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## PROBLEMS OF DESECULARIZING NIGERIA'S POLITICAL ORDER.

by M. O. Opeloye\*

### Introduction

Since the demise of the second republic and the second military intervention in Nigerian politics, Nigeria has been in search of a stable political system. A political bureau was established by the Federal Government for the purpose of conducting a national debate with a view to enabling Nigerians to make meaningful contributions for the formation of a political system of their choice. Since then, varied opinions have been expressed, some have advocated a one-party system, others a two-party system, while yet others opt for a zero party system.

Some Muslims apparently disillusioned with the lapses and abuses of Western democracy coupled with the desire to be ruled in accordance with the provisions of the shari'ah have been agitating fervently for the introduction of an Islamic system of government in the country believing that it would be a better substitute for that existing at present. The following pertinent questions therefore arise: Is Western democracy as operative in Nigeria necessarily defective? If it is defective, can it not be remedied? And more significantly, can an Islamic System of Government work in Nigeria considering the heterogeneous nature of its society? It is the purpose of this paper to examine these questions with a view to determining whether or not Nigeria should remain a secular state. According to Kalim Siddiqui, (1) a state is secular to the extent that it does not discharge the duty of enjoining good and forbidding evil and all the other collective duties that are clearly laid down in the Qur'an. The first part of this paper will focus on Nigeria's experience of Western democracy with the aim of highlighting the problems encountered in it. The second section will examine the principles of an Islamic System of Government. The third part will seek to evaluate the two systems on which observations and some recommendations will be based.

### Nigeria's experience of Western democracy

By 1900 Britain had taken possession of the area now known as Nigeria hitherto known as Southern and Northern Protectorates and the Lagos Colony. (2) Lord Lugard amalgamated the two protectorates and introduced an indirect system of administration in 1914. (3) This was a system whereby the emirs, the obas and the warrant chiefs were saddled with the responsibility of governance

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supervised by the Governor General, Governor, Resident and District Officers at their various levels. Lugard adopted an indirect rule of government because he met a refined system of administration already in vogue among most Nigerian communities.

It was not too long before the nationalists realised that Britain was in Nigeria to make economic gains and not to spend for the colony. Consequently, they started to agitate for participation in government with the initial aim of curbing exploitative tendencies of the colonialists and with the ultimate aim of having total control of the government so that they could become the architects of their fortunes or misfortunes.

The agitations of the nationalists started to yield results as early as 1922 when Hugh Clifford's constitution came into use. (4) It provided for four elected members of a legislative council as well as some selected members. (5) The nationalists were unhappy that it did not contain provisions for their active involvement in the government. They criticized the colonial government for: adopting indirect rule; lack of plans to hand over government to Nigerians; advisory capacity of legislative council; determining the prices of raw materials for exported and imported products; the formation of oligopoly by foreign companies to exploit Nigerians; the payment of huge war debts with profits made from exports. (6)

Arthur Richard's constitution of 1946 maintained the four elective posts created by Clifford on the legislative council. He was criticized by the nationalists for not consulting them before making the constitution. With the 1951 Macpherson constitution, Nigeria was federated (7) taking cognisance of the heterogeneous nature of its society. The constitution created more elective seats in the legislature. In the 1954 constitution, Lytherton allowed greater participation by Nigerians in government. A year earlier, independence by 1956 had been proposed. The effort was thwarted by the Northerners who threatened to break away. The West and the East later attained self-government status with the North attaining the same status in 1959. (8)

Nigeria became an independent nation in October 1960. The 1959 federal election which ushered in independence ended in deadlock. No party had a decisive majority, hence a coalition government of all the parties was proposed. The Northern People's Congress (NPC) and the National Council of Nigerian Citizens (NCNC) agreed to form a coalition government while the Action Group (AG) was left in opposition. (9) The Westminster parliamentary system was adopted whereby the leader of the party having the majority votes became the Prime Minister and formed the government. In 1962, the ruling political party in the then Western region was crisis infested, and the party broke into factions. The following regional election ended in deadlock. There were accusations and counter-accusations of rigging. In the final analysis, the election results were

cancelled and a state of emergency was declared in the region while a sole administrator was appointed to rule.

In 1963, Nigeria became a republic with a new constitution which made provision for a President as against the former Governor General. He was only a ceremonial head as most of the constitutional functions resided in the Prime Minister. Another federal election took place in 1964 in which the NPC won the second time. The party was accused of rigging, consequently the AG and the NCNC refused to go into alliance with the victorious party to form a coalition government. However, the Nigerian National Democratic Party (NNDP), a faction of the AG, entered into alliance with the NPC. It took the President of the republic two days before he invited the leader of the winning party to set up a government.

The 1965 regional election in the Western region led to the collapse of the first republic. NNDP, a relatively less popular party in the region was declared winner in the election. The Nigerian National Alliance (NNA) was accused of rigging the election for the NNDP. The election resulted in civil disorder and lawlessness throughout the region: houses and vehicles were burnt, while political opponents were killed. The federal government did not intervene. In January 1966, the military toppled the federal government and remained in power until 1979 when they returned the country to civilian rule.

In the second republic, Nigeria moved from the Westminster parliamentary system to the American presidential system of government. This system only managed to survive for four years. The massive rigging by all the political parties which characterised the 1983 elections coupled with the battered economy of the nation led to the collapse of the second republic. The mere fact that the fall of each of the republics was hailed by the generality of the Nigerian populace shows that they were already disenchanted with civil rule. The installation of military administration was seen as deliverance from a state of lawlessness and economic plunder.

#### The Principles of the Islamic System of Government

Maududi (10) discusses the principles of the Islamic System of Government extensively, which are summarized thus:

- (i) Sovereignty belongs to Allah alone; the authority of absolute legislation rests with Him; human beings, being God's subjects have no right to make laws for others. (11)
- (ii) The rulers in an Islamic State are only a political agency set up to enforce the laws of God. They only govern on God's behalf, hence they are regarded as God's vicegerents on earth. (12) It is therefore incumbent on the subjects to obey them; but if the rulers disregard the law of God

their commands will not be binding on the subjects. As God's vicegerents they must be faithful to the Entrusting Authority and they must believe in God. Islamic theocracy therefore radically differs from the form of theocracy that was in vogue in Europe in which the priestly class enforced laws of its own making in the name of God thereby imposing its own divinity on its subjects.

(iii) Qur'an is the constitution on which the operation of an Islamic government is based; an Islamic State is necessarily founded upon the law laid down by God through His prophets. The provisions of shari'ah contained in the Qur'an serve as an inspiration and a guidance for the Muslims.

(iv) The Executive is constituted by the general will of the Muslims who also have the right to depose it; whoever among the Muslims gains their confidence is given the mandate to rule on their behalf. In effect all believers are possible rulers; the right of rulership is not confined to any particular family, class, race, tribe etc. In the early Islamic governments slaves were appointed governors while Christians held administrative posts.

(v) The purpose of an Islamic government is to ensure justice, to prevent exploitation, to provide security, to protect the citizens, to eradicate all forms of evil, and to encourage all forms of virtuous conduct. (13)

(vi) The system protects the life and property of the non-Muslims (dhimmi) living in the State. They enjoy specific rights and privileges under Muslim rule on the condition that they pay jizya. (14) The observances of Islamic tenets is not to be imposed on them. This means non-Muslims living in an Islamic State are not forced to become Muslims. (15)

(vii) The ruler governs in consultation with an advisory council (Shura) which must consist of members trusted by the believers. (16) The ruler is not a dictator for he is answerable to God and his fellow believers who delegated their authority to him. The council can be elected by the Muslims. There is nothing like an opposition group, every member contributes to the debates according to his individual sense of honesty and understanding.

(viii) Decisions of the council are generally taken by majority vote. If the majority rule is not the best in the perception of the ruler he has the right to uphold the view of the minority. He can even disagree with the entire council and decide the matter according to his

judgement, but he must exercise such powers in a pious and God fearing manner.

(ix) No one puts himself up as a candidate for any position, and when a person is suggested for a position he is not to canvass or engage in any political propaganda to secure that position. Thus attempts to secure public office by electioneering campaigns, issuing posters, engaging in press propaganda, bribing the electorate etc. are repugnant to Islam. Rulers are chosen among the people on the basis of personal merit, fitness, competence, and piety.

(x) The judiciary is independent of the executive. The judge implements and enforces God's laws without fear or favour. He is not to heed the selfish interests of the ruler in making his judgement, every one is equal before the law; the Khalifah can be sued in a court of law by a labourer and no injustice would be done to him on account of his status.

(xi) Everyone living within the system enjoys freedom of expression, conscience, movement, religion, etc.

The Islamic government operated by the Khulafa' al-rashidun (the rightly guided Caliphs) followed these principles to the letter in contrast to the succeeding Umayyad and Abbasid dynasties who were found grossly wanting in their operation of the system. The Umayyad dynasty was particularly irreligious. We may talk briefly about the structure of Islamic government under the orthodox caliphate as presented by Mazhar al-Haq. (17) The central government consisted of the caliph who was the Chief Executive, the Shura which was the consultative council and some secretaries who helped the caliph in certain specific duties of the state.

The orthodox caliph wielded religious, political, legislative, administrative, judicial and military functions. Even though such functions were concentrated in their hands there were no constitutional or political restrictions on their authority. They were far from being autocratic because they exercised their powers within the laws and injunctions of the Qur'an and the sunnah of the Prophet. Majlis al-Shura on the other hand was composed of the chief companions among the muhajirun and the anjel figures of the ansar. The caliphs consulted the Shura in all matters of state in consonance with the quranic verse which enjoins the Muslims to consult their affairs among themselves. However these did not include matters of quranic revelation. The council advised the caliphs about performing their duties with regard to the choice of military commanders, governors, secretaries, fixing government officers' salaries, the despatch of armies etc. Secretaries were

appointed for the various departments of state. They corresponded to present day permanent secretaries in various ministries.

Before the reign of Caliph 'Umar, the provincial administration was rudimentary because Islam had not expanded far and wide. During 'Umar's reign the Islamic empire became vast. As a result there emerged the necessity for an elaborate provincial administration. Every province had a governor known as wali. As the representative of the caliph he performed all those functions in his area that the caliph performed in Medina. The governor was assisted by a secretary to support him in the departmental work. Each province was divided into districts with specific district officers whose main functions were to collect taxes. From the time of 'Umar provinces started to have separate judicial departments and police forces to ensure security. Islamic government in this period had a developed system of revenue administration. The foundation of all these had been laid down by the Prophet himself after he settled in Medina.

Evaluating the Western democracy as practiced in Nigeria in relation to an Islamic system of government.

The bedrock of Western democracy as operated in Nigeria (as in many other places) is the sovereignty of the people. This implies that the people themselves are to be the architects of their fortunes or misfortunes. The constitution in this system is consequently man-made. Since it is not possible for the people as a whole to go into the parliament they send their representatives through periodic elections to the house. So far, this system has not worked well in Nigeria. Election which has been a major characteristic feature of this political system has always been rigged. At least there has been accusations and counter accusations of rigging.

Those who contest elections employ every means possible to win. Electioneering campaigns have been characterised by deceptive propaganda, brain washing, offering of bribes, molestations by political thugs, abusive talks etc. Those who loose elections do not take it in good faith. Even where elections are free and fair, they make allegations of rigging and consequently resort to burning private and public properties as well as killing political opponents, thus causing a state of chaos and disorder. Worse still, those who are victorious in an election, the moment they assume office, forget about the electorate who gave them the mandate to rule. They begin to pursue selfish interests; they make laws to satisfy selfish ends and abrogate laws so as to fulfil their selfish desires. They become overnight millionaires and billionaires having diverted the nation's resources to their personal advantage. Their exploitative tendencies are even worse than those of the colonial masters mentioned above.

The multi-party system that has been adopted since the attainment of independence has not always functioned in favour of the overall interest of the nation. Rather than the opposition parties functioning as a watchdog over the activities of the party in government, they at times constitute an obstacle against well intentioned moves by the government. In the last republic, the non-government parties that were not necessarily in the opposition were hardly giving their support to government motions. Party interests thus over-ride the national interests. Nigeria's experience of Western democracy has been a reflection of Muammar al-Qadhafi's analysis of Western democracy as contained in The Green Book. The Libyan leader condemns the party system for many reasons. He maintains that it exercises a sham democracy through the establishment of parliaments and through the propaganda of its members; no party can satisfy the diversity of interests, ideas, temperaments, localities and beliefs which constitute the people's identity; the party in power rules non-members of the party; the existence of parties escalates the struggle for power which results in the destruction of a people's achievement. (19) Qadhafi seems in the Nigerian context to be quite right in his views although he sometimes expresses himself in an extreme manner.

There is no denying the fact that the lapses and abuses of Western democracy discussed above contributed significantly to the fall of the first and the second Nigerian republics. The problems of Western democracy experienced in that country are minimal if not completely lacking in any true Islamic political system, the type established by the khulafa' al-rashidun and found in countries like Iran, Saudi Arabia, Libya, Pakistan and Sudan to mention a few, but not the type established by the Umayyad or Abbasid dynasties. Scholars of Islamic history would admit that the caliphs of the former were on the whole known for their irreeligiosity. They are not regarded as having established ideal Islamic states because of the un-Islamic practices they perpetrated. In the first instance they confined the power to rule to their kith and kin; they exterminated political rivals and at times overemphasized ritual observances. Some present day so-called Islamic states need to change some of their traditions. The Saudi Arabians need to do away with the monarchical system while Libya has to recognise Hadith as a source of Islamic Law. From the foregoing, it is evident that the Islamic system of government despite its good qualities can, like Western democracy, be and has been abused. The principal factor responsible for the success of Islamic government wherever it succeeds is the fear of God which dominates the thought of the operators of the system. Besides this, the operational modalities which leave little room for abuses also contribute to its success.

The Islamic system of government could have been advocated as a better substitute for Nigeria. The heterogeneous nature of her society however may not make the system ideal. Nigeria can be



divided into three major geographical, and by implication political regions: one in the North, is dominated by the Muslims; the second in the East is dominated by the Christians (in fact in this region, we can say there are no Muslims at all); while in the third, the South, Muslims constitute a majority. Even though the Muslims form a majority in the country as a whole, this writer does not believe this is enough reason to justify the introduction of an Islamic system of government in the country as advocated by some Muslims.

To introduce the system would amount to an imposition which is against the tenets of Islam. (20) We know that non-Muslims are not necessarily to be converted to Islam under Islamic rule, but the fact remains that they would be living under a government whose ideology they do not believe in. Non-Muslims who have lived or are living under Islamic rule only tolerate it. An Islamic system of government could have been a legitimate system of government in Nigeria if this geographical entity had existed as a nation during the time of the West African jihad and the Jihadists had succeeded in penetrating into every nook and cranny of the nation. This was how most Islamic states adopted an Islamic system of government. If the Hausa States and Borno had remained as independent states they would probably have continued to operate an Islamic system of government. Before the system can therefore be justifiably introduced in Nigeria, Islamic da'wah has to be invigorated in Christian areas of the country particularly the Eastern States with a view to Islamizing the areas.

One subtle way by which an Islamic system of government could possibly be introduced in the country would be by advocating the formation of political parties along religious lines in the belief that the Muslim numerical strength would be advantageous. In our view, this would not be in the interest of the country. In fact such an arrangement would have more disastrous consequences on the continued existence of Nigeria as a united country. The experience might turn out to be worse than that of the Lebanon. In the light of the on-going controversies between Muslims and Christians over some sensitive religious issues like Nigerian membership of the Organization of Islamic Conference and introduction of Shari'ah courts in the Southern states, it is easy to imagine what the situation could be like, if Nigeria should become an Islamic state.

This writer should not be seen as compromising Islam. His views are expressed out of conviction, that Islam can be practised efficiently without anything missing from it even without the existence of an Islamic government. In our view, for now, secularity should be maintained at least at the federal level.

Even though we admit that the first and the second republic collapsed as a result of lapses of Western democracy, the system is not to be written off as worthless. After all it has functioned quite efficiently in some countries, particularly in Europe and

America. As we have remarked, one major factor responsible for the success of the Islamic system of government wherever it operates is the fact that the government functionaries are God-fearing and this makes a world of difference between it and the Nigerian brand of Western democracy.

If Nigerian politicians had been God-fearing, they would definitely not have been involved in the corrupt politics of the last two republics. The question may then be asked: how can they be God-fearing when the political order is not based on a religious constitution? We have to bear in mind that Muslims have participated in the politics of this nation; they constituted the majority in the parliament; they occupied many key posts and above all the Chief Executives in the two republics were Muslims. One would expect their political behaviour to have been influenced by Islamic tenets; they should have imported the spirit of an Islamic system of government into the Western system adopted in the country; they could have ruled in accordance with the provisions of the shari'ah without anybody noticing. The problem is that not many Nigerian Muslims behave according to the teachings of the faith they profess. There is even the likelihood that if the Islamic system of government had been introduced it would have been abused by the Nigerians and that would have been unfortunate.

How do we then develop the moral virtues such as fear of God, selflessness, patriotism, honesty, moderation, humility etc., needed for the survival and greatness of the country, in the people with the responsibility of its governance regardless of whatever system may be used. This may be a difficult task because politicians who are necessarily adults have formed their habits over the years and habits are hard to change. This being the case, reformation of society has to start with the young whose minds are tabula rasa. This has to be a joint responsibility of all the agencies of education viz: the home, the school, the church/mosque, and the peer group. They all have to cooperate, particularly the home and the school, by reinforcing one another in condemning and punishing immoral habits of the children. That is to say the school should alert the home and vice versa, each time they notice an act of immorality from the children. We must admit that the nonchalant attitude of the agencies of education towards a child's moral development is largely responsible for the prevalent moral decadence among youth.

To combat this social evil a form of religious education (that is Islamic oriented for the Muslims and Christian oriented for the Christians) should be made compulsory for students up to the upper secondary school level. In teaching the history of religious personalities, their moral qualities should be emphasised. At the tertiary level, a General Studies course with emphasis on moral instruction should be made compulsory. More importantly, every school leaver at every stage of his educational attainment should

be given a testimonial of his character in addition to the certificate of academic achievement. Before the school authority can write an objective assessment, the student must have been closely watched by all his teachers throughout his stay in the school. Employers must attach importance to this as they attach importance to academic certificates before offering employment. It would be incumbent on the school authorities to be honest and objective in their assessment of the student's moral standard for it is only then the testimonials can be regarded as a valuable document. Employers should equally take a keen interest in the behavioural patterns of their employees. They should not feel shy to reject those who are morally bankrupt. Those who will take part in future politics would equally need to show their certificates of moral excellence before they are allowed to participate. We are convinced that if such measures were taken they would go a long way in obliterating moral decay in the nation.

The question can be asked: what political system should be adopted in this country? While we are not advocating an Islamic political order at the centre because of the reasons already advanced, we believe there is a need to drastically review the country's previous political system to minimise abuses. We identify ourselves with the view of the advocates of a zero-party system. Experience has shown that Nigerian politicians are not mature enough to operate party politics in any of its forms, be it a one-party system, two-party system, or a multi-party system. The future government of this country can be entrusted to people who are known for their wide experience and moral uprightness. Such people must have distinguished themselves as respectable community leaders, competent administrators and patriotic citizens. In other words people should be given an opportunity to rule in recognition of their personal merits.

What we have said so far applies to the government at the centre, i.e. the federal government. We would now focus briefly on the government at the state level. Since the time of Macpherson, the heterogeneous nature of Nigerian society has been recognised. This was the reason why the colonial governor introduced a federal system in the country's administration. The nation was consequently divided into three regions each with its own administration. With attainment of independence agitation for state creation started and persisted to curb domination of minority tribes by the majority tribes. In response to the people's demand, mid-Western region was carved out of the former Western region thus increasing the number of the regions from three to four. (21)

In 1967 twelve states were created from the existing four regions while in 1976 the number of states increased to nineteen. It was only recently that some emirs expressed the view that twenty four states should be created from the present nineteen in consonance with the number of the country's provincial administration

structures in the colonial period. (22) During the on-going debate some have even called for a change from federation to confederation. These demands are in recognition of the diversity in religion, culture, language and interests of the people of Nigeria.

Since the federal system of government enables each region or state to have full control of its affairs it should be possible for any state of the federation that prefers the Islamic system of government to adopt it. Adoption of the system at the state level in our view does not in any way constitute a threat to national unity and neither does it make the nation drift towards confederation since the kind of relationship that exists between the federal and the state government would still be maintained.

Plebiscite could be conducted in the states opting for an Islamic system to determine whether or not they actually want the system. A state whose population is twenty percent (and above) should not be allowed to operate the system. In other words, only the states which are more or less homogeneously Islamic in their religious belief like Sokoto, Kano, Borno and Bauchi should be allowed to operate the system if it is their wish. May be that the demand of the people for the creation of twenty four states based on the twenty four provinces deserves a sympathetic consideration to allow for greater homogeneity of culture among the people that would be living in each state. For instance, the people of Kwara state are heterogeneous in religion and culture. This may not make adoption of the Islamic system of government possible in the state even though the majority of the people of that state may want it. If two states can be created from the present Kwara state based on the two provinces that constitute the state (i.e. Ilorin and Kaba provinces) this problem would be solved and the people in each would be able to adopt the type of government they desire.

#### Conclusion

It is in the spirit of tolerance and desire to be objective that this author has written this paper. Muslims have been known to have the spirit of tolerance. It is only normal for the adherents of the other religions, particularly the Christians, of this nation to reciprocate the tolerance of the Muslims. In as much as one advocates that an Islamic system of government should not be enforced on the Christians wherever they constitute a sizeable portion of the state's population, we are stressing it in the unmistakable terms that the rights of Muslims should not be denied by Christians. The recent controversy over some sensitive religious issues is a case in point. Significant among them are the proposed establishment of shari'ah in the Southern states; Nigerian membership of the Organisation of Islamic Conference (OIC) and the demand for demolition of the cross in front of the Ibadan University mosque described as a University land mark. (23) We

would limit our discussion to the issue of shari'ah legal system.

The Muslims of this country (especially the Southern Muslims) recently started to call for the establishment of shari'ah courts in the Southern states to hear and determine cases involving Muslims in respect of Muslim personal law in consonance with the provision of the 1979 constitution. Christians throughout the length and breadth of the country have levied an avalanche of criticisms against this. Some of their reasons are reflected by John Onaiyekan, the Catholic Bishop of Ilorin in a recently concluded national conference on shari'ah. He argues that if Christians accept the establishment of the shari'ah legal system, they would in the process become Muslims. He argues further that making provision for shari'ah courts is an unjust preferential treatment for Muslims. (24) We are sure that the learned Bishop knows that the shari'ah courts as they presently operate in the Northern states only exercise jurisdiction over persons who want their personal legal matters to be governed by the shari'ah. It follows that if a Muslim himself desires not to refer his case to the court nobody would query his action.

On the question of the Muslims being given preferential treatment, the Bishop ought to realise that the Christians too have the right to make a demand for the establishment of a Christian legal system if the common law being used in the country is not Christian oriented as he has argued. Balogun has rightly argued that it would be better for the country if religious courts were established for the adherents of the two religions. This would enable them to practise the teachings of their religions. (25) It may be better for the country in the sense that the high wave of atrocity and crime may be reduced because religious courts are committedly faithful to fairness and just dispensation.

In the interest of this nation, the adherents of the religions have to exercise restraints on sensitive religious issues and learn to reason with each other's point of view. They should cooperate with each other to resolve their religious differences. This we believe is the spirit behind the federal government's proposal to establish a National Council for Religious Affairs. It would be an uncooperative attitude if the Christians maintain their stand to reject participation in the activities of the council. (26) Both the Muslims and the Christians need to realise that continued peaceful coexistence between the adherents of the two religions can only be sustained if each party develops a spirit of tolerance towards the other, and it is only then that the growth and development of Nigeria as a nation can be guaranteed.

# FOOTNOTES

1. Kalim Siddiqui; Political thought and behaviour of Muslims under Colonialism. Paper presented at the World Seminar on Muslim Political Thought during the Colonial Period, held between August 6-9 1986 in London.
2. T. N. Tamuno, "British Colonial Administration in Nigeria in the Twentieth Century" in Obaro Ikime (ed.), Ground Work of Nigerian History, Heinemann Educational Books, Ibadan, (1980), p. 394.
3. G. D. Oiusanya, "Constitutional Developments in Nigeria, 1861-1960" in Obaro Ikime (ed.), Background Work of Nigerian History, Heinemann Educational Books, Ibadan, (1980), p. 520.
4. ibid, p. 521
5. ibid, p. 522
6. James Coleman, Nigeria: Back Ground to Nationalism, University of California Press, Berkeley and Los Angeles, (1958), p. 135.
7. Oyeleye Oyediran, Nigerian Government and Politics under Military Rule, 1966-79, Macmillan Press, London, (1979), p. 5.
8. G. D. Oiusanya, op. cit., p. 540
9. Oyeleye Oyediran, op. cit., p. 12 f
10. S. A. A. Maududi, Political Theory of Islam, Islamic Publications, Lahore, (1976), p. 20 ff
11. See Qur'an 12:40 for this reference. However, under Ijtihad, the jurists have the right to interpret divine laws as enunciated in the Qur'an and the hadith. Moreover, new laws are made to supplement the Qur'an and the hadith under Qiyas, Istisna, Istislah, 'urf, Ijma, etc.
12. Qur'an 24:55
13. Qur'an 7:22; 22:41; 3:110
14. Jizyah is the tax imposed on the non-Muslims living in the conquered territories as a substitute for Zakat paid by the Muslims.
15. Qur'an 2:256



16. Qur'an 3:159
17. Mazhar al-Hag, A Short History of Islam, Bookland, Lahore, (1977), p. 369 ff
18. Muammar al-Qadafi, The Green Book, Public Establishment for Publishing, (n.d.), p. 7 ff
19. The information that the Libyan leader does not recognise the hadith as a source of law is collected from Mallam Abdur-Rahim Isa al-Awwal, presently a lecturer of Arabic Literature in the Lagos State University. He obtained his first degree in Libya in 1979.
20. Qur'an 2:256
21. Major General Aguyi Ironsi rendered the regional government powerless by changing the federal system government to the unitary system in 1966 when he became the Head of State after the collapse of the first republic. The system was short-lived as it reverted to the federal system when Yakubu Gowon took over from Ironsi.
22. Daily Times, September 19 1986, p. 24
23. It is gratifying to note that the dispute has been amicably settled as reported by The Guardian, September 17 1986, p. 1
24. John Onaiyekan, The Shariah in Nigeria: A Christian View. Paper presented at the National Conference on the Shari'ah in Nigeria organised by the University of Ibadan University Muslim Graduate Association held on 28th June 1986.
25. I. A. B. Balogun, Application of Shari'ah in Southern Nigeria: Prospects and Problems. Paper presented at the National Conference of the Legal System in Nigeria organised by the University of Ibadan Muslim Graduate Association held on 28th June 1986.
26. Sunday Tribune, August 10 1986, p. 12