

Law, Religion and Reconciliation in Africa



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22 “WE DON’T WANT BOKO HARAM INSURGENTS BACK!”: OPERATION SAFE CORRIDOR (OSC) AND THE PROBLEMATIC OF FORGIVENESS IN ISLAMIC JURISPRUDENCE

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“Forgive others and you will be forgiven. Allah is to us the way we are to His servants.”

– Prophet Muhammad

“Forgiveness is more beloved to Allah than vengeance, mercy is more beloved to Him than punishment, grace is more beloved to Him than justice, and giving (of gifts) is more beloved to Him than withholding.”

– Ibn al-Qayyim: *Madarij al-Salikin Madārij al-Sālikin* 1/228

“The weak can never forgive. Forgiveness is the attribute of the strong.”

– Mahatma Gandhi

“To forgive is to set a prisoner free and to discover that the prisoner was you.”

– Lewis B. Suedes

“You will always be fond of me. I represent to you all the sins you never had the courage to commit.”

– Oscar Wilde, *The Picture of Dorian Gray*

Whereas Nigeria’s contemporary history is circumscribed by conflicts and tensions between and among its various nationalities and societies, the birth and constant emergence of insurgent groups within its polity has remained unarguably one of the most challenging threats to its existence. Coming decades after the Maitasine riots in Kano,² the Boko Haram insurgent group has threatened not only to asphyxiate the Nigerian state, but also sought to establish its own version of Islamic state across the West Africa region.³ Since its emergence in the year 2009, the battle to rein in the activities of the group and stop its egregious acts of terror, including unwarranted

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2 On this point, see Adesoji AO. 2011. “Between Maitatsine and Boko Haram: Islamic Fundamentalism and the Response of the Nigerian State”, *Africa Today* 57(4):98-119; Isichei E. 1987. “The Maitatsine Risings in Nigeria 1980-85: A Revolt of the Disinherited,” *Journal of Religion in Africa* 17(3):194-208.

3 Oladosu AA. 2019. “The Loyal, the Disloyal and the Subject In-Between: Plural Modernities in Modernizing States” in Adesanoye FA (ed). *Plural Modernities in Modernizing States*. Ibadan: Nigeria Academy of Letters.

killings of innocent civilians,⁴ kidnappings of women and young girls,⁵ destruction of properties and forceful introduction of children into violent campaigns,⁶ has attracted and continue to attract global attention.

Close to two decades after it has deployed its military arsenal to combat the Boko Haram insurgency in the northeastern parts of the country, the Nigerian state recently realised that its counterinsurgency programmes appear to have “failed”,⁷ since it has not succeeded in putting an end to the activities of the group in northern parts of the country. It therefore needed to launch a programme, code-named Operation Safe Corridor (OSC), to attract members of Boko Haram who may desire to leave the group. This was done in addition to other deradicalisation programmes introduced across northern Nigeria,⁸ with the goal of rescuing Nigerian youth from the stranglehold of insurgent groups.

The purpose of this chapter is to situate the OPS against the concept of forgiveness in Islamic law and jurisprudence. It premises its discussion on the discovery of a former Boko Haram fighter in a correctional centre in Adamawa in northeast Nigeria. It yokes data sourced from Islamic history with a critique of the whole idea of forgiveness, particularly when the voices and feelings of victims are muted and discountenanced. Whereas forgiveness in Islamic law and jurisprudence is an attribute of the Almighty, a virtue and possibly even a legal obligation, the conclusion of the chapter that since Islam recognises rights of victims to seek retaliation, appropriating such rights by states in the West Africa region becomes a “sin” and a disincentive for genuine reconciliation.

4 According to Global Centre for Responsibility to Protect, more than 35,000 fatalities have resulted from the egregious activities of the Boko Haram insurgency in 2009. For more, see: Global Centre for Responsibility to Protect. 2023. “Nigeria”, globalr2p.org, 31 August.

5 The world would never forget the inglorious kidnapping in 2014 by Boko Haram of a group of 276 secondary school girls from Chibok, a town in Borno State, Nigeria. Some of them were sold into slavery, some were forced into early marriage while others were killed in their attempt to escape from the Boko Haram gulag. For more on the fatalities that have resulted from the insurgency, see: Oyewole S. 2016. “Rescuing Boko Haram’s schoolgirl victims”, *New Zealand International Review* 41(1):25-28. On the abduction of Chibok girls, see “Nigeria: Nine years after Chibok girls’ abducted, authorities failing to protect children”, *Amnesty International*, 4 April.

6 O’Connor R, Betancourt TS and Enelamah NV. 2021. “Safeguarding the Lives of Children Affected by Boko Haram”, *Health and Human Rights* 23(1):27-42.

7 Knoechelmann M. 2014. “Why the Nigerian Counter-Terrorism policy toward Boko Haram has failed: A cause and effect relationship”, *International Institute for Counter-Terrorism (ICT)*, Working Paper 32.

8 Glazzard A. 2022. “Disengaging and Reintegrating Violent Extremists in Conflict Zones”, *Peaceworks* No. 187, United States Institute of Peace. See, especially, the section “Nigeria: Deradicalization and the State”.

OPERATION SAFE CORRIDOR: THE CONTEXT AND THE CONTESTS

At least two major reasons are behind the Federal government of Nigeria's decision in 2016 to launch Operation Safe Corridor (OSC) for the deradicalisation, rehabilitation and reintegration of repentant Boko Haram fighters back into Nigerian society.⁹ The first was based on a strategic review of the counterinsurgency activities of the Nigerian government that had spanned more than a decade. In other words, OSC was created consequent upon the realisation that victory over the Boko Haram insurgency that began in 2009 would remain a mirage, insofar as military tactics continued to be deployed as the sole strategy of engagement with the group. The exploration of other non-military counterinsurgency approaches, including the establishment of the OSC, became a categorical imperative.

The second reason, strategically complementary to the one above, is the fact that some of the Boko Haram recruits were desirous of exiting the group for various reasons, including their awareness of the unrealistic goal of the movement, increased feelings of vulnerability and threats of insecurity for their families, disagreement with the insurgent's violent methodology and lack of material gain despite long years of service to the group. For some, there was a necessity to set themselves free from an insurgency to which they were, in the terms of the late postcolonial scholar, Edward Said, "affiliated",¹⁰ and by choice but by compulsion. OSC was, therefore, established with the sole objective of targeting low-level Boko Haram recruits, regardless of the group with which they were affiliated, the two main groups being Jama'tu Ahlis Sunna Lidda'awati wal-Jihad (People Committed to the Propagation of the Prophet's Teachings and Jihad, and JAS) and Islamic State in West Africa Province (ISWAP).¹¹

Public opinions regarding the establishment of OSC by the Nigerian government have understandably been eclectic. Whereas a section of the Nigerian populace expressed approval of the decision, others have been extremely critical.¹² Speaking on behalf of the muted voices of victims of the insurgency, a majority of whom had borne the brunt of the egregious actions of the Boko Haram insurgency for more than two decades, these critics have argued that the decision to send the Boko Haram recruits back into the society was not only insensitive, but was tantamount

9 One of the earliest studies of this programme and from which this paper benefitted a great deal is that of International Crisis Group. For more on the group's assessment of the execution of the programme in Northeast Nigeria, see International Crisis Group. 2021. "An Exit from Boko Haram? Assessing Nigeria's Operation Safe Corridor", Crisis Group Africa Briefing No. 170, 1-15.

10 Said EW. 1983. *The World, the Text, and the Critic*. Cambridge, Mass.: Harvard University Press, 24.

11 On the different insurgent groups in Nigeria, see Barkindo A. 2023. "Boko Haram-ISWAP and the Growing Footprint of Islamic State (IS) in Africa", *Counter Terrorist Trends and Analyses* 15(2):12-17.

12 For more on this, see: International Crisis Group (ICG), "An Exit from Boko Haram? Assessing Nigeria's Operation Safe Corridor", Briefing 170. Brussels: International Crisis Group, 3-4.

to subjecting the victims to second-degree trauma and terror. For the vast majority of victims of the Boko Haram insurgency, no act of forgiveness or restitution can remedy the sins produced by terror and terrorism.¹³

Only recently, the question of the possibility of forgiveness of the acts of terror perpetrated by the Boko Haram achieved a very high degree of urgency in Nigeria when the identity of a former Boko Haram fighter, Wilberforce Yohanna, who had hitherto secured employment in a correctional centre in Adamawa State, northeast Nigeria, was discovered. One of the reports stated, "While on training, he was found to be more versatile in the use and operations of firearms. Upon further interrogation, he confessed to having been abducted and held hostage by members of the Boko Haram for two (2) years".¹⁴ He also confessed to having received training in heavy weapons handling from a Boko Haram base before he escaped their custody.¹⁵

Apart from blurring the lines separating the known from the unknown about the religious demographics of the insurgents such that discourses of the Islamic agenda hitherto propagated by the group become trite and recondite,¹⁶ Yohanna's story, arguably that of an involuntary, secondary perpetrator, makes the contemplation of the whole idea of forgiveness a categorical imperative. His story is very instructive, particularly in regard to the way it illustrates the inherent problematics in the linear process of crime or sin (*Ithmu*), forgiveness (*Istigfār*), restitution (*ta'awīd*), and reconciliation (*Muṣālaḥa*) for the perpetrator *qua* criminal, the victim (both the individual and society) and witnesses (the society). It also raises the following questions for our contemplation: Exactly what constitutes sin in Islamic jurisprudence and how has the law constructed its antithesis, namely penitence and forgiveness? Is forgiveness a virtue or a legal obligation? What arguments are there, if any against forgiveness and how could Islamic legal provisions enervate, if not completely obliterate them? What are the principles guiding restitution and reconciliation both for the perpetrator and the victim and

13 ICG, "An Exit from Boko Haram?".

14 Adayemi I. 2022. "Investigation: Inside Details of How Ex-Boko Haram Fighter Became Prison Official" in *Premium Times*, 9 July.

15 Adayemi, "Investigation".

16 Here reference is to the initial claim of the Boko Haram insurgent group to introduce Islamic law, rid northern Nigerian of innovation and establish their so-called Islamic State in the West African region. The assumption on the path of both local and international observers was that the group was largely populated "Islamic zealots and votaries who were well grounded in the fundamentals of Islam and were desirous to give free reign to Islamic orthopraxis. It has since been discovered that the group consisted of sizable number of elements who were not Muslims but were attracted to join the insurgency by its promise of "heaven on earth". For more on the metamorphosis of the Boko Haram discourses, see "The Popular Discourses of Salafi Radicalism and Salafi Counter-radicalism in Nigeria: A Case Study of Boko Haram", *Journal of Religion in Africa* 42(2)(2012):118-144; Umar MS and Ehrhardt D. 2020. "Endgames: The evolution of Boko Haram in Comparative Perspective", in Mustapha AR (ed). *Overcoming Boko Haram: Faith, Society & Islamic Radicalization in Northern Nigeria*. London: James Currey, 277-303.

how do these find application in the circumstance of former Boko Haram fighters such as Wilberforce Yohanna?

THESIS AND ANTI-THESIS: DEFINING FORGIVENESS THROUGH SIN

Working on the notion that forgiveness is a "solution", I argue that all discourses that target its exploration should most likely begin by focusing on the "problem", not the solution – that is, on its antithesis, namely sin, not the thesis, namely forgiveness. Thus, I propose, in line with philosopher Robert Simon that sin remains unarguably one of the most "controversial problem(s) of human thinking" across cultures and civilisations.¹⁷ This is partly evident in its unresolved ironies and homologies that, among other manifestations, call attention to "the mystery of evil, the longing for justness bound up with theodicy, the strange twin of free will and predestination not excluding but depending on each other and the transitoriness of human life being rooted in history and betrothed with birth and death".¹⁸ The seeming imponderability of sin is equally axiomatic in the dissonance in religious traditions over whether, contrary to Islam, there is such a thing as the "original sin" that is espoused by and foundational to Christianity.¹⁹

The notion that sin is an enigma is equally evident in the way it connects the sphere of *the* divine, *qua* sacred, with the human. In other words, for an act to become sinful and consequently warrant penitence and forgiveness, two conditions must be satisfied. First, it must be deemed to be an infraction of the domain or the will of the divine. It should also constitute the iniquitous perversion, at the terrestrial level, of the celestial prescriptions and injunctions of the Almighty God relating to His creatures. Thus the "chemistry" of sin and the "metaphysics" of sinfulness, if as such it may be described, find expression at that intersection where the authority of the sacred comes in contact with the frailties and infirmities of human beings, where compliance with the divine will is negotiated, contradicted and inflected upon by His creatures – entities imbued with the freewill to choose righteous or unrighteous conduct. An Egyptian text alludes to this symmetrical relationship thus:

God is ever in his perfection,
Man is ever in his failure.
The words man say are one thing,
The deeds of the god are another.
Do not say: "I have done no wrong"
And then strain to seek a quarrel;
The wrong belongs to the god,

17 Simon R. 2003. "Natural History of Sin: Remarks on the Origins of Sin in Judaism, Christianity, and Islam", *Acta Orientalia Academiae Scientiarum Hungaricae* 56(1):2.

18 Simon, "Natural History of Sin", 2.

19 Fitzpatrick J. 2009. "Original Sin or Original Sinfulness?", *New Blackfriars* 90(1028):458-473.

He seals (the verdict) with his finger.
 There is no perfection before the god,
 But there is failure before him.
 Do not sheer with your tongue;
 If a man's tongue is the boat's rudder,
 The Lord of All is yet its pilot.²⁰

Given the above analyses, the second major conception of sin that may be proposed becomes pertinent, namely, that for an act to be deemed sinful, the sinner must experience a sense of guilt for the conduct. In the absence of guilt-consciousness, sin takes on the garb of virtue and the search for penitence or forgiveness consequently becomes nugatory. In other words, where an act constitutes an infraction of the divine will or a sin, until it is seen as such by the sinner, the search for forgiveness is put in abeyance.

In Islamic legal or jurisprudential tradition, sin is known and referred to as *al-Ithmu*: "perversion (in words or action) of the divine will; an act of misconduct that could warrant divine retribution".²¹ Its recognition as such usually leads to *al-Dhamb* (sense of guilt). According to the popular Muslim jurist and polymath, Ibn al-Qayyim, whereas both *al-ithmu* and *dhamb* are metaphors for both conscious infraction of the injunction of the Almighty in regard to the failure to discharge a divinely ordained obligation and the voluntary infraction of one of His prohibitions, both categories are, however, different from a third construct, namely *al-'Udwān*. The latter refers to the willful transgression of a lawful act, such as marriage to more than four women at a time.²² Without prejudice to the opinion of the popular polymath and Quranic exegete, Jalal al-Din al-Suyuti, who opines that acts or conducts whose infraction may constitute sins (*Haram*) in Islamic law are not less than five hundred in number,²³ Muslims hold that at least ten of such prohibition are counterfoil to the ten commandments given to Moses in the Bible. Of relevance in this instance is the injunction Allah in the Quran that reads:

And do not kill anyone whose killing Allah has forbidden except for a just cause. And whoever is killed wrongfully (intentionally with hostility and oppression and not by mistake), We have given his heir the authority [to demand Qisaas, Law of Equality in punishment – or to forgive, or to take the Diyah (blood money)].²⁴

20 Cited in Simon, "Natural History of Sin", 8.

21 Quran 4:48.

22 Al-Jawziyah IQ. 2003. *Madārij al-Sālikin bayna manāzil iyyāka na 'budu wa-iiyāka nasta 'in by Ibn Qayyim al-Jawziyya* [Ranks of the Divine Seekers]. Beirut: Dar al-Kitab al-Arabi, 228.

23 For more on al-Suyuti's discussion of the prohibited in Islamic law, see Doi ARI 1984. *Shariah: The Islamic Law*. London: Ta Ha Publishers, 2-16.

24 See Quran 17:23-39. The portion of the Quran under reference reads thus: "And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents. If one or both of them attain old age in your life, say not to them a word of disrespect,

Perhaps one way the problematic of sin may be illustrated is through a triangle as shown below:

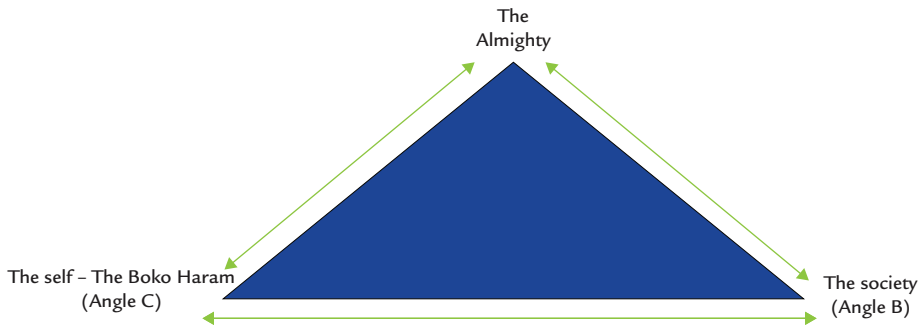


Figure 1: Diagram showing the showing the 'geography' of sin and sinfulness

At the centre of the "triangle of Sin" is the human subject. A relevant example in this regard is the ordinary Boko Haram fighter like Wilberforce Yohanna. He is perpetually locked in a triad of conflict and is under constant temptation to commit sins and infractions against three elements in nature represented by angles A – Almighty God, B – the Creatures (including humans, flora and the fauna) of God's creation and C – the Self, that is to say, the sinner (including actors such as Boko Haram). Sin against God consists of all infractions against His will in relation to His essence, His creatures on earth and His will regarding how humans should live their lives on earth as exemplified in Quran 17: 23-39. Boko Haram insurgents have

nor shout at them but address them in terms of honour. And lower to them the wing of submission and humility through mercy, and say: "My Lord! Bestow upon them Your Mercy as they did bring me up when I was young. And give to the kinsman his due and to the Miskeen (needy) and to the wayfarer. And kill not your children for fear of poverty. We shall provide for them as well as you. Surely, killing them is a great sin. And come not near to unlawful sex. Verily, it is a Fahishah (i.e. anything that transgresses its limits: a great sin), and an evil way (that leads one to Hell unless Allaah forgives him). And do not kill anyone whose killing Allaah has forbidden except for a just cause. And whoever is killed wrongfully (intentionally with hostility and oppression and not by mistake), We have given his heir the authority [to demand Qisaas, Law of Equality in punishment – or to forgive, or to take the Diyah (blood money)]. But let him not exceed the limits in the matter of taking life (i.e. he should not kill anyone except the killer). Verily, he is aided (by the Islaamic law). And come not near to the orphan's property except to improve it, until he attains the age of full strength. And fulfil (every) covenant. Verily, the covenant will be questioned about. And give full measure when you measure, and weigh with a balance that is straight. That is good (advantageous) and better in the end. And follow not (O man, i.e., say not or do not or witness not) that of which you have no knowledge. Verily, the hearing, the sight and the heart, each of those ones will be questioned (by Allaah). And walk not on the earth with conceit and arrogance. Verily, you can neither rend nor penetrate the earth nor can you attain a stature like the mountains in height.

And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents. If one or both of them attain old age in your life, say not to them a word of disrespect, nor shout at them but address them in terms of honour."

not only committed infractions against God by ascribing to Him what He did not command, they have also committed murder and destroyed lives and property, all of which have been prohibited in line with Angle B of the triangle of sin. The Boko Haram fighters also commit sins against themselves through acts of suicide and indulgence in all other actions that negate their humanity and call to question their creation by the Almighty.

Daunting as the challenge to live a sinless life on earth may be for humans, the Quranic episteme of sin quite interestingly characterises sin neither as a permanent barrier against self-redemption nor a threat to celestial salvation, but rather, and to a larger degree, an opportunity. This is exemplified in the statement credited to the Prophet of Islam that reads as follows: "I swear by Him in whose hands lie my soul, were it not that you commit sins, He (the Almighty) would have taken you off the earth and replaced you with others who would commit sins, seek His forgiveness and enjoy His redemption."²⁵ Thus, the perpetration of sin becomes an "opportunity" – an opportunity to partake of divine redemption that usually comes with forgiveness. Not to commit sin therefore is to "prevent" the manifestation or realisation of the mercy of the Almighty and to "deny" Him the opportunity to manifest His blessings by granting forgiveness to the sinner. Here, the exploration of the inherent dilemmas in the latter becomes pertinent.

THINKING FORGIVENESS: ATTRIBUTES, VIRTUE AND LEGAL OBLIGATION

The word forgiveness is derived from the Latin "*perdonare*," meaning "to give completely, without reservation".²⁶ There are several terms that refer to the concept in Islamic legal tradition. These include *afw* (عفو), meaning pardon or amnesty that releases a from the burden of punishment and restoring honour, and *ṣafwu* (صفو), meaning turning away from sin or ignoring the wrong. The most common terminology in Muslim contexts for forgiveness is the trilateral verb *ghafara* (غفر). This literally means to "cover up". But in relation to the poetics of forgiveness, it means to "erase sins".²⁷

25 The tradition is reported by Abu Ayyub al-Ansari. The full text reads: "If you were not to commit sins, Allah would have swept you out of existence and would have replaced you by another people who have committed sin, and then asked forgiveness from Allah, and He would have granted them pardon". For more, see, Imam Muslim al-Naysaburi, *Sahih Muslim*, Book 37 Number 6621.

26 "Etymology of word 'forgive'". Online at: <https://english.stackexchange.com>.

27 There is a huge bibliography on the concept of sin in Arabic and English scripts. For example, see Abu-Nimer M and Nasser I. 2013. "Forgiveness in The Arab And Islamic Contexts: Between Theology and Practice", *The Journal of Religious Ethics* 41(3):474-494; Khalil MH. 2016. "Divine Forgiveness in Islamic Scripture and Thought", in Mosher L and Marshall D (eds). *Sin, Forgiveness, and Reconciliation: Christian and Muslim Perspectives*. Washington, DC: Georgetown University Press, 83-89; Siddiqi MH. 1993. "Salvation In Islamic Perspective", *Islamic Studies* 32(1):41-48; Brown JAC. 2016. "Sin, Forgiveness, and Reconciliation: A Muslim Perspective" in Mosher and Marshall (eds). *Sin, Forgiveness, and Reconciliation*, 13-20. What this chapter has done, apart from discussing the concept within the context

It is arguable to say that just as the commission of sin appears to partake of human nature, forgiveness travels a similar pathway. In fact, in Islam, forgiveness affirms the interconnectedness of our humanity and the imperfections in our nature that often serve as incentives for the commission of sins. Thus, awareness of forgiveness provides the premise for the realisation of peace in human societies – a desideratum for human life, progress and development. Forgiveness, as far as Islam is concerned, also places emphasis on the good and not the evil; that nobody is permanently or irredeemably evil; that the villain today could indeed become a hero tomorrow. In fact, allusions to the opportunity of redemption awaiting the sinner can be found in quantum in the Quran.²⁸ In other words, forgiveness is inscribed into some of the attributes of the Almighty such as *al-Rahman* (The Compassionate) and *al-Rahim* (The Ever-Merciful). In fact, the Almighty is said to possess nothing less than ninety-nine attributes. One of them is *al-Ghaffur*, the eraser of faults. According to al-Ghazali, "the one who makes manifest what is noble and veils what is disgraceful".²⁹ Al-Ghazali contends further that sins usually committed by humans on earth are among the disgraceful things which He, the Almighty, cordons them off by placing a veil upon them in this world and disregarding their punishment in the hereafter. Al-Ghazali reiterates:

The first of God's veil for man is to be found in the fact that the opening in his body that has been created for that which his eyes consider ugly has been hidden within him and is concealed within the beauty of the exterior. How great is the difference between the interior of a man and his exterior in terms of cleanliness and dirtiness, ugliness and beauty? Just look at that part of him that God exposes and that part which He covers!³⁰

Thus, to believe and be faithful in Islam is to be godly, merciful and compassionate to all human beings, irrespective of their ethnic, religious affiliation or gender.

of Nigeria's attempts at achieving reconciliation through the OSC, is to problematise it a bit more by raising questions probably un contemplated before within Islamic scholarly tradition.

28 An instance in this regard is Quran 38:53 which reads: "O My servants who have exceeded the limits against their souls! Do not lose hope in Allah's mercy, for Allah certainly forgives all sins. He is indeed the All-Forgiving, Most Merciful."

29 Al-Ghazali AH. 1971. *Ninety-Nine Names of Allah*. Stade RC (trans), Ibadan: Daystar Press, 36.

30 Al-Ghazali says further: "God's second veil for man is the Human heart which He has made the seat of his reprehensible thoughts and disgraceful desires so that no one might know about this veil. If mankind were aware of the things that occurred in (a man's) mind in terms of repeated temptations, thoughts of corruption, deception and evil thinking in general, certainly they would detest him. But behold how his secrets and weakness are veiled from all people but himself!" He continues: "God's third veil for man is forgiveness of the sins for which he deserved to be disgraced in the sight of mankind. God has promised that He will exchange the good deeds for man's misdeeds so that he might cover the repulsive qualities of sins with the reward of his good deeds when he has proved his faith. For more, see: Al-Ghazali, *Ninety-Nine Names* 36.

Being Muslim makes the adoption of forgiveness a virtue and as remedy for the inadequacies and lack of perfection of the self in relation to others.

Whereas forgiveness in relation to the Almighty is an attribute, it is, in relation to His creatures, a virtue and a legal obligation. Forgiveness becomes a virtue whenever humans decide to literally veil off from scrutiny the inadequacies and imperfections of others. The Prophet of Islam alludes to this in a tradition where he says: "The one who veils the imperfection of a believer, his imperfections will God cover on the day of resurrection."³¹ The slanderer, the spy, the avenger and the one who rewards evil with evil are far removed from this characterisation. It is those who do "not divulge anything about God's creation except those things which are best in them" that shall enjoy extra blessings from Him, the Almighty.³² But is forgiveness a legal obligation in Islam?

In Islamic jurisprudence, forgiveness is also a legal obligation upon human beings. This is because it occupies a fundamental position in Islamic ethics. Its obligatoriness nests in the fact that it partakes of divine injunction. The Almighty says: "Ask forgiveness of your Lord. Indeed, He is ever a Perpetual Forgiver. He will send rain (sustenance) from the sky upon you in showers and give you increase in wealth and children and provide for you gardens and provide for you rivers."³³ The history of Islam furnishes ample insights into this argument. For example, the Prophet of Islam demonstrated the merger between forgiveness as a virtue and legal obligation when he granted pardon to the vast majority of people in Mecca who had committed atrocities against Islam and Muslims before the conquest of the city in 630 CE.³⁴ Believers are encouraged to forgive those who have committed acts of violence and aggression against them in part because forgiveness mirrors the sublimity of their spirituality and a way by which peace can be engendered in the society.

Equally instructive is that uncanny instance in Islamic classical history when the Prophet of Islam came face-to-face with Wahshi ibn Harb, the murderer of his cousin, Hamzah ibn Abi Talib.³⁵ Washihi had heard about the general amnesty declared by the Prophet of Islam for all criminals who were ready to make restitution for

31 Al-Ghazali, *Ninety-Nine Names*, 36.

32 Al-Ghazali, *Ninety-Nine Names*, 36.

33 Quran 71:10-12.

34 On the full story of the Prophet's amnesty to those who had perpetrated different kinds of atrocities against Muslims before the conquest of Mecca, see Munir M. 2010. "Debates on the Rights of Prisoners of War in Islamic Law", *Islamic Studies* 49(4):463-492. Abu-Nimer M. 1996. "Conflict Resolution Approaches: Western and Middle Eastern Lessons and Possibilities", *The American Journal of Economics and Sociology* 55(1):35-52

35 Hamza ibn Abi Talib, the uncle of the Prophet of Islam, was killed in the battle of Uhud on the 23 of March 625 A.D. He was slain by Wahshi ibn Harb, slave of Hind ibn Utba. The latter had promised him that if he succeeded in killing the Prophet's uncle, he would be granted his freedom from slavery. For more on this, see: Al-'Asqalānī AAH1995. *Al-Iṣāba fī Tamyīz al-Ṣaḥāba* [A Morning in the Company of the Companions], 8 vols. Beirut: Dār al-Kutub al-'Ilmiyyah, II:105.

their crimes or sin by abandoning their evil ways through their embrace of Islam.³⁶ Wahshi therefore decided to come to Mecca and seek forgiveness of his sin. After receiving divine pardon, he soon came face-to-face with the Prophet. With head bowed and a heart burdened by the weight of his action, Wahshi sought forgiveness for his egregious act of murdering Hamzah and the desecration of his corpse.

The pardon and remission enjoyed by Wahshi ibn Harb in the year 630 CE had actually been preceded by similar ones that the Prophet granted to the people of Taif who had tried to kill him at the beginning of his mission as a Prophet. He had equally forgiven the woman who poisoned him at the behest of the Makkan aristocracy who wanted him dead. These events are alluded to in the Quran where Allah says: "He who repent, believe in God and do righteous deeds, it is they whose iniquities shall be changed to goodness, for He, the Almighty is oft-forgiving and most merciful."³⁷ With forgiveness assured Wahshi became a "newborn" who was ready to stand in defence of all the ideals and virtues that nest at the core of the Islamic faith. Thus, Islamic history provides ample evidence to show that forgiveness remains both a virtue and an obligation upon Muslims. It consequently supports the possibility that no matter how heinous the crime is, the perpetrator can enjoy redemption of their sins. But, ironically, it is at this juncture that the contemplation of arguments against forgiveness become urgent, particularly in connection with Operation Safe Corridor.

THE "SIN" OF FORGIVENESS

In other words, despite arguments that emphasise the necessity for forgiveness both as a virtue and a legal obligation, some victims of the Boko Haram insurgency in northeast Nigeria neither approved of the OSC nor were inclined to welcome the insurgents back into their society.³⁸ Apart from that, Operation Safe Corridor (OSC) is largely considered to be an outside-in approach to reconciliation and forgiveness in that the programme is a third-party initiative. It has not proceeded from the genuine desire of the insurgents to atone for their sins, reconcile with their victims and work for a new peaceful society. OSC does not equally consider the necessity to elicit the approval of victims in the process of reconciliation. It is framed and presented as a pathway to survival and an escape route for former insurgents from a mission that is fated to failure, not one that is driven by the insurgents' realisation of the abhorrence of violence and the abominability of their activities in the sight of the Almighty and His creatures. It is based on these arguments that the OSC and

³⁶ This occurred in compliance with the Quranic injunctions as contained in: Quran 16:126; Muhammad ibn 'Umar-al-Waqidi, *Kitab al-Maghazi* [The Book of the Battles of the Prophet Muhammed]. Beirut: Muassasat al-'Alami, 1989, II:782-783.

³⁷ Quran 25:70.

³⁸ Felbab-Brown V. 2018. "'In Nigeria, We Don't Want Them Back': Amnesty, Defectors' Programs, Leniency Measures, In-formal Reconciliation and Punitive Responses to Boko Haram", in *The Limits of Punishment: Transitional Justice and Violence Extremism*. New York: Institute for Integrated Transitions/United Nations University.

all other similar programmes that seek to grant forgiveness upon criminals become a sin.

In other words, when victims of the Boko Haram insurgency in northeast Nigeria chorused that “we do not want them back”, they probably wanted to call attention to their disapproval of the idea of the OSC that would have meant automatic forgiveness for and acceptance of former Boko Haram fighters back into their society. As far as they were concerned an act of forgiveness that is not freely given would be unjust; it would be a vice, not a virtue. Indeed, two renowned philosophers and writers. Kathryn J. Norlock and Jean Rumsey,³⁹ together with Leo Zaibert, a criminologist,⁴⁰ share this opinion. In fact, the political scientist Daniel Philpott, holds that forgiveness becomes unjust because of the pressure that it exacts on the victim, not the perpetrator.⁴¹ It becomes unjust because it deprives victims right to agency and free choice while constituting the perpetrator as a subject deserving of mercy and clemency. Forgiveness also constitutes, for its critics, a transgression of the boundaries of secular politics. By being unjust, it is meant that forgiveness places the burden of reconciliation on those who have already been wounded and thoroughly dehumanised by the violence perpetrated by the perpetrator, namely the Boko Haram insurgents. Cynthia Ozick, a social critic and intellectual, says further, “Forgiveness is pitiless. It forgets the victim. It negates the right of the victim to his own life. It blurs over suffering and death. ... It cultivates sensitiveness toward the murderer at the price of insensitiveness toward the victim”.⁴²

The criticisms targeted at forgiveness also hinge on the notion that it renders the application of just punishment against the perpetrator moot. Instances are cited from all around the world where forgiveness is equated with amnesty, where the concept is pitted against punishment and where reconciliation is presented as a counterfoil against retribution. In fact, in 2018, the Nigerian government, in its overarching efforts to find solution to the insurgency in the north, actually declared amnesty for repentant fighters who willingly laid down their arm without recourse to the agency and opinion of thousands of their victims.⁴³ Hardly was any concern spared for victims, who actually may not have been willing to pardon the insurgents for their acts of terror – victims who may have hoped to demand restitution or retaliation for the crime perpetrated by the insurgents against them, their families or communities.

39 Norlock KJ and Rumsey J. 2009. “The Limits of Forgiveness” , *Hypatia* 24(1):100-122

40 Zaibert L. 2013. “Human Nature and the Paradox of Forgiveness”, *Journal of Moral Philosophy* 6(3):728-745.

41 Philpott D. 2013. “The Justice of Forgiveness”, *Journal of Religious Ethics* 41(3):401.

42 Ozick C. 1997. “The Symposium”, in *The Sunflower: On The Possibilities and Limits of Forgiveness*, by Wiesenthal S, Cargas HJ and Fetterman BV. Second Edition. New York: Schocken Books, 213-220.

43 Editorial Board. 2018. “Amnesty for Boko Haram” , *The Guardian*, 20 April.

VICTIMS’ AGENCY AND FORGIVENESS

Does the forgiveness envisioned by Islamic law – be it as an attribute, a virtue or a legal obligation – travel this pathway? In other words, is it the case in all instances in Islam that victims are deprived the opportunity to exact full restitution for the crimes perpetrated against them? What conditions then govern forgiveness in Islamic law and is forgiveness of infractions against the rights of the Creator synonymous with those concerning rights of humans? Is OSC in line with divine justice and to what extent can it guarantee reconciliation?

It is settled in Islamic law that the concept of forgiveness can be figured, like that of sin, within a triangle, as shown below.

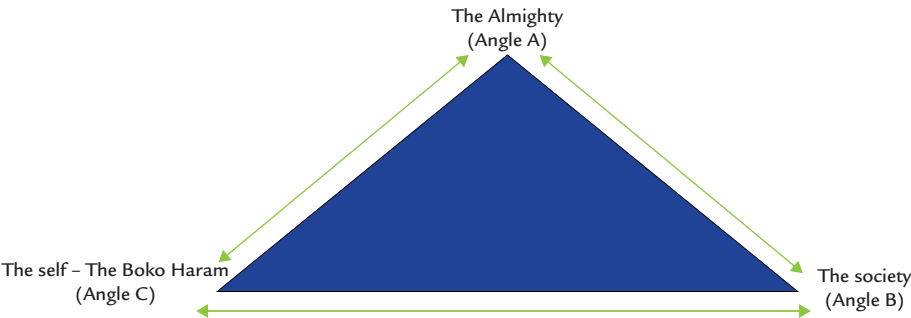


Figure 2: Diagram showing “the geography of forgiveness”

It is axiomatic that if indeed the geography of sins can be figured within a triangle, that of forgiveness should ordinarily equally be figured within the same framework. Thus, the aversion and rejection of Wilberforce Yohanna by his compatriots in Adamawa and their unpreparedness to interact with or allow a former perpetrator of terror in their midst can be said to be in line with the provisions of Islamic law that require criminals to freely seek forgiveness for their sins and for victims to grant or withhold same. Before he was discovered at the correctional centre, Yohanna had not properly self-identified as a former Boko Haram fighter nor sought nor obtained forgiveness of the crimes that he committed against God, the Almighty and His creatures in angle “A” and “B” of the triangle through perpetration of acts of murder of innocent Nigerians, destruction of their properties and rape of their women. It is stated in no uncertain terms in Islamic law that forgiveness shall forever be withheld for such sins unless and until the perpetrator seeks forgiveness of his Creator and reconcile with his victims.

Thus, there is no ambiguity whatsoever that the OSC introduced by the Nigerian government and that of Cameroon did not take the above procedures or conditions fully into consideration.⁴⁴ The Nigerian government considers the various crimes

44 For an analysis of the situation in Cameroon, see Issa S and Machikou N. 2019. “Reintegrating Former Boko Haram Associates: Perspectives From Far North Region in Cameroon”, *Global Center on Cooperative Security*.

perpetrated by the Boko Haram as crimes against the state and has not therefore considered it necessary to organise an interface between the repentant Boko Haram fighters and their victims. Rather, it vested itself with the right and authority to forgive the former of the heinous crimes they have committed such as murder, rape and banditry (*hiraba*) in utter exclusion and negation of the rights of victims to seek restitution or retaliation.

When carefully pondered, the law of retaliation (*al-Qiṣāṣ*),⁴⁵ which is consensual to all monotheistic religion,⁴⁶ guarantees and protects the victims' rights. In this regard, they are not deprived of the opportunity to exact full restitution for the crime perpetrated against them. One other implication of this particular provision is that the infractions of the rights of an individual in an Islamic polity cannot forcibly be forgiven by a third party without their leave, since the law in Islam does not conflate the rights of the Creator with those of the created. In other words, He, the Almighty, cannot and will not, for example, forgive the crime of theft until the stolen item is returned to its owner or the latter decide to willingly let go of the item. Besides, the law of retaliation instituted by Islam grants victims priority, not the state, in negotiating pardon or amnesty for perpetrators or in waiving the same. This provision recognises the natural instinct in humans to exact vengeance, even as the virtue of forgiveness remains an ideal to which everybody is expected to ascribe. Thus, the declaration of general amnesty for insurgent groups as a step towards their reintegration back into the society does not really serve any exculpatory value for the crime they have committed, particularly when the latter relates to the five domains of existence that the law in Islam seeks to protect (*maqasid al-shariah*).⁴⁷

45 This law requires that the perpetrator of a given crime is punished in the same way, in the same proportion, and if possible by the same means that with which the crime was committed by the criminal either while killing or hurting his or her victim. In other words, the punishment should be equal to but not more than the crime as much as possible. This is established in Quran 2:178 which reads: "O you who have believed, prescribed for you is al-Qiṣāṣ (retribution or retaliation) for those murdered – the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [i.e., the killer] anything, then there should be a suitable follow-up and payment to him [i.e., the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment." For an analysis, see Mohamed M. 1982. "The Concept of Qisās In Islamic Law", *Islamic Studies* 21(2):77-88.

46 Relevant in this regard is the Biblical texts on retaliation. See Exodus 27:23-27.

47 The term "*maqasid*" (plural) in Arabic – (sing, "*maqsid*") refers to a purpose, objective, principle, intent or end. The *maqasid al-sharia*, or *maqasid* of Islamic law, are the general objectives of Islamic legislation which consist of the deeper meanings and inner aspects of wisdom considered by the Lawgiver (Allah) in areas and circumstances of legislation. They include the general characteristics of the *sharia*. The *sharia's* general rules and specific proofs indicate that the all-purpose principle of Islamic legislation is to preserve the social order of communities and ensure their well-being. Explicit textual proofs confirm that the overall objective of the *shariah* is to remove corruption in all kinds of human activity. The five domains of the *shariah* for which Islamic authority are under obligation to protect, preserve and redress all infractions committed against them include to safeguard humanity's faith, life, intellect, lineage and wealth. For more on this, see Roquifah UZ.

In other words, for forgiveness to be warranted, valid and merited, the following conditions, according to al-Ghazali, must be satisfied (1) *al-'Ilm*, knowledge of the act as sinful, (2) *al-Nadam*, an emotion of sorrow or feeling of guilt that the crime is reprehensible and constitutes an infraction either of the rights of the Almighty or that of His creatures and (3) *al-'Amal*, a decisive inner and outward action that will erase the wrong action and help the sinner never to return to crime again.⁴⁸ Neither the OSC or the amnesty programme of the state in Nigeria has given ample consideration to this. The spectre of the Boko Haram insurgency therefore continues to hover over the Nigerian polity despite the best efforts of successful administration in the country.

CONCLUSION

What this chapter has done, centred as it is on the problematic of forgiveness in Islamic law and jurisprudence, is to explore some of the issues and challenges that the introduction of the Operation Safe Corridor – a counterinsurgency programme targeting members of Boko Haram – have occasioned for Nigeria as a State and its citizens. It is axiomatic that whereas the philosophy and intention behind the introduction of the OSC is indeed laudable, it raises fundamental questions of interest regarding the concept of forgiveness and the right of victims in conflict mediation and reconciliation processes. It uses the story of Wilberforce Yohanna, a former Boko Haram fighter, who sought reintegration into the society in northeast Nigeria but was rejected by his compatriots as one example, among other challenges confronting OSC and as premise for its discussion of the eclectic nature of the problematic of forgiveness in Islamic jurisprudence.

There is no ambiguity whatsoever that forgiveness may be an attribute, a virtue and legal obligation. The law of retaliation (*al-Qisas*) that grants victims of crime the right to seek or waive punishment of the perpetrator for his crime equally enjoys validity in Islamic law. One of the major arguments of this paper therefore is that for the OSC and other post-conflict reconciliative efforts in West Africa to achieve their purposes, the cooperation and approval of victims of insurgency and violence must be solicited. In other words, there can be no "safe corridors" for perpetrators of terror back into the society while their former victims remain in trauma and agony.

2020. "What You Need to Know About Maqasid Al-Shariah", Muslim.sg, 17 November; Ibn Ashur MT. 2013. *Maqasid al-Shariah*. Herndon, VA: International Institute of Islamic Thought. For another perspective, see Kamali MH, "Maqāṣid Al-Sharī'ah": The Objectives of Islamic Law", *Islamic Studies* 38(2):193-208.

48 For more on al-Ghazali's approach to repentance, see Al-Ghazali AHM. 2002. *Al Ghazzali on Repentance*. Chicago: Kazi Publications, 1-31.