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An Assessment of Christian Missionaries' Writings on Islamic Law in Nigeria: A Focus on Joseph Kenny O.P.

Dr. Mujahid Hamza Shitu

<https://orcid.org/0000-0002-5805-6985>

Department of Islamic Studies,

Federal University Gashua, P.M.B. 1005, Gashua, Yobe State, Nigeria.

Email: mujahidhamza@fugashua.edu.ng , mujahidhamzas@gmail.com

Abstract

Islam has become well established in some parts of Nigeria for about eight centuries before the advent of Christianity which came in the wake of colonialism in the 19th century. Christianity was able to win converts in Nigeria, mostly in places where there were no Muslims. Different Christian denominations therefore, launched rigorous evangelistic onslaught against Islam in the quest to convert Muslims to Christianity. The issue of the reintroduction of Sharia has been one of the most controversial aspects of the Muslim-Christian relations in Nigeria. Christians resisted the implementation of the Sharia even in Muslim states. Writing about the Sharia is the major characteristic of Christian literature on Islam in Nigeria. This research samples the works of Joseph Kenny O.P., a Catholic missionary, who lived in Nigeria for almost 49 years working on Islam and Muslim societies. The research is descriptive and analytical of some Kenny's works in the field of Islamic law.

Keywords: Christian Missionaries, Islamic Law, Orientalism, Joseph Kenny, Nigeria

Introduction

Islamic law and its implementation in Nigeria have generated much controversies in Muslim-Christian relations in Nigeria more than any other issue. The churches vehemently rejected the introduction of Sharia for Muslims in Nigeria and used many means to resist it. Kenny, the focus of this paper, for instance, wrote

concerning the Sharia debates of 1977 that the Christians were disturbed about the content of the draft constitution which gave much recognition to Islam, in which the draft constitution recognised a Federal Sharia Court of Appeal, with a Federal Grand Muftī and Mālikī Law for Muslims. They saw that as giving a preferential position to Islam. Kenny wrote a study which was used by the Catholic Diocese of the North and later the Christian Association of Nigeria (C.A.N) in the memorandum to the Federal Government.¹

He categorically mentions that the Sharia infringes the rights of Christians and other non-Muslims and that 'it imposes liabilities on them'.² He mentions that the Sharia gives idolaters only two choices of either conversion or death and to the Christians and Jews the options of conversion or acceptance of Muslim supremacy, through the payment of *Jizya*.³ Among other issues.

Commentaries and writings about the Sharia has been the focus of the Christian clergies in Nigeria, so as to prevent its acceptance in Nigeria, the Christian controlled Nigerian press has for many decades subjected the Sharia to antagonistic ridicule. Scholars have produced extant works on that⁴. Apart from Kenny, the Catholic Church sent Fr. Jim Kelly to the School of Oriental and African Studies of the University of London to specialize in Islamic Law in 1967 and he returned to Nigeria in 1969 with M.A in Islamic Law.⁵

Modupe Oduyoye wrote works on issues relating to Islamic law, this include *Riba: Usury and Bribery in the Bible and the Qur'an*, and *The Shariy'ah Debate in Nigeria (September 1999 – October 2000)*.⁶ In an article with almost same title with the book, he mentions Christian views about the Sharia, the examination of the pillars of Islam and how they hinder Muslims from converting to Christianity and how it could be achieved, as well as the controversies over the implementation of Sharia in Nigeria.⁷

Other Christian clergies interested in writing about Islamic law, who also fought against its implementation in Nigeria included Most Rev. Josiah Idowu-Fearon, a Christian Islamicist, who wrote "the Shari'ah Debate in Northern States of Nigeria – Implication for West African Sub-Region", in which he expressed the reintroduction of Sharia in Nigeria as "a problem that will not go away..."⁸ He reiterates the need for Christians to take the matter seriously. The paper was sent to a consultative council of Christian experts on Islam of the Project for Christian Muslim Relations in Africa (PROCMURA) held in Ghana in 2002.⁹

Rev. (Prof.) Musa A. B. Gaiya, an ECWA¹⁰ pastor, who specialises in Church History, was appointed a visiting professor of “Shari’ah in Nigeria” at the Centre for African Studies University of Colombia, New York in 2006, he wrote “the Shari’ah and Fundamental Human Rights in Nigeria” and “the Complexity of the Shari’ah Debate in Nigeria”.¹¹ Rev. E.O Oyelade, an enthusiastic Christian Islamicist, wrote “the Shari’a and National Unity in Nigeria”.¹² Jan H. Boar, A retired missionary of the Christian Reformed Church of Nigeria, is one of the most enthusiastic Christian writers about Sharia and Islam in Nigeria, he now lives in Vancouver, Canada, and still uses the internet to disseminate information about Islam and Christian- Muslim relations in Nigeria,¹³ he spent 30 years in Nigeria, out of the 43 years he spent abroad after acquiring a Canadian citizenship.¹⁴ As a defender of Christianity in Nigeria, he wrote in defence of the Christian positions about the introduction of Sharia in Nigeria, two of his books focused on the Sharia, *Muslims: Why Muslim Sharia Law*¹⁵ and *Christians: Why We Reject Muslim Law*.¹⁶ The second book also chronicles the Christians resistance to Islamic Law in Nigeria and some Christian writers against the Sharia especially the members of the Church of Christ in Nations (Nigeria) (COCIN) were mentioned.¹⁷ He emphatically mentions his protégés such as Danjuma Byang who wrote *Sharia in Nigeria: A Christian Perspective* in 1988 and Justin La-Nibetle who wrote *Sharia: the Hidden Agenda*, Boer described them and others as Christian heroes in the resistance of the Sharia.¹⁸ He also has two other books on debates about secularism and the implementation of Islamic Law in Nigeria, they are *Muslims: Why We Reject Secularism*¹⁹ and *Christians: Secularism – Yes or No*.²⁰ Most of these writers do not have much knowledge about Islamic Law, their writings only reflect the political debates in the Nigerian polity.

Joseph Kenny O.P had more capacity in terms of knowledge about the Sharia, he did a PhD research in Islamic Theology and spent many years conducting research on the Mālikī Law. None of the Christian clergies including the aforementioned Bishop Idowu -Fearon of the Anglican Church and Rev. E. O. Oyelade of the Baptist Church who both obtained PhDs in Islamic Studies can come close to his erudition. This paper chronicles the writings of Joseph Kenny on Islamic Law and analyses some of the contents.

Joseph Kenny, a Christian Missionary Islamicist in Nigeria

The Dominican Order (Order of Preachers) of the Catholic Church first came to Nigeria in 1951 and had its foundation at Yaba Lagos, and the Apostolic Prefecture

(later diocese) of Sokoto was entrusted to the Order in 1953.²¹ Prefect (Later bishop) Edward Lawton of Sokoto went to Dubuque Iowa, to talk to Dominican theology students in 1964 about the two instructions of the Holy See to Dominicans concerning Nigeria, one is to establish a Dominican province, by taking Nigerians into the Order, and two, to provide specialists on Islam and Arabic to help the Church relate with the Muslims, this will enable them make a unique contribution to the Church in Nigeria.²² Joseph Peter Kenny (1936-2013), an American, born in Chicago (who later obtained a Nigerian citizenship in 2007), accepted the task of helping the Church achieve the task of the Holy See. He has done a diploma in Philosophy, at St. Mary of Lake Seminary, Mundelein from 1954 to 1966, a Bachelor of Arts and Masters of Arts in Philosophy at Aquinas Institute River Forest, in 1959 and 1960 respectively. He completed an M.A in Theology at Aquinas Institute, Dubuque in 1964, he had earlier been ordained a priest in 1963, before the completion of the programme.²³

Kenny arrived Nigeria in November, 1964, his first effort at arrival was to learn Hausa, which he learned perfectly well in less than two years. He left Nigeria for Rome to learn Arabic grammar at the Pontifical Institute for Arabic Studies in 1966 – 1967. He got a Tunisian government scholarship to study Arabic at the University of Tunis, 1967 to 1968, where he obtained a diploma in Arabic. He moved to the University of Edinburgh for a doctoral study in Arabic and Islamic Studies between 1968 to 1970, he was supervised by the prominent *Munaṣṣir Mustashriq*, William Montgomery Watt, his research was in the field of theology, about Muḥammad bin Yūsuf al-Sanūsī and his *'Aqīda*, which is considered a standard text of theology in West Africa and that line of thinking also influenced his major research into the Maliki texts of Islamic law.²⁴

After his return to Nigeria, he tried to create a rapport with the Muslims in Sokoto, he was however, not able to achieve much success, but he thus, made efforts towards the formation of clergies of Nigeria origin that would help the Church to relate with the Muslims especially in the northern states. He taught different aspects of Islam for many years starting from 1971 at S.S. Peter and Paul Seminary, Ibadan, St. Augustine's Major Seminary, Jos, the Dominican Institute, Ibadan and Les Facultes Catholiques de Kinshasa.²⁵ He was invited in 1979 to fill the vacancy of teaching Islam in the Department of Religious Studies, University of Ibadan, an appointment he held for 22 years until he retired in 2001. He described the work at the university as the most exciting episode in his life.²⁶ He authored more than 170 publications in the field of Islamic Studies apart from what he wrote in Christian Studies and other disciplines. His

works in Islamic Studies include books, journal articles, conference papers and reviews. These works were written in English, Arabic and French. His works in the Hausa language are in Biblical Studies. Kenny was able to learn, read and speak 14 different languages. He was the Chairman of the project implementation committee of the proposed Dominican University Ibadan, he informed this writer how dear the project was to his heart, and showed him the progresses made. Anthony A. Akinwale took over as the chairmanship of the committee after his death in 2013 and eventually became its Vice Chancellor when it obtained a licence in 2016. In an Email to this writer on 28th December, 2010, Kenny wrote:

Dominican University project. It inches towards the goal of getting a license. Funding has long delayed us. This year saw construction of science labs, now nearly completed. Land at permanent site now has additional acres and deed, awaiting registration and construction of a gate (sign of possession). When all this is finished we can call in the licensing inspectors.

Kenny's Writings in the Field of Islamic Law

The history of Kenny's writings on Islamic law and practice goes back to the year he completed his PhD, 1970, his first work to appear was "Muslim Spirituality"²⁷ the work is about Sufism and it is concerned about life of prayer.

His most outstanding work in Islamic Law is the translation of the *Risāla* at Ibn Abī Zayd al-Qayrawānī, the draft was completed in 1971,²⁸ and it was not published until 1992. Sheikh Ahmed Lemu mentioned in his foreword to the *Risāla* that Kenny persisted for many years studying commentaries and seeking advice to make the work a good one.²⁹ The publication of the *Risāla* was preceded by an article published in *Hamdard Islamicus* in 1983 with the title "Maliki Law and the *Risāla* of Ibn Abī Zayd al-Qayrawānī", the contents of which were incorporated into the published *Risāla* as a preface to the translation. Kenny emphasised human factor in the origin of Islamic Law, and that for 150 years circumstances in the Muslim empire influenced the development and shaping of the law.³⁰ He tactically writes that at least, one source of the Sharia, *ḥadīth*, is spurious, and that it only became important at the time of Shāfi'ī, who equated it with *sunnah* and thus, massive gathering of *ḥadīth* began and that it was Shāfi'ī that argued that it was also inspired like the Qur'an, and that the Prophet's opinion was held before then as mere human interpretation, which can be set aside when better reasoning is advanced.³¹

Kenny's translation of the *Risāla* is a serious academic work which has commendable characteristics which include addition of subtitles to both English and the original Arabic to make reference to the topics easier and quicker. The internet version has an inclusion of Arabic text with a facing English translation, this in contrast with the English only published in hardcopy. The annotation to the translated text is another good characteristic, in many cases, he quoted the commentary of Ahmad b. Ghunaym b. Salīm b. Muhana an-Nafrāwī's *Fawākih al-Dawānī* for possible explanation of legal issues. Western sources such as the work of Schacht and the Encyclopaedia of Islam were also used.

Citation of *ḥadīth* in the annotation of the *Risāla* as the basis for some ruling was avoided by Kenny, this affirms his conception that the *ḥadīth* is spurious as stated above. Only one *ḥadīth* of al-Bukhārī was cited throughout the work, it was cited to buttress the view of Schacht, who used the *ḥadīth* concerning Ghurra indemnification for causing miscarriage.³² This view on *ḥadīth* is further apparent in Kenny's note on the *ḥadd* of stoning, he wrote "the Qur'an merely provides flagellation (24:2, 4)".³³ In the same line, he relied on a modernist Muhammad Talbi's view concerning putting as apostate to death, that the Qur'an provides no *ḥadd* (punishment) for apostasy, therefore, the *ḥadīths* which support it are not authentic.³⁴

Some mistakes in the translation were due to lack of practical experience in issues of Muslim religious practices. The examples of such include where al-Qayrawānī states that "*wa yaqra'u ma' al-imām fīmā yusirru fīhi, wala yaqra'u ma'ahu fīmā yajharu fīhi*".³⁵ Kenny rendered the translation as "a person recites with the imām whatever **he says quietly**, but does not recite with him what he says aloud".³⁶ The first segment does not give the accurate meaning of the Arabic text. What the first part says is that "a person recites quietly when the Imām recites quietly". Another example is in the case of prostration for a mistake done in *ṣalāt* (*sujūd as-sahw*). Al-Qayrawānī states concerning a person who doubts whether he did three or four *raka'āt*, "*banā 'alā al-yaqīn wa ṣallā mā shakka fīhi wa atā bi al-rābi'ah **wa sajada ba'da as-salām***",³⁷ Kenny translated the last segment as "**adding a prostration** after saying "*as-salām alaykum*".³⁸ It is two prostrations that are done and not one as translated by Kenny. There are many of such in the work. Some omissions in translation were also pointed out to Kenny in December 2011 by this writer, He made corrections to the internet version.³⁹

Kenny's work *Basic Practices of Religion in Nigeria – part 1- Islam*,⁴⁰ a 32 pages booklet is based on the contents of the *Risāla*, it was published by the Dominican publications, Lagos in 1998. The work describes the five pillars of Islam, belief, prayer, fasting, *zakāt* and *ḥajj*. The booklet summarizes the contents of chapters on marriage, forms of divorce, '*Idda* and *istibrā*' periods and supports from the *Risāla*. A reader of the booklet would wonder why a Christian organization would be interested in publishing a detailed religious ritual of the Muslims. The answer could only be found in part two,⁴¹ which is concerned with Christianity, the essence of the whole work is to compare the basic practices of the two religions, or to present Christian views about Islamic practices in a parallel section, to satisfy the requirement of the syllabus on Islam for Christians in seminaries and universities, which he formulated for the Association of Episcopal Conference of Anglophone West Africa (AECAWA) and PROCMURA.⁴² The work de-emphasises the importance of religious rituals and their restrictions, this according to him, Jesus neglected ritual restrictions and that his blood has cleansed Christians, he cited Biblical passages as such as Heb. 10:19-22; 1Jn 1:7; Jn. 15:3 and Acts 15:9.⁴³ Religious practices are thus not important in Christianity and this forms Kenny's analysis of the practices of Islam.

*Islamic Ethnics: What the Qur'an Says*⁴⁴ or its Arabic version, *al-Akhlāq bi Ḥasb al-Qur'an*⁴⁵ is another work of Joseph Kenny that can be counted in the segment of Islamic law and practice. The motive of the work is to make comparisons between Islamic, Christian and Jewish ethics. The work is in a 12 page booklet, published by the Dominican publication 1997/1999. Kenny adopted Fazlur Rahman's structure of Islamic ethics in his *Major Themes of the Qur'an*⁴⁶ which is presented as "creature preservation – guidance – judgement". Kenny modified it as 'God's initiative in creating and guiding, man's response by Islam manifested in faith and obedience, and God's final judgement'.⁴⁷ Qur'anic references were provided for every part of the structure. It started with God's initiative of creating man and the provision of guidance. In the second segment of the structure, which is man's response through faith and obedience, Kenny posits that since the Muslim community replaces the communities that preceded it and it is because those communities "did not please God and caused corruption on the earth", the Muslim *ummah* is not better than those it claimed to replace, since it is possible for the Muslims to also disobey the commands of God. He cited two Qur'an passages that do not give any credence to his assertion, Qur'an 3:32 and 9:38.⁴⁸

The work thus mentions under “man’s response by obedience”, some good deeds a believer is required to observe and the evil deeds he is required to refrain from. The author referred his readers to two of his works to form a basis of comparison with the work under study, they are “Ethic of War and Peace Emerging from the *Sīra* of Ibn-Ishāq”⁴⁹ and “Paul’s Ethics”.⁵⁰ In the former, he alleges that there are contradictions between the Qur’an and the *Sīra*, that the *Sīra* encourages the vice of lying which the Qur’an prohibits. He suggests that the contents of the *Sīra* only represent the attitude of the Muslims at the time of its writing which were projected back to the Prophet.⁵¹ Another issue he portrays is that the Qur’anic ethics “does not quite match the Gospel’s idea of peace...”⁵²

In “Pornography, Islamic and Christian Perspectives”,⁵³ Kenny discusses the Islamic teachings on sexual rights and restrictions. The laws concerning separating children at ten in terms of place of sleep, excess and defects in clothing, covering of private parts, women going out and music, all these were taken directly from his translation of the *Risāla*. Dan Fodio’s *Bayān al-Bida‘ ash-shayṭāniyya Ilatī Aḥdathahā-n-nās* and *Wathīqa al-Ikhwān* were also referred to on nudity. In the discussion about Christian perspective, scriptural references were made to the Old and New Testaments and that Jewish culture considered nakedness as a shame, but is condoned in some special circumstances as 1 Sam 19:24 and Jn. 21:7. He examined the difference between Islam and Christianity on nudity, and noted that both religions “esteem the values of sexual privacy”, the part of difference is that Islam fixed norms of dress for all times and places, while Christianity allows cultural differences, because nudity in some places is combined with strict sexual discipline. The work concludes that: “Christians cannot agree that an Islamic dress code should be imposed on Nigerians, but we can agree to cooperate on the elimination of pornography in the strict sense...”⁵⁴

The summary of the positions of classical works of al-Māwardī and Ṭartūshi are presented in Kenny’s “Islamic Society”.⁵⁵ The work was written in 1973 and was basically a course material for seminarians on the Islamic system of government and to compare it with the Christian worldview about a state.⁵⁶ The work tries to make Christians believe that allowing Islamic law in any part of Nigeria poses a danger to Christians and that a Sharia based government it is not practicable in the modern world. He justifies the Christians position of separation of religion from the temporal order, on the basis that human reasoning is autonomous and has the capacity to determine what is right or wrong, and that Christian revelation only supplies for defects of human reason,

but did not claim to have a blue print on how to govern a society the way Islam claims to do.

Other works in which Kenny has similar views on the Sharia include his “Christianity, Islam and Social Order”,⁵⁷ which is an amplification of his “Sharia and Christianity”.⁵⁸ The work faults the Muslim total dependence on revelation as a source of Islamic law and gives credence to the Catholic system which has councils in which the Church doctrine is determined, and the papal magisterium. The Sharia is, thus, described as “stagnant”, which does not suit a modern society, and discriminates against Christians and urged the Christians resist it not only because it does not allow them of full liberty, but because it “would use government to coerce Muslims in the practice of their religion”,⁵⁹ He therefore, insinuates that without that “use of force”, the Muslims of such environments “will run and become Christians”.⁶⁰ Another related work is his paper “Islam: “Authentic” or “fanatical””⁶¹ He expressed similar views in his comment on Ruud Peter’s “the Enforcement of God’s Law: The *Shari’ah* in the Present World of Islam”, a paper presented at the Volkswagens Foundation sponsored conference on comparative perspectives on Sharia in Nigeria at the University of Jos, 15-17 January, 2004. Kenny’s work was published as “Commentary”⁶² Kenny calls it “Government and Sharia in Nigeria”.⁶³ He translated the 51st chapter of al-Ṭartūshī’s *Sirāj al-Mulūk* (Torchlight for Kings), and called it “Al- Ṭartūshī: on the Treatment of the Tolerated Classes (*ahl adh-Dhimma*)”,⁶⁴ he often quote this work on the provision of the Sharia for non-Muslims, he wrote that “al- Ṭartūshī represents the severest and most fanatical of Muslim positions regarding Christians. Historically its provisions were enforced only at rare intervals, and they would certainly be resented as a norm by most modern Muslims...” He wonders why Muslims will be attracted to such document, he further explains that the contents of the chapter is also summarised in Uthman Dan Fodio’s *Bayān Wujūb al-Hijrat ‘ala al- ‘Ibād*.

“Islamic Law Concerning Women”⁶⁵ is a note prepared by Kenny on a request in 1993. The work is principally taken from the Qur’an and his translation of the *Risāla*. Kenny like many Westerners, believed that Islam denigrates women, when the Qur’an compares a wife with a man’s farm where he can sow his seed whenever he likes, referring to Qur’an 2:223. He further alleges that the Qur’an refers to women man owns as slaves; “he also has sexual rights with these 70:30, 23:6, 4:25; 33:52)”. This statement distorts and misrepresents the Qur’an, in nowhere wives were described as slaves. Moreover, the Qur’an did not describe wives as things to be “use” as Kenny

interpreted Qur'an 2:223, in the same chapter, the Qur'an described the sexual relationship of the spouses as "they are your garments and you are their garments" (2:187). In another work, he categorically wrote that the Prophet "practiced and preached relationships with women that violate the dignity of marriage."⁶⁶

Some Evaluations and Analyses

Joseph Kenny dedicated much time to studying primary sources of Islam, classical works and commentaries of Muslim scholars, yet he used only Western prejudiced lenses to analyse Islamic issues. Therefore, he only affirms what Western orientalist say about any aspect of Islam and considers their position as authentic, even if they are not based on facts. This study will evaluate only four issues in the works of Kenny in the following way:

1. The reliability of the *Sunnah* as a source of Islamic law, Kenny does not accept the authenticity of the Qur'an as a word of God, he has stated that in different works about the Qur'an. He however, holds that the contents of the Qur'an are 'close to the thought presented by Muhammad'. This writer has dedicated a work on the analyses of his thought on the veracity of the Qur'an.⁶⁷ Throughout his works, he strived to question the reliability of the *sunnah*, he firmly holds that the *sunnah* were later developments that were projected back to the Prophet. The Qur'an however, refutes Kenny's claim that the sayings of the Prophet were considered as mere human interpretation until the time of Shāfi'ī. Qur'an 53:3-4 affirmed that the Prophet's saying are also revelation "nor does he say (anything) of (his own) Desire. It is no less than inspiration sent down to him".⁶⁸ Allah made the Prophet (S.A.W) the explainer of the Qur'an as contain in many verses of the Qur'an such as 16:44:

...And we have sent down unto you (O Muhammad S.A.W) the *Dhikr* [reminder and advice (i.e. the Qur'an)], that you may explain clearly to men what is sent down to them, and that they may give thought.⁶⁹

Qur'an 16:64 also carried the same message. The Prophet's explanation of the Qur'an is the *sunnah*, and many of the Qur'anic ordinances were briefly hinted about by the Qur'an, detailed information can only be obtained about them from the explanation of the Prophet (S.A.W), examples of these ordinances include *ṣalāt* and *zakāt*, the Qur'an for instance says in (2:43): "And perform as-ṣalāt (*wa aqimū ṣalāt*), and give *zakāt*..." 2:183 commands fasting, and 3:97 talks about God's commandment to perform Hajj, all these commands are concise and detailed explanations can only be obtained from the *sunnah*. It is therefore absurd to consider traditions that explain the

ordinances of the Qur'an and actual ways to put them into practice, which were transmitted by generations as spurious.

Kenny's argument is that it was Shāfi'ī who came to recognize *sunnah* as the *ḥikma* which was mentioned with the Qur'an in passages such as 62:2; 2:129 and 33:34. The question of Shāfi'ī to his opponents concerning the verses suffices as a response to Kenny and other orientalists. Imām Shāfi'ī told them that the *kitāb* (Qur'an) is known, then what is *al-ḥikma* as contained in the verses? Qur'anic verses that explain the *sunnah* as a source of the Sharia include; 24:63; 4:65; 4:80; 59:7; 5:92, 4:59; 53:3-4 etc.

2. The claim that the *sīra* contradicts the Qur'an in the issue of ethics, by permitting the vices which the Qur'an prohibits. This allegation is related to the above charge against the *sunnah*. This allegation which Kenny continuously mentions in his works is based on a single report which Kenny twisted and distorted its translation from Ibn Hisham, that the Prophet promoted lying. It is about Ibn Maslamah who asked the Prophet about use of tricks to defeat enemy in the time of war, the Prophet replied "*Qūlū mā badā lakum, fa antum fī ḥillin min dhālik*",⁷⁰ meaning "say whatever seem okay for you, for you are permitted to do so". The passage does not say "lying is permitted" as interpreted by Kenny. He is deliberately being mischievous by this translation of the passage, and by ignoring hundreds of prophetic traditions that prohibit lying.
3. The rejection of the Sharia on the pretention that it does not allow liberty for non-Muslims and that it institutes violence against them. It is important to state that Muslims who agitate for the implementation of Sharia in some parts of Nigeria do not seek its extension to non-Muslim areas and citizen, its implementation is sought only for Muslims who believe in it. Therefore, the question of infringing on the rights of non-Muslims does not arise.

Despite this assurance, the Christian antagonists of the Sharia still went further to say that the implementation for the Muslims should also be resisted.⁷¹ This shows that the real concern is not on whether it will infringe on the rights of others, but an attempt to stop the practice of Islam. This also answers the question on why Christians have continuously fought against Muslim women use of hijab in Nigeria. Kenny categorically stated as quoted above that "Christians cannot agree that an Islamic dress code should be imposed on Nigerians..."⁷²

Islam does not declare a perpetual war against non-Muslims as Kenny tries to insinuate, Islam only permits armed struggles for defence against aggression, and imminent attack and to ensure attainment of peace and not to be directed against any religion. Passages of the Qur'an such as 2:190-193 and 22:39-40 attest to this. Allah categorically says concerning the people of other faith:

Allah forbids you not with regard to those who fight you not for your faith nor drive you out of your homes, from dealing kindly and justly with them, for God loves those who are just. Allah forbids you, with regard to those who fight you for (your) faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong (60:8-9).

Kenny's insinuation that Christians living under the Sharia are considered as "humiliated second class citizens" is also not true. That is his interpretation of *dhimma*, in the Islamic legal term it means pledge that guarantees safety. The term is used for the non-Muslims who live under Islamic government to imply that they live under the protection of Islam.⁷³ They are co-citizens of the state and possess its nationality.

Kenny's claim that the Sharia is 'static' and not practicable in the modern times is also mischievous, anybody that studies Islamic law knows that the Sharia contains mechanisms that make it dynamic, flexible and practicable at all times. The Sharia always has alternatives for any situation when a certain dictate of the Sharia cannot be followed, for instance, the issue of fasting, the Sharia acknowledges that there are people who will not be able to fast, it does provide a way out for them. This can be found in all the ordinances of the Sharia. Therefore, this shows the universality of the Sharia and its practicability at all times no matter how sophisticated and advanced any society would be.

4. The Status of Women

To Kenny, anything short of Western treatment of women is considered as an oppression. He rejects even biblical passages that do not go in consonance with his position. He does not accept the notion of man being the head of the wife, even as the New Testament stated that in passages such as 1 Cor. 11:3; 11:7-12; 14:34-35 etc. the passages speak about a man as the head of a woman in the family and sought her submission to him. Kenny describes these biblical passages as interpolations into the works of Paul, and that there is no head in a marriage.⁷⁴

On the issue of polygyny, it is pertinent to state that in Islam its status is just that of a permissible act for those who have the capability and desired to do so. It

may even become unlawful for someone who does not have the ability of engaging in it. Kenny and many non-Muslims amplify the issues as if it is a compulsory requirement of Islam for a man to have four wives. Unlike the Qur'an, the Bible did not set a limit to the number of wives a man could have, the Old Testament has many instances of this. Abraham, Jacob, David, Solomon etc. all had large numbers of wives. There is no evidence of the Biblical prohibition, restriction or regulation of it. Furthermore, in early Christianity, there were no Church Councils that opposed it, and no obstacles were placed in the way of its practice. Kenny however, argues that the practice had disappeared at the time of Jesus and that was why the New Testament did not address it.⁷⁵ On the contrary, however, up to later days of Christianity, Church leaders such as St. Augustine declared that he would not condemn it, and Luther promoted it. In 1531 the Anabaptists openly preached that Christians should have several wives. By 1650 some Christian leaders resolved that every man should be allowed to have two wives.⁷⁶

Conclusion

The practice, implementation and contents of Islamic law have been major concerns of Christians in Nigeria. They have written extensively in resistance to the implementation of the Sharia in Muslim communities in Nigeria, and even exclusively for the Muslims. The Christians perceive it as an obstacle to their religion and a setback to their endeavour. Many used the Christian controlled Nigeria press to write against the Sharia. This paper has examined the writings of Fr. Kenny who is considered by the Nigerian Christendom as an expert on Islam, in the field of Islamic law. Kenny has dedicated much time and energy to study Islamic law from Muslim and Western sources, yet that has not benefitted him in developing objective views about the contents of the Sharia, he only gives credence to Western thoughts about Islam and its misinterpretation. Even on issues which Islam and Christianity are in agreement such as the prohibition of nudity, he prefers that dress codes should not be enforced the way Islam preached. He thus, argues that in many places women go about with breasts uncovered and did not lead to erotic feelings. He, therefore, concludes that “modern youths who are shielded from such natural experience are plagued by morbid curiosity about human body”,⁷⁷ therefore, a woman's body should be flaunted so that youths would not be curious about it.

Kenny promoted the notion that the Sharia infringes on the rights of non-Muslims, when Muslims argue that the Sharia only concerns them, he presses further

that Christians will not allow a Sharia that will use state apparatus to make Muslims practice their religion. The allegations against the Sharia in his work are not based on concrete arguments or evidences against Islam. He only used standard acceptable to the Western world to pass judgments on Islam.

Notes and References

- ¹ Joseph Kenny “The Formation of Dominicans in a Muslim Environment: Ibadan” Presented at Journées Romaines Dominicaines, 1977, <http://josephkenny.joyeurs.com/Nig77a.html> Retrieved 24/10/2010
- ² Joseph Kenny “The Church and Islam in Nigeria”, A review of the national campaign for Shari’ah, it was presented at the Conference of Islam in Africa Project (IAP later PROCMURA) in Ghana, November 1977. PROCMURA is a project of the Protestant Churches dedicated to the study of Islam to enable the Church dialogue with Islam.
- ³ *Ibid.*
- ⁴ See for instance Ibrahim Ado-Kurawa. *Shari’ah and the Press in Nigeria: Islam Versus Western Christian Civilization*. Kano:Kurawa Holding, 2000.
- ⁵ Joseph Kenny. "Christian- Muslim Relation in Nigeria" *Islam-Christiana*. 5, 1979
- ⁶ Mujahid Hamza Shitu, “A Review of the Activities of Christian Missionary, Clergy ‘Experts’ and Writers on Islam in Nigeria” *Journal of Islamic Studies and Culture*, Vol. 2, No. 3, 2014, p 40.
- ⁷ See Modupe Oduyoye. “The Shari’ah Debate in Nigeria (Sept. 1999 – Oct. 2000)” in In Klaus Hock (ed.) *The Interface between Research and Dialogue: Christian- Muslim Relations in Africa*. Munster: Lit Verlag, 2004, pp 98- 113.
- ⁸ Qtd in *Ibid.*, p 109.
- ⁹ *Ibid.*, p108.
- ¹⁰ The Church was known as the Evangelical Church of West Africa, it has now changed the name to Evangelical Church Winning All.
- ¹¹ Mujahid Hamza Shitu, A Review of the Activities of Christian, p43.
- ¹² *Ibid.*, 36.
- ¹³ He sent an email to this writer on 1/11/2020.
- ¹⁴ Mujahid Hamza Shitu, A Review of the Activities of Christian, p36- 37.
- ¹⁵ Belleville, Ontario: Essence Publishers, 2007.
- ¹⁶ Belleville, Ontario: Essence Publishers, 2008.
- ¹⁷ *Ibid.*, 335ff.
- ¹⁸ *Ibid.*
- ¹⁹ Belleville, Ontario: Essence Publishers, 2005.
- ²⁰ Belleville, Ontario: Essence Publishers, 2006.
- ²¹ Mujahid Hamza Shitu, “An Insight into the Life of a Prominent Christian Missionary Islamicist in Nigeria: Joseph Kenny O. P. 1936- 2013” *Annual Review of Islam in Africa*, Issue No. 14, 2017, p 104.
- ²² Mujahid Hamza Shitu, “A Dimension of Christian Missionaries' Representation of Islamic Philosophy in Kenny's *Philosophy of The Muslim World: Authors and Principal Themes*” *Ayingba Journal of Arabic and Islamic Studies*. Vol. 6 no. 1, 2013, p63.
- ²³ Joseph Kenny, Curriculum Vitae in the University of Ibadan format.
- ²⁴ Mujahid Hamza Shitu, A Dimension of Christian Missionaries', 63
- ²⁵ Joseph Kenny, Curriculum Vitae in the University of Ibadan format.
- ²⁶ An exclusive Interview with Joseph Kenny at the St. Thomas Aquinas Priory Ibadan, January 1-5, 2012.
- ²⁷ Joseph Kenny, “Muslim Spirituality”, *Cross and Crown*, Vol. 22, 1970, 306- 314.
- ²⁸ Interview with Joseph Kenny.
- ²⁹ Ahmad Lemu. "Foreword" in Joseph Kenny (Trans). *The Risāla: Treatise on Maliki Law of 'Abdullah ibn-Abi –Zayd al-Qayrawani (922- 996)*, pp vii- viii
- ³⁰ Joseph Kenny (Trans). *The Risāla*, pp1-2.
- ³¹ *Ibid.*, pp4-6
- ³² *Ibid.*, 171, n12.
- ³³ *Ibid.*, 175, n22.
- ³⁴ *Ibid.*, 172, n15.
- ³⁵ Saleh Abdus- Sami‘ Abil Azhari. *Thamar ad-Dānī. Fī Taqrib al- Ma‘ānī Sharḥ Risālat Ibn Abi Zayd al-Qairawānī*, Dar Ihya al-Kutub al-Arabiyya, nd, p. 149.
- ³⁶ Joseph Kenny (Trans). *The Risāla*, 49.
- ³⁷ Saleh Abdus- Sami‘ Abil Azhari. *Thamar ad-Dānī*, p177.
- ³⁸ Joseph Kenny (Trans). *The Risāla*, 53
- ³⁹ It was on his website before it was closed after his death. <http://josephkenny.joyeurs.com/Risala.htm> He however, gave this writer a copy of the database that contains all the publications on the website.
- ⁴⁰ Lagos: Dominican Publications, 1998.

- ⁴¹ Joseph Kenny, *Basic Practices of Religion in Nigeria- part 2- Christianity*. Lagos: Dominican Publications, 1999.
- ⁴² It corresponds with what he proposes in his: Joseph Kenny, "Islamic Studies Programmes And Literature Review" For AECAWA & PROCMURA, published in *Procmura*, 5, 1990?.
- ⁴³ Joseph Kenny, *Basic Practices of Religion in Nigeria- part 2- Christianity*, p2
- ⁴⁴ Lagos: Dominican Publications, 1997.
- ⁴⁵ Was published only on his website www.josephkenny.joyours.com/EthicsIsh.htm
- ⁴⁶ Minneapolis: Bibliotheca Islamica, 1980.
- ⁴⁷ Joseph Kenny, *Islamic Ethics: What the Qur'an Says*, p2
- ⁴⁸ *Ibid.*, pp2-3.
- ⁴⁹ Was published on his website www.josephkenny.joyours.com/EthicsIsh.htm
- ⁵⁰ Was published on his website www.josephkenny.joyours.com/EthicsP.htm
- ⁵¹ Joseph Kenny, *Ethic of War and Peace*.
- ⁵² *Ibid.*
- ⁵³ In D.C.E. Ogwuegbu and B.E. Eke eds. *Youth and Pornography*. Lagos: Federal Ministry of Information and Culture, 1989, pp47- 60.
- ⁵⁴ *Ibid.*
- ⁵⁵ It was on his website www.josephkenny.joyours.com/Society.htm
- ⁵⁶ *Ibid.*
- ⁵⁷ A paper presented on the 24th June 2000 at the University of Ibadan, National Inter-Faith Conference.
- ⁵⁸ Presented on 17th June 2000 at the symposium organized by the Christian Fathers, St. Dominic's, Yaba – Lagos.
- ⁵⁹ *Ibid.*
- ⁶⁰ *Ibid.*
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- ⁶² In Phil Ostien, Jamila Nasir and Franz Kogelmann (eds.) *Comparative Perspectives on Shari'ah in Nigeria*. Ibadan: Spectrum. 2005, Pp 135- 139
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- ⁶⁶ Joseph Kenny, *Qur'an and Hadīth Studies: Scholarship in Early Islam*.
- ⁶⁷ Mujahid Hamza Shitu, "A Critical Examination of Joseph Kenny's View on the Origin, Miracle and Veracity of the Qur'an". *Al-Idah Bi-Annual Trilingual Research Journal of Islamic Studies*, Vol. 36 (1), 2018, pp1- 24. Available on http://journals.uop.edu.pk/journal_detail.php?journal_id=21#
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- ⁶⁹ Muhammad Taqī-ud-Dīn al-Hilālī and Muhammad Muhsin Khan, *Translation of the Meanings of the Noble Qur'an in English Language*. Madinah: King Fahd Complex for the Printing of the Holy Qur'an, 1419 A.H., p353.
- ⁷⁰ Ibn Hisham's *Sīra an-Nabawiyya*,
- ⁷¹ Joseph Kenny, "Christianity, Islam and Social Order"
- ⁷² Joseph Kenny, "Pornography, Islamic and Christian Perspectives".
- ⁷³ Abdur-Rahman I Doi. *Shari'ah: The Islamic Law*. A.S. Noordeen Islamic Books, p 426.
- ⁷⁴ Joseph Kenny, "Paul's Ethics".
- ⁷⁵ Joseph Kenny, *Basic Practices of Religion in Nigeria- part 2- Christianity*, p12
- ⁷⁶ Hammudah Abdul Ati. *Family Structure in Islam*, Indiana: American Trust Publication, 1977, p 113ff
- ⁷⁷ Joseph Kenny, "Pornography, Islamic and Christian Perspectives".