bus and less expensive than a regular taxi. The fact that hundreds of motorcycle taxi drivers had been arrested for carrying women passengers and awaited trial in 2001 under these restrictions attests to women's need for this type of transportation.

These prohibitions come at a time of a petrol and transportation crisis in Nigeria. Since the early 1990s, the availability of petrol in stations has been frequently interrupted because of corruption and lack of resources. The nation's petrol drivers divert tanks of fuel to neighbouring countries or illegal roadside stations where they get inflated prices for their loads. Also the nation's four refineries are in need of repairs and are frequently inoperative. Recently the government has increased the official price of fuel, which will be reflected in higher transport fares (Ndiribe 2002). In the mid-1990s higher fuel costs put some buses and taxis out of business, which also jeopardized women's access to transportation. Transportation is especially a concern for single, divorced, and widowed women who support themselves through working outside the home or who go to school with aspirations for earning an income.

Marital status

The current *shari'a* law movement has also tackled and coupled the issues of women's marital status and work. When

Zamfara State first implemented *shari'a* law, it offered prostitutes USD 250 to abandon their profession and take up small-scale businesses; twenty-seven women accepted this deal (Phillips 2000b).

States' *shari'a* laws have made distinctions between married and single women. In the case of transportation, while the men bike operators were beaten, the *shari'a* police did not beat the married women passengers. There were reports that unmarried women would be punished. The variance in treatment of women may indicate that the states have relinquished jurisdiction over married women to husbands; husbands' prerogatives override those of the state. It also seems to assume that husbands are the only ones entitled and trusted to punish their wives appropriately, and women are not to be trusted at all. This discrepancy in treatment also begs the question of whether Muslim husbands are under increased social pressure to limit their wives' movements outside the home.

Some *shari'a* policies have made states into agents in the marriage process. Zamfara State was 'prepared to offer financial assistance to women who want to get married but cannot afford the cost of the wedding ceremony' (Phillips 2000b). And other state governments have attempted to legislate minimum amounts for dowries, lowering them from USD 500–1,000 to USD 10 (Dosara 2000). Women 'vehemently refused to comply' with laws lowering dowries. No doubt these women were attempting to maintain mechanisms for asserting their social worth (Cooper 1995).

However, there is some popular support for the notion that women should be married. More than 1000 women marched in a demonstration to urge the traditional leaders in the North to enjoin men to marry more than one wife so that divorced and widowed women could find husbands. Otherwise the women warned that the shortage of husbands would 'force them to commit crimes against Sharia law' (Dosara 2000). It is unlikely that these women were predicting the famous death sentences for Safiya Haseini, the 35-year old divorced woman who was the first woman given the death sentence for adultery and then acquitted on appeal through pressure by the Nigerian federal government, and Amina Lawal, another divorced woman with a pending death sentence for the same charge. However, it seems clear that women and men in Nigeria believe that marriage protects women from certain allegations and punishments from the state, if not husbands' punishments.

Popular reactions to *shari'a* law have again shown that northern Nigerians perceive the current laws as critical of single adult women and act in ways more strict than the letter of the laws. There were rumours in Zamfara that all single women working for the government should marry or would lose their jobs; the governor denied this (Cunliffe-Jones 1999). *Shari'a* police in Kano, the lowest levels of whom are young violent men vigilantes, have gone as far as detaining hundreds of people of the opposite sex who were talking to one another on the street. 'The detainees have been taken to police stations over the past few days and questioned about whether they are involved in adultery or prostitution' (Phillips 2000c). Popular perception has in-

fluenced Nigerians to practise sex segregation in very strict and extralegal ways.

Education

The present state governments have expressed support for the education of girls and women. The first lady of Zamfara State, Hajiya Karimah Sani, has encouraged women to continue with their education, with the goal of becoming teachers, doctors, and nurses (Ikyur 2001). But with the laws governing transportation and the fuel crisis, women's ability to travel and work is constrained; therefore becoming teachers, doctors, and nurses – and getting to those jobs – is more tenuous.

State governments have also showed a preference for married women in their educational policies. During prize day at an adult women's school, the deputy governor of Zamfara noted that 'about 30 divorcee students of the school were now married and were comfortably pursuing their studies' (Ikyur 2001). When women's transportation woes are coupled with the retreat of women, especially divorcees and widows, into marriage as a refuge from some of the more harsh punishments of the *shari'a*, there could be reversals for girls' and women's education. For example, scholars of northern Nigeria have long noted that early marriage is the reason most girls leave school in their early to mid-teens. However, recently many girls have finished secondary school and put off marriage until 18 or 20 (Werthmann 1999). *Shari'a* law and its preference for marriage may stifle this ongoing transformation in northern Nigeria.

Paradoxically, then, the adoption of Islamic law though ostensibly designed to 'protect' women's rights and educate women may effectively impede women's ability to study and teach the scriptural basis of those rights if women cannot get to school. These laws and Nigerian perceptions of them will no doubt have consequences on all Muslim Nigerian women's personal autonomy. Gains for women may also be possible by making new professions in a sex-segregated economy, such as taxi driver, available to women and by making capital for small businesses more widely available. But the opposite is a more realistic possibility. These laws may just serve to decrease women's personal autonomy by preferring marriage and consequently subverting women's rights as citizens to men's rights as husbands.

At the beginning, northern Nigerian women and men showed support for strict implementation of these laws, but historically strict adherence to *shari'a* has not lasted for long. Even today the dowry example shows that women can quash government initiatives that trod on their sense of dignity and worth. A colleague recently back from Nigeria reports that urban areas like Kano are no longer enforcing these laws. Public transportation in Kano has reverted to accepting both men and women passengers with some effort to seat women together. And when asked about women-only taxis or the enforcement of other *shari'a* laws some Kano residents reply, 'that was during the time of *shari'a*', implying that the time has passed in that city (Gaudio 2002). The sensational cases of Amina and Safiya were adjudicated in small-town and rural areas. These examples indicate that the continued en-

forcement of *shari'a* may be breaking down along urban-rural lines. The nation's capital city, Abuja, may have the final say in these matters as the justice minister has already declared that 'punishment under the [*shari'a*] system was discriminatory and therefore unconstitutional', partially based on sex (Vanguard 2002). The wide scale of the Miss World riots in northern Nigeria shows that many Muslims there will not give in to the Federal Government's notions on gender and religion.

Note

* During Emir Sanusi's reign (1953–63) in the Nigerian state of Kano, *shari'a*-based laws attempted to limit women's movements outside the home, particularly at traditional celebrations, in order to stop the 'deterioration in moral standards', which the mixing of the sexes in public caused. These efforts were short lived but stringently observed for a few years.

References

– BBC News Online. 2000. *Sharia Beating for Motorcyclists*, 10 August.

– Cooper, Barbara. 1995. *Women's Worth and Wedding Gift Exchange in Maradi, Niger, 1907–1989*. *Journal of African History* 36:121–40.

– Cunliffe-Jones, Peter. 1999. *Daily Mail and Guardian*, 15 December.

– Dosara, Ibrahim. 2000. *Nigerian Women Appeal for Husbands*. BBC News Online, 7 November. Gaudio, Rudi. 2002. *Personal communication*.

– Ikyur, Nathaniel. 2001. *Zamfara Govt Expresses Concern over State's Educational Backwardness*. Vanguard Newspaper Online, 10 July.

– Ndiribe, Okey. 2002. *Fuel Price Hike Latest. NLC versus FG: Eyeball to Eyeball*. Vanguard Newspaper Online, 16 January.

– Phillips, Barnaby. 2000a. *Islamic Law Raises Tension in Nigeria*. BBC News Online, 20 January.

———. 2000b. *Sharia State Pays Prostitutes to Quit*. BBC News Online, 7 February.

———. 2000c. *Nigerians Held for Talking in Public*. BBC News Online, 23 December.

– Vanguard Newspaper Online. *Sharia is Unconstitutional – AGABI, JUSTICE MINISTER*, 21 March.

– Werthmann, Katja. 1999. *'Seek for Knowledge, Even If It Is in China!': Muslim Women and Secular Education in Northern Nigeria*. Paper presented at Africa, Islam and Development Conference, 26–27 May, Centre for African Studies, University of Edinburgh, Scotland.

Alaine S. Hutson is visiting associate professor of history at Michigan State University, East Lansing, USA.
E-mail: hutsona@msu.edu