Scalar dimensions of community: the sharia implementation in Nigeria as example

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INTRODUCTION

Although ideas about decentralization and 'community' have gained a dominant position in the development and democratization discourse, I will in this paper argue that there is a weak conception of 'the local' and of 'community' and that there are a host of assumptions tied to the terms that have not really been assessed. Empirical analyses have rarely supported theories arguing that local preferences will be met, and that accountability and participation will increase by 'moving the state closer to the people', as suggested by, for example, the World Bank (2011). The argued positive aspects of decentralization and community development may be less clear cut with an enhanced conceptual notion of scale and of community. Instead of attributing certain characteristics to different scales – as when the local is seen as democratic, 'authentic' and progressive, and the national as ineffective and bureaucratic – a relational conceptualization of scale questions the claimed positive effects of decentralization. Likewise, an alternative understanding of community that critically examines the characteristics of the concept makes 'community development' less straightforward. The community concept is generally seen as rather unproblematic, connoting shared norms or a certain area or place (Agrawal & Gibson, 1999; Blaikie, 2006; Mansuri & Rao, 2004). Here, I propose a relational conceptualization of scale, which questions the inherent positive effects of community-based or community-driven development, making it less straightforward. I also propose a view on scale which does not equate community with 'the most local scale'.

I present a two-fold conceptualization of community. On the one hand, community can be empirically analysed in terms of actors, interactions and institutions, as suggested by Agrawal and Gibson (1999). This means that communities are not confined to a certain scale but need to be contextualized, and considered on the merits of the projects pursued by the different, more or less influential, actors. On the other hand, there is a theoretical aspect of the

concept that relates to Tönnies' distinction between Community (*Gemeinschaft*) and Society (*Gesellschaft*). This distinction highlights issues of authority, logics of practice and suppressive as well as affirmative aspects in different social contexts. But, disconnecting community from scale and instead conceiving it as a social system based on culture, religion and tradition (*Gemeinschaft*), in contrast to Society (*Gesellschaft*) that is connected to the state, public opinion and the market, also makes the focus on 'community development' more problematic. Politics may to a greater extent become structured along identity lines as ethnic and religious issues can be expected to grow in significance when community values are emphasized.

A rather extensive conceptual discussion is followed by an empirical case as illustration. Different community elements with different scalar dimensions are identified in the process when sharia laws were implemented in some states in Nigeria in the early 2000s. A decentralized political system is practised in Nigeria where the federal units have legislative powers and are responsible for the local governments, the third tier of government, as well as for the so-called traditional institutions. In a conflictual process, 12 states decided to introduce sharia laws for the Muslim population. The initiative triggered strong reactions – affirmative ones as well as loud protests. When the sharia proposal came up in Kaduna State – where there is a long-lasting conflict over which groups that can rightfully proclaim the political leadership of the state – thousands of people died in clashes that started in relation to a demonstration against the sharia initiative. It is here argued that there are different features in this process to which a developed notion of community and scale can contribute to a more thorough analysis of the phenomenon.

The paper is in the following organized in four sections. In the first section, it is argued for a relational notion of place and scale; one that focuses on the epistemological aspects of the

concepts. This is followed by a discussion that tries to sort out different aspects of the community concept, making a distinction between empirical and theoretical uses of the concept. In the section that follows these conceptual discussions, the sharia implementation in Nigeria is analysed as an empirical illustration. The last part of the paper is a concluding discussion.

LOCAL PLACE AND SCALE

There is a tendency to imagine 'place' as a territorial unit of *local* relations, in opposition to spaces of *global* relations (Massey, 2004). This is one of the implicit assumptions behind the wave of decentralization reforms during the last decades, which are expected to generate both economic and democratic restoration (Bardhan & Mookherjee, 2005; World Bank, 2003). The distinction between good and benign relations within localities in contrast to bad and external forces stems from the ontological separation of place, seen as 'here' and intimate, and space, seen as 'out there' and intrusive. For decentralization to be effective, the rationale includes a view of the local as a place isolated from other relations. Instead of seeing localities as spatially circumscribed places beyond which the actors have no real influence, we may think of localities as bringing together different scalar dimensions of practices and processes. That is, place might be thought of as a site of situated practices in contrast to ideas of place as context or setting (Amin, 2002:391).

The idea of space and place as separate geographical sites or realms can accordingly be contested and allow for "the ontological presence of both the proximate and the remote at the same geographical level" (Amin, 2002:389). Taylor (1999) defines space as an abstract realm which is politically disenabling, in contrast to place as a lived realm which is politically

enabling and he calls this the 'place-space tension', which to a large extent coincides with Tönnies' (2001) distinction between *Gemeinschaft* and *Gesellschaft.* In Tönnies' account, however, there are different logics determining practices in the different forms of relationships, thus making them both enabling and dis-enabling, but for different issues. I will return to this discussion below, as I argue that this distinction is implicitly present in the discourse of 'the local' while the implications are not assessed.

There are problems with regarding place as 'real', 'grounded', 'lived' and more 'meaningful' than space, seen as abstract. With a relational conception of the world, Massey (2004) argues that our lived reality, which is ascribed to place, is in fact not confined to the local but dispersed in its sources and its repercussions. Space and place should not be understood as antagonistic. Instead, places should be regarded as sites of interaction which are formed by particular articulations of social relations – be they local or connections that stretch beyond the local – and with all connections embedded in complex histories, making places open, porous and hybrid (Amin, 2002; Massey, 1999). What is considered as local is the product of diverse spatial practices. In all, this perspective challenges the idea of place as a territorial unit of local relations in contrast to a space of global relations, where the local place is isolated, possessing some inherent (good) values and as a homogenous sphere with shared interest, attained through deliberation and partnership. Instead, a topological notion of place politics that connects place with space is suggested. This is not to say that changes in the institutional organization of the state do not have implications for the abilities of different actors to pursue their political projects. It would, however, be a mistake to conclude that an ongoing 'politics of scale' where politicians and other actors mobilize around a particular spatial representation means that the *actual* spatial forms of governance are also enclosed within the boundaries of that spatial representation (Allen & Cochrane, 2007). Actors with different scalar significance are engaged in a complex set of social and political practices

which defines a certain space at one point in time. It is, thus, not the case that national actors 'comes in from above', but that national, regional and local actors define a particular space through their practices.

Moore (2008) argues that mistaking scalar categories for ontological objects stems from confusing the categories used by social scientists as actually existing entities, making ontology of epistemology, such that geographical scales become both something actors use for different reasons as well as categories used by social scientists to analyse (the same) processes with. Thus, it is crucial to make the distinction between scale as a category of practice and as a category of analysis – where the former denotes "categories of everyday experience, developed and deployed by ordinary social actors" and the latter represents "experience-distant categories used by social scientists" (Brubaker & Cooper, 2000 in Moore, 2008). Treating scales as sets of practices and discourses also direct our attention to the processes through which specific scalar configurations are produced and reproduced in practice and the effects these processes and configurations have upon social, political and cultural relations. Rather than treating scale as a starting point, the ways in which scale shapes social life is an open question that needs to be empirically addressed. A way to analyse scalar issues is to conceptualize scale as dimensions of events, processes and practices (Mansfield, 2005). This draws attention to the ways in which different scales are produced and given significance at any particular time and/or place at the same time as it captures the intrinsical relationality of scale in that multiple scales are intertwined and work together as relational processes.

COMMUNITY

Although at the centre of contemporary development thinking, the concept of community has been given little reflection. Communities are predominantly conceptualized as territorially fixed, small, and culturally and politically homogenous (Agrawal & Gibson, 1999; Mansuri & Rao, 2004). These characteristics are supposed to be favourable for certain outcomes. Notions about natural resource management connect community to desirable resource use and conservation. Notions about poverty reduction connect community with enhanced sustainability, inclusiveness, empowering poor people, building social capital etc. The propositions of a community having all these effects are, however, not much studied. There seems, on the contrary, to be little evidence of the assumed features of community actually leading to the desired outcomes. As Agrawal and Gibson (1999:636) write in relation to natural resource management: "In fact, some community characteristics considered important to collective action may actually thwart conservation efforts". There are problems with all three ascribed features of community, i.e. those of territoriality, size and homogeneity. The notion that a certain territorially fixed area would have some intrinsic significance is reasonably dismissed with a developed idea about place. Further, small sized groups may have limited ability to defend resources or to influence processes that shape their conditions, and the focus on homogeneity tends to obscure asymmetrical social relations, as well as their scalar dimensions.

I would argue that there is a mix-up of empirical and theoretical uses of the term in the current community discourse. The conception of community as an empirical notion is merged with the analytical concept of community as an ideal typical social system in line with Tönnies' distinction between *Gemeinschaft* (community) and *Gesellschaft* (society). For example, when Ellis and Ter Haar (2007:396) distinguish between different categories of religious resources, they put 'religious organization' on par with how communities are formed and function at the same time as they see 'religious ideas' and 'religious practices' as

two other separate categories. What I argue for is that 'religious organization' should rather be analysed in terms of actors, interactions and institutions and that ideas and practices are the categories that are connected to community as a theoretical concept. A distinction between empirical and theoretical uses of the term can help us understand different aspects of community rather than making assumptions about beneficial qualities.

Actors, Interactions and Institutions

An empirical understanding of community seldom gives a clear indication as to how boundaries are drawn. Ultimately, what is labelled as a community is "often an endogenous construct defined by the parameters of a project, by project facilitators, or by the nature of administrative or identity boundaries" (Mansuri and Rao 2004:8). It is typically seen on par with 'the local'. A focus on actors and interests clearly challenges the notion of community as homogenous, which tends to obscure local structures of economic and social power. There is, consequently, a need to direct the attention to the politics of the local. Decentralization, for example, does not imply that 'the community' gains power at the expense of the central government, but that certain actors and projects may be empowered at the expense of competing ones (Mohan & Stokke, 2000). In line with the scalar discussion above, local interactions also need to be seen as essentially multi-scalar. Different initiatives and processes have different scalar configurations, which may also be contested through the interactions. Institutions articulate power relations that define interactions among actors at the same time as they structure the interactions that take place around different kinds of resources. These are constantly renegotiated, sometimes explicitly, but more often implicitly.

A focus on actors and institutions challenges the essentialism of community that is prevalent in the current community discourse, and makes is possible to concentrate on actual practices

and projects that are more or less inclined to fulfil the objectives of e.g. sustainability, inclusiveness or empowerment. Community in itself gives little help in predicting the outcomes of so-called community-based or community-driven projects. It is necessary to recognize the actual exercise of public authority and modes of governance in local politics, which include not only formal state institutions but also various other actors such as so-called traditional institutions, vigilante groups, religious organizations etc. (Boone, 1998; Lund, 2006), which may assert their legitimacy through certain notions of community and community values. Associations claiming to represent a community are not necessarily inclined to increase the inclusiveness of those living in poverty, and can instead function as a means of exclusion. They may also lack local legitimacy and be dependent on non-local actors for resources (Dill, 2009). The critical point is to recognize that local politics, far from being characterized by consensus agreements in a 'community spirit', is fraught with contestations over local as well as non-local power and resources, both within and among communities, and within which communities are being (re-)produced and defined as categories of practice.

Gemeinschaft

The analytical dimension of the community concept, based on Tönnies' distinction between Community (*Gemeinschaft*) and Society (*Gesellschaft*)[1] as two contrasting systems of collective social orders, provides a framework for analysing different kinds of social formations, forms of authority and actions.

While Community refers to an ideal type of group whith intrinsic and non-logical values which rest on affective and emotional elements, Society stands for deliberately formed associations in support of rational achievement of mutual goals.

There are two different logics guiding people's actions, generating two different kinds of social systems. Practice is, according to Tönnies, guided by 'natural will' (*Wesenwille*) in Community relations. He identifies three different forms of natural will: preference, habit and memory, which are all related to previous experiences and, thus, the natural will establishes a close connection between Community and traditionalism. The natural will resembles Bourdieu's (1990) notion of *habitus*, which denotes the internalized norms and understandings which make people act and respond in certain ways. Just as *habitus* guides a person on how to act in different situations, and generates the individual's common sense behaviour, natural will makes thought and action one and indivisible. As pointed out by Tönnies (2001:96), decisions tend to be unreflective. In Society, practice is guided by 'calculative will' (*Kürwille*), which involves calculation, unfettered freedom and rational choice. Thus, calculative will needs to be understood with reference to developments in the future. It is concerned with rational calculation and is the product of thought. Tönnies also specifies three different forms of calculative will: deliberation, unfettered choice and conception. These are all forward-looking and concern issues such as weighing opportunities and unpleasant experiences against each other. Calculative will, unlike natural will, precedes action and cannot be seen as part of the activity.

There is a tendency to associate the local with Community and the global with Society, though seldom explicitly. And when this tendency has been recognized, it has been interpreted in accordance with Society logic only, as in the case with the 'space-place tension' (Taylor, 1999), referred to above. The different logics guiding practice in the different types of relationships have not been recognized, and neither have the tensions these different types of relationships give rise to. Many of the values advocated in decentralization theories and in notions of the local are attached to Community, while issues relating to politics and decision-making are part of Society. Mutual understanding and

consensus is the norm in Community and people are driven by sentiment and conscience. Acts are more expressions of attitudes than they are means to an end and attention is directed inwards, towards the centre of Community. These characteristics make Community endure. Society, on the contrary, is characterized as a loose relationship where the individual is atomized. It is instrumental and based on convention, in the form of political legislation. People are driven by ambition and consciousness. Interest is directed outwards, with a focus on communications etc.

A central aspect of the distinction between Community and Society is the contradictory forms of authority. Patriarchy is the foundation of authority in Community (Tönnies 2001:24-27, 30-32, 43-45), and the idea of a paternal authority is transferred to that of community leaders and it forms the basis for claims of a historically rooted authority:

> it is this paternalistic authority … that is particularly significant for the conceptual approach to *history* … Faith in the natural authority of an eminent house persists; it is regarded as noble and aristocratic even when the grounds for this belief have died away. It was rooted in the respect for the ancient and noble lineage which links the clan chief, whether in fact or in fiction, with the *common ancestor* of the clan in direct and unbroken descent. This seems to assure him as being of divine origins and therefore an almost divine authority. (Tönnies, 2001:43, italics in original)

The so-called traditional institutions in African countries may not always be so traditional, as they are constantly negotiated and reconstructed over time. Usman (2006) has for example shown how some colonial and post-colonial elements have been taken to represent 'the traditional society' in northern Nigeria. He argues that what is believed to be traditional society is often features of particular societies under colonial rule. But even if communities are 'fictive' or 'imagined', it is the way in which people perceive their relations that is of importance. Authority in Society, conversely, rests with public institutions with specialized

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functions, where the state is the most general and universal embodiment of Society (Tönnies, 2001:234, 236). This follows from the fact that control belongs to the individual in Society and it is transferred to the state by convention. Everyone is regarded as equal and Society in itself is all-embracing and universal in its character. This in contrast to Community, where control is vested in the whole over its parts in the form of "the visible embodiment of the invisible whole" (Tönnies, 2001:193). This embodiment, which corresponds to the state in Society, is the one who fulfils the role of the patriarchal authority. Tönnies (2001:189), furthermore, contends that the control is expressed in family law, as an expression of the right of the community over its members.

Studies have come to the conclusion that the power of so-called traditional authorities has been strengthened by decentralization. They have been given greater freedom to pursue their agendas, and decentralized governments tend to depend on traditional authorities to implement regulations. Studies have also shown that traditional leaders are the ones mediating conflicts and controlling access to resources (Andrae, 2010; Bene et al., 2009). Increased focus on community and decentralization seems, accordingly, to strengthen Community authority at the expense of public institution and parliamentary politics. It would, however, be misleading to regard the relationship between Community and Society as a zero-sum game, where, for example, increased modernization automatically means fading traditionalism or vice versa. We can, on the contrary, in many cases see traditional values being strengthened in processes of economic and political modernization. The two types of socialities coexist and a social group can for some be seen as Community and for others as Society, depending on perspective. The ideal types are two aspects of all human group life, not two different kinds of group life (Gusfield, 1975).

Deliberation is the style of thought in Society as it is connected to the calculative will. In Community, conscience takes the corresponding role. Shame or modesty is, furthermore, the most profound form of conscience and it restricts people and makes them reluctant to voice certain thoughts or ideas (Tönnies, 2001:157, 162). 'Community participation' may, thus, make it difficult to voice demands. In addition, the logic of homogeneous communities entails little incentives for participation, since the whole community is seen as sharing interests vis-à-vis 'the outside' or 'higher levels'. This fits well with community leaders as the embodiment of the community and the (more or less) legitimate representatives of a group. In Society, however, people's acts are means to an end, fulfilling certain objectives in line with individual ambitions and goals. Thus, participating in and trying to influence political projects and processes may be a way to achieve this. How to get people to do that is a question which directs our attention to interactions and institutions, that is, the empirical perspective of community. In that endeavour, Community norms may constrain, rather than help, popular participation (Dill, 2010).

There is, in short, a need to recognize the multidimensional aspects of the community concept, as Ostrom (2001) writes concerning gendered community relations. When community is seen as imposing traditional values and ways of life on members, then the presence of community can be viewed as itself oppressive for women. If, on the other hand, community is viewed as a protection against the inequality fostered by market relations, then community may be a mechanism for shielding women against unfair practices and exploitation. Community comprises both these aspects and there is an inherent tension between the two which needs to be recognized. In general, only one of the two aspects is acknowledged; in the present discourse on development and democratization the affirmative aspects are prevailing at the expense of the suppressive aspects.

SCALAR DIMENSIONS OF COMMUNITY IN THE SHARIA ISSUE IN NIGERIA

I will illustrate the argument with an empirical example about the introduction of sharia laws in Nigeria in the early 2000s. The issue came up in Zamfara State in northern Nigeria when the governor, Ahmed Sani, announced a criminal code based on sharia to be implemented. Many Muslims in the north of the country were enthusiastic over the sharia initiative, and eleven other states in the north soon followed the example and started their own sharia processes. Even if some governors in those states were reluctant to implement the Islamic laws they appeared compelled to do so by popular and religious leaders' demands (Weimann, 2007). I will make particular references to Kaduna State, where the issue caused tension due to an on-going conflict between Hausa Muslims and different Christian ethnic groups as to the political control by the of the state (Angerbrandt 2011). The Christian groups, who make up about half of the population, claim long-lasting marginalization by the Muslims.

Tradition and 'Authenticity'

The justification for the laws was primarily based on the notion that it was a correction of the colonial decision in the 1950s to rewrite the penal code – formerly based on the sharia – based on the English legal system. Thus, the sharia was portrayed as the 'true' or 'indigenous' legal framework that had been subverted by the British. Now, people in northern Nigeria, it was said, would be governed according to their own norms and customs again. It was described as an internal Muslim matter of restoring the values and norms that had been destroyed by external elements in the name of modernization. Other groups, however, felt anxiety about references to 19th century *jihad* and the Caliphate as it is associated not only with religious purification but also to Islamic expansionism and a state formation built on

Islam. The sharia was then perceived as a step in that direction and there were voices that warned of the 'Islamization' of Nigeria (Human Rights Watch, 2004).

The references to a more 'authentic' society alluded to the time when the Sokoto Caliphate was established in northern Nigeria, as it was the base for the sharia legislation until 1960. But the importance of the references to the Caliphate and *dar al-Islam* is by Last (2008:47) seen not just as a matter of history but that the concepts represent ideals, which may not necessarily be products of accurate and detailed memory. Political elites in Nigeria are, furthermore, organized along regional lines and the northern region is to some extent religiously cohesive, even though some places are highly contested as to who forms the majority and who 'owns' the place. One reason for why the sharia issue was taken up so quickly in other states is the perceived unity among people in the area. It should, however, also be recognized that the implemented laws in some aspects differ between the states according to local negotiations and concerns (Ludwig, 2008; Suberu, 2009). So even though there are 19 states in the north, which for example seek common grounds in associations like the Northern Governors' Forum, there were only 12 implementing sharia laws. In some states, e.g. Borno, Yobe and Gombe, with a majority Muslim population but not sharing a pre-colonial state formation, there were hesitation to the initiative as it was largely seen as a Hausa-Fulani project (Weimann, 2007). The sharia issue, nevertheless, served to emphasize internal cohesion among northern Muslims, but at the same time to highlight differences with those outside the Muslim community, which corresponds well to Tönnies' notion of Community as a closed social system where the members direct their attention inwards, in contrast to Society as an open social system that strives to include as many as possible. In relation to earlier debates on sharia, it has been argued by Ibrahim (1991) that the issue has an 'ecumenical' effect; internal differences and conflicts are subsumed and a common ground is established against non-Muslims.

Logics of Practice

The references to religion and tradition and the instinctive reaction among most Muslims to applaud the initiative firmly root the issue in a logic of practice associated with Community. Muslims who were raising questions about the sharia implementation were thrown suspicions on as not being faithful Muslims (Harnischfeger, 2008:205-206). The sentiments among both Muslims and non-Muslims tended to be non-negotiable in character, pointing to the support or dismissal of the proposal being more an act of expression of attitudes than a means to certain ends. The expressive motivation for the idea seemed to be dominating – both for people who supported and for those who opposed the initiative – even though there were arguments that the sharia legislation would create a more secure and corrupt-free society, which can be considered as instrumental traits. Of course, some also had instrumental ambitions with the question, perhaps especially among politicians that took advantage of the situation to boost their popularity. The way the issue developed when it was picked up in other states points to the issue being a means for a northern-based political elite to make themselves relevant in a situation where the presidential power had been shifted to a southern-based Pentecostal 'born-again' Yoruba (Obadare, 2006). The issue was, furthermore, not picked up in any of the southern states that have a substantial part Muslim population, which indicates non-religious aspects having importance. Parsons (1973) contends that the same person stands in a plurality of Community relations, which means that claims of anyone are limited by the potentially conflicting claims by others and that there is a hierarchy of values deciding which obligations to adhere to. In south-western Nigeria, most Muslims are Yoruba, which is a religiously mixed group – also within families. Religious sentiments have tended to a have secondary importance to ethnic positions. Yoruba have, for that reason, at times functioned as a mediating factor in national conflicts where the opposing parties have been religiously defined (Ibrahim, 1991). In the sharia issue,

a decentralized legal system made Community sentiments available as basis for national political contestation and it triggered a debate about the status of the federal states. National politics was set regionally and the central branches of the state were unable to take control of the course of events. Community mobilization was used as a means for reinforcing the states' power at the expense of the central government. The federal government did not challenge the sharia implementation in the states constitutionally (Elaigwu & Galadima, 2003) and the 'autonomy' of the states was, thereby, strengthened. The issue, nevertheless, took dimensions probably not anticipated by the Zamfara governor when it spread to other states (Harnischfeger, 2008:188-189), even though it was indeed an issue that was recognized as non-local in character. But even if the sharia from the beginning was a political initiative – it was not primarily a demand from religious groups – the issue soon exceeded that sphere. The promise for sharia was by many also perceived as a promise for a less artificial society where religion determines and limits practice; where self-interest and greed are discarded.

Despite numerous proclamations that the sharia would not affect people outside the Muslim community, the initiative caused indignation among many non-Muslims, locally as well as nationally and globally, but for different reasons. Christians in the sharia states were afraid of being marginalized in a situation where the state was perceived as being 'Islamized'. People with diverging norms and customs claimed they would be dominated and without opportunity to equal treatment. The proposal was particularly intricate in Kaduna State as there is a lasting conflict between Hausa Muslims and different Christian ethnic groups mainly based in the southern part of the state. Both Muslims and Christians claim to form the majority of the population and to be the rightful 'owner' of the state. This conflict has resulted in outbreaks of violence at several times since the 1980s and violence erupted also this time in relation to demonstrations for and against the sharia proposal. Eventually, sharia

laws were put into practice also in Kaduna State, but also new customary courts in areas where Muslims are not in a clear majority. The governor did also create new chiefdoms in the southern part of the state as well as upgrade some of the already existing ones. It was argued that the basis for the reform was to strengthen Community authority: "Sharia and customary courts would be put in place across the state on the basis of need to handle matters on the basis of faith, norms, customs and traditions of our people" (Gov Makarfi radio and television broadcast October 11, 2000 as advertorial in *Weekly Trust*, October 20-26, 2000). Furthermore, religious leaders are now conferred with in a wide range of issues by the government (Hayab, 2008; Makarfi, 2007). The 1970s and 1980s included national debates about the status of sharia in relation to constitutional review processes due to demands from Muslim representatives from the northern part of the country to have a federal sharia court of appeal, complementing courts in states practicing sharia family law (Ibrahim, 1991:130-131). Those demands differed in that the concern was for a federal sharia court to be established, thereby having regionally and nationally integrated sharia civil laws. Thus, expressions of Community are not considered as local concerns, but recognition is called for nationally. This would also tie Muslims in the northern and southern parts of the country closer together, despite ethnic differences. Tönnies regards religion and public opinion as the basis for the different moralities in Community and Society, respectively. While religion has its own set of norms, public opinion is the aspiration to lay down universally valid norms, based on the insight into the rightness of the doctrines it recognizes and accepts (Tönnies, 2001:241).[2] The sharia issue illustrates the tension between the two conceptions of morality as the issue gets legitimacy on religious grounds rather than on an aspiration for universally agreed norms. However, we can also interpret the sharia advocacy as an attempt to turn religious norms into public opinion, that is to argue for the applicability of sharia in contractual terms, for example as an aspect of religious freedom. But again, there is the element of particularism in religion, which is alien to Society as an organizing principle.

Authorities and Institutions

Community authority was strengthened in Kaduna with the introduction of not only sharia courts but also new so-called customary courts in areas with non-Muslim majorities with the argument that each group should be governed according to their own norms, customs and traditions. With an institutional approach to community we can see a situation where power and resources are transferred to institutions where religious and so-called traditional leaders gain authority at the same time as elected officials disclaim (full) responsibility for certain issues. Strengthened accountability may thus actually be harder to achieve with a focus on community as shared norms and customs; people are dependent on the benevolence of the authorities as they can do little to hold the rulers accountable. This is also why appointments of the traditional rulers often are conflict-ridden processes that lead to violence, which repeatedly has been the case in southern Kaduna. A typical example is found in Rumaya chiefdom in Kauru Local Government that was upgraded in 2001 and now has a so-called District Head. When the District Head died in 2007 there was a conflict considering who should be the successor. After one candidate had been given the position in 2008, the conflict escalated into violence. The people that opposed the candidate now call for their own district (Mallan, 2009).

The sharia case is an example of Community politics, but perhaps not the kind in mind of the advocates of the community focus. Norms and customs in Community do not favour the values sought for in decentralization and community based programmes; these are primarily connected to the logic of practice in Society. There are, however, also elements of protection and security in Community, as identified by Ostrom when stressing the two sides of Community. In the sharia debate this dual character has been manifested in that opponents have pointed to discriminating practices associated with religious customs, while the

proponents have argued that sharia laws would result in increased security and reduced

corruption, and a critical element of the sharia introduction was, consequently, that it would

affect local social relations (Dlakwa & Tagi, 2005:146; Last, 2008). A complicating factor for

the federal states is that even though they have the authority to pass laws and establish

courts, the police force is assigned as a federal institution according to the constitution. The

police are, however, expected to enforce both federal and state laws, but its capacity and will

to enforce sharia legislation has been questioned. As a response, the sharia states have been

sponsoring so-called *hisba* groups to enforce the sharia. These groups have been compared

to vigilante groups and they act primarily to monitor and enforce public morality. More

spectacular sentences as stoning, amputation and execution have rarely been carried out,

but *hisba* groups act on their own to break up wedding ceremonies where music is played,

making sure men and women travel in separate vehicles etc. (Adamu, 2008; Last, 2008).

There is, however, little evidence that the sharia implementation has resulted in major

societal changes. A review of reported cases also shows that there have only been a handful

cases related to physical security and corruption; in the latter case there are only low and

medium-ranking officials that have been sentenced. The majority of cases relate to theft and

sexual offences and perhaps the most notable effect of the judicial practice has been to

confirm and strengthen male dominance (Weimann, 2007, 2009). But the sharia introduction

can, furthermore, be seen as part of global processes where the Nigerian case is linking up

with a practice of religious resurgence in the public sphere (Hackett, 2005). This dimension

includes a conception of a global Muslim community, the *ummah*, of which all Muslim

believers are part. Local practice as well as norms and customs are, thus, constantly

contested and reproduced as part of and in relation to events and processes in other places

(and spaces). The question did not have its origin in a confined territory as it was an issue

that had triggered heated debates before (Ibrahim, 1991), thus being predictable in its

controversy. Neither were its consequences limited to the Zamfara State territory. Eleven

other states decided to follow the example, trigging different reactions. In Kaduna State, the relations and connections are clearly different from many of the other states and the suggestion to implement a sharia penal code was highly controversial due to the tense relations between Hausa Muslims and Christian minority groups. Clashes started in relation to a demonstration against the sharia in which thousands of people were killed. Community may generate enemies – internal as well as external. Violence in Community is direct and without consideration of consequences. In Society, enemies do not exist in the same sense; conflict is the normal state of relations, but since people in Society are 'abstract' or 'artificial', friends and enemies exists only in relation to the goals that are strived after. Conflicts in Society should thus rather be thought of as (market) competition (Asplund, 1991:70-76; Tönnies, 2001:126-127).

CONCLUSION

This paper has suggested a conceptualization of community that goes beyond vague ideas about a confined local place with shared interests. Recent developments in theorizing place, space and scale have been merged with a notion of community that emphasizes the need to contextualize communities in wider social and political processes. A relational approach to place and scale reveals that there is little reason for ascribing certain features to areas or different scales, e.g. the local. Instead, places bring together particular fusions of influences and connections – some more proximate than others – and scales should be regarded as social configurations that have different importance and relations in different processes. It is, furthermore, argued that the idea of community as connected to 'the most local scale' is both empirically and theoretically tenuous. Instead of making assumptions about some features of communities, an empirical focus on actors, institutions and interactions is argued for. This makes it possible to emphasize aspects such as power, gender and other more conflict-oriented notions that not only structures communities, but also highlights the

heterogeneity of communities. It has, furthermore, been argued for a theoretical notion of community based on Tönnies' distinction between Community (Gemeinschaft) and Society (Gesellschaft) as two distinct forms of socialities, which have different logics of practice, values and principles. Where the former is connected to perceptions of identities and belonging, the latter is about attaining rationally set up goals.

Community is thus not a neutral concept that comes with certain good and virtuous values, beneficial for democratic development as sometimes portrayed. At the same time as communities provide shared norms, affinity and security, there are also repressive practices with reference to tradition and religion that make people less disposed to participate in different projects and to voice political demands. There are also conflictual aspects of community such as when community sentiments are being mobilized in politics, as the sharia issue in Nigeria is an example of. Parallel with enthusiasm from community members, opposition is to be expected from people outside that community as it is seen as particularistic, that is, not in line with the aim for universally agreed norms based on rational calculations in Society. People then tend to regard themselves as excluded for belonging to a different community, which creates resentments that go beyond the dissociated way of thinking in Society.

Some preliminary observations in the sharia case in Nigeria has exemplified ways in which an alternative approach to scale and community can generate more multifaceted interpretations of political processes, not downplaying one scalar dimension in favour of others, and how a more developed notion of community can help us understand both group conflicts and the ways in which some authorities and institutions gain influence in certain processes. When the sharia came up as an issue, internal cohesion among northern Muslims was emphasized at the same time as differences with non-Muslims were highlighted. By

referring to tradition and historical governing structures the issue also raised the matter of which group that should be considered the 'owner' of different places. The sharia is an issue where support or resentment is connected to an expressive motivation according to a Community logic rather than being negotiable in character. Community authority – based on certain ideas about tradition and authenticity – was strengthened in the process as religious and so-called traditional leaders were recognized by the government as the ones who are representing people.

In sum, there is need to recognize the multidimensional aspects of the community concept. Vague ideas about community as homogeneity or as a small place are not going to help, no matter how sympathetic the aim of strengthening grassroots capacity may be. In some ways there are shared norms and values in a community, but this should not automatically be interpreted as homogeneity in general. There are different interests and relations in communities that are critical from a social, economic and political perspective. Furthermore, at the same time that community provides some form of security and protection, there are oppressive practices in community with reference to tradition and religion. The idea of community as a territorially fixed area that have some intrinsic values is, moreover, discarded with a notion of place as a site of interactions where different scalar dimensions are present rather than as being a setting that is closed and unaffected by wider relations. Communities may, thus, also be stretched in space and not confined to a certain place. That is, community cannot be seen as only local, but as having different scalar dimensions.

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[1] Community and Society are not exact translations of the *Gemeinschaft* and *Gesellschaft*, respectively, as the German terms have wider connotations. *Gesellschaft* have also been translated as 'Association' and 'Civil Society' in English versions of Tönnies' book.

[2] Of course, this by no means guarantees the actual rightness or justice of the doctrines. As Tönnies (2001:256) puts it: "Public opinion moves easily from demanding freedom (for the upper classes) to calling for measures of despotism (against the lower)".