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1. A. Hourani, *Arabic Thought in the Liberal Age*, Oxford: Oxford University Press, 1970, pp. 71-78. (No parenthesis).
2. Ali Kettani, "Muslim East Africa: An Overview," *Journal Institute of Muslim Minority Affairs*, IV, 1 & 2, 1982, pp. 104-106.

When reference to the same work follows without interruption use *Ibid*, when interrupted by other notes, use authors last name, short form of the title and *Op.Cit*.

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# JOURNAL

## Institute of Muslim Minority Affairs

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Muslim Minorities Around the World*

Editor

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## **Religious Factor in Nigerian Politics : Implications for Christian-Muslim Relations in Nigeria**

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### **Introduction**

Right from the period of struggle against colonization, Nigeria had started to experience two major problems inimical to political stability. These were politicization of ethnicity and politicization of religion. At the initial stage, the problem was more of the former which contributed to the collapse of the First Republic and the start of the Civil War. The demise of the Second Republic as well could not be divorced from ethnic politics. An attempt to put an end to ethnic politics in Nigeria constrained the present military government to approve a two-party system for the Third Republic.

Religious politicization had its roots in the pre-independence era, but it started to pose serious problems to the unity of the country only within the last decade. The military government having sensed this problem warned the politicians against the formation of political parties based on religious ideology. It is too early to assess the deterrent value of this warning. However, Nigerians should have been adequately warned of the shape of things to come from the handling of the Shari'a issue under the Third Republic.

This paper then shall examine the role religion has played in Nigerian politics and its affects on Christian-Muslim relations.

### **Christianity, Islam and the State**

The policy guideline regarding the relationship between State and Christianity is evident in Prophet Jesus' saying: 'Give unto Caesar what is Caesar's and unto God what is God's'.<sup>1</sup> It is further reinforced by his frequent reminders that his kingdom is not of this world.<sup>2</sup> We can deduce from these statements that religion from the Christian point of view may not necessarily correspond with the State apparatus. This is not to say however that Christianity and the State are not compatible. Examples abound in history of Christianity as a State religion as of Christianity separated from the State. Initially, Christianity was a persecuted religion; in the second century A.D. it became the official religion of the Roman Empire. This temporal and spiritual unity with many ups and downs lasted till the Reformation in the 14th Century.<sup>3</sup> In the period after the Reformation, European States maintained a relationship albeit uneasy with the Church. But the increasing secularization of the polity and the liberal revolt within the church gradually in the 17th and 18th centuries transformed the relationship between the church and State culminating in complete separation in the 19th and 20th centuries.<sup>4</sup>

Insofar as Islam is concerned there is no dichotomy between Religion and State.

Islam signifies a cultural whole encompassing Religion and State.<sup>5</sup> According to Islamic political theory, sovereignty belongs to Allah who alone is the Law-Giver. The government which runs an Islamic State is merely a political agency set up to enforce the laws of God to whom all accounts are to be rendered.<sup>6</sup> The Prophet was the first operator of this system of government

This same system was in operation in Northern Nigeria before the arrival of the colonial masters.

The penetration of Christianity and Islam into Nigeria had political undertones right from the very beginning. The advent of Christianity in Nigeria was tied initially to slave trade and mercantilism and later to colonialism. The Portuguese came to the Benin Kingdom in the 15th century in pursuit of commerce. In the process they introduced modern education along with Christianity as agencies of civilization. When the British in 1841 came to formally establish colonialism in the country, the members of the expedition represented different interests: commerce, Christianity and colonialism.<sup>7</sup> We can observe intimate connection between the three.

Islam, on the other hand, made first contact with the Northern people through the trade expedition of the Berber Muslim merchants to the Kanem-Bornu region in the 13th century.<sup>8</sup> The Fulanis in 1802 embarked on jihad to purify the practice of Islam which had suffered corruption among the Hausas.<sup>9</sup> During this period, the Hausa States had become theocratic states. The colonial intruders came across an Islamic system of government in Northern Nigeria. The proselytizing drive of the jihadists towards the South was stopped by the colonial forces. The British adopted a policy of divide and rule when they cooperated with Muslim rulers in the North by agreeing not to interfere with their religion while they promoted active Christian evangelism in the South. Thus ground was prepared for rivalry between the Muslims and Christians.

The Muslims were however put at an educational disadvantage because secular schools were used as agencies of proselytization. Thus Muslims remained comparatively backward in Western education and were deprived of the necessary tools for participation in government.

### **Religious Factor in Nigerian Politics**

The Nigerian National Democratic Party (NNDP) which could be described as the first modern political party in Nigeria was formed in Lagos in 1923. The party was formed to meet the demands of Clifford's Constitution which granted the right of franchise to all male adult tax payers who earned more than 100 per annum. A more formidable party, Nigeria Youth Movement, with membership from every part of the country, was formed in the year 1936. The members included Chief Obafemi Awolowo and Dr. Nnamdi Azikiwe. The principal objective was to promote unification of the various ethnic groups through search for common ideals.<sup>10</sup> In spite of its good intention however the NYM could not survive ethnic rivalry which contributed to its fall. The demise of the NYM truly ushered ethnic politics in Nigeria.

The Richards's Constitution of 1946 which divided the country into three regions along the major ethnic groups, further encouraged ethnic politics. Hence the formation of the Northern People's Congress (NPC) in 1951 with membership mainly from the

North, and the formation of the Action Group (AG) in the same year with membership mainly from the West. The National Council of Nigeria and Cameroon (NCNC) formed in 1944 also began to experience its share of ethnic politics subsequent to the election of Azikiwe as its national leader. In the election that followed the 1951 Macpherson Constitution, the NPC formed the government in the North, the NCNC in the East and the AG in the West, amidst allegations of carpet-crossing by the NCNC.<sup>11</sup> Due to the inadequacies of Macpherson Constitution a new constitution was demanded which came into effect in 1954. It was during this year that the three 'majors' of Nigerian politics in the pre and post independent era, became premiers in their different regions. It was not until this period that religion started to play an important role in Nigerian politics. During the premiership of Chief Obafemi Awolowo in the Western Region, for instance, a religious party, the National Muslim League was formed in the Western Region.<sup>12</sup>

The NML was formed in Lagos around 1955. It was an off shoot of the Muslim Congress of Nigeria founded in 1950. The NML as a political party was formed to champion the cause of the Muslims in the Western Region. The Action Group, the party in power, was seen as an agent of Christianity, in view of its policies. The NML was formed to challenge the alleged neglect of the Muslim schools, non-inclusion of Arabic and Islamic studies in the school curriculums, conversion of Muslim children to Christianity, and, more importantly, inadequate representation of Muslims in the Executive Council of the region. For instance, it was alleged that only one Muslim out of 12 regional ministers was a Muslim between 1951 and 1957.<sup>13</sup> It was not long before Chief Awolowo realized that NML was formed to indict him and his party. Consequently, he placed a ban on its activities.

According to Awolowo, the NML's activities were dangerous to the region and might create a religious crisis. The reason for the ban of NML was not entirely without basis<sup>14</sup>. Chief Awolowo did not want to allow an incident that would destroy the unity and solidarity of the Yoruba. The importance of religion in Nigerian politics is thus well illustrated by the formation of a religious party in a region which cannot be described as homogeneously Muslim.

Chief Awolowo, because of the incident, vigorously campaigned against allowing religion to interfere in politics. According to him, he would like to follow the example of India by enacting a law which would make it an offence to use religion against an opponent during electioneering campaigns. He even promised to debate the question of religion in the 1957 Constitutional Conference in an attempt to make written provision into the Nigerian Constitution that would guide against the exploitation of religion for political purposes. This was with a view to preventing a re-occurrence of the Indian experience where the Indian Muslim League led to the partition of the sub-continent giving birth to the State of Pakistan.

In spite of these efforts, religion continued to play a significant role in Nigerian politics. It partly accounts for Chief Awolowo's unpopularity in Northern Nigeria. His sphere of influence in that region was limited to the Christian areas. It also accounted for his persistent failures to control the government at the centre after the elections of 1959, 1964, 1979 and 1983, despite his acknowledged skills. It was partly due to the

The riot started on the campus of the College of Education, Kafanchan on the 6th March, 1987. According to the Donli Commission of Inquiry<sup>18</sup>, the crisis erupted when one Reverend Abubakar Bako, while preaching, provoked the Muslim students by his wrong interpretation of the Qur'an and the falsification of the prophethood of Muhammad. When the Muslim students protested they were overrun by the Christian assembly and their mosque was burnt. Twelve Muslims, named in the Donli Report were murdered in Kafanchan. The news of the massacre resulted in violent reactions in the other parts of the State. The situation was so critical that it took combined teams of soldiers and the anti-riot police several days to bring it under control.

In the preceding year, three different crises were recorded in different parts of the country. These were the March 4 Palm Sunday religious disturbance in Ilorin, the Ibadan University Cross Crisis and the crisis caused by Nigerian membership in the Organization of the Islamic Conference (O.I.C). The Ilorin Crisis was sparked when the Muslims clashed with the Christians during the Palm Sunday procession. The Christians were accused of contravening the government's order prohibiting them from taking their religious procession through the Muslim areas of the town. This religious crisis centered on the location of the Cross (described to be a University land mark) which was alleged to be too close to the mosque, clearly visible from there. The Christians argued that the mosque was a new construction, the Cross was at its location from before, to pull it down because of the mosque would amount to injustice. The Muslims questioned the feasibility of choosing a Cross as a university land mark. With the intervention of the police and the Federal Minister of Education, the crisis was resolved. The Cross was screened from mosque, and the Muslims were permitted to erect an Islamic symbol by the side of the Cross.

In the same year 1986, the country was engulfed by the controversy over Nigeria's membership of the OIC. The Christians vehemently opposed Nigeria's membership because they saw in it an attempt to turn the country into an Islamic State. The severe polarization led to a near chaos situation whereupon the federal government established an Advisory Council on Religious Affairs to bring about some rapprochement between the Muslims and the Christians. From what we have seen of the performance of the Council so far, it cannot be described as being very effective.

### **The Shariah Legal System**

The issue that has generated the most heated controversy and which has caused serious bitterness between the Muslims and the Christians is the status of Shari'ah legal system within the Constitution. The controversy which has persisted for more than a decade started when a new Constitution was being prepared for the Second Republic. The controversy has assumed a different dimension from what it was in 1979 as we shall see below :

Section 240(1) : There shall be for any state that requires it a shari'ah court of appeal for that state.

Section 242(1) : The shari'ah court of appeal of a state shall in addition to

such other jurisdiction as may be conferred upon it by the law of the state, exercise such appellate and supervisory jurisdiction in civil proceedings in questions of Islamic personal law which the court is competent to decide in accordance with the provision of sub-section (2) of this section.

This 1979 provision is more or less a replica of the 1963 constitutional provision. The 1988 revised Draft Constitution provides in

Section 254(1): There shall be for any state that requires it a shari'ah court of appeal for that state.

Section 256(1): The Shari'ah court of appeal of a state shall in addition to such other jurisdiction as may be conferred upon it by the law of the state, exercise such appellate and supervisory jurisdiction in civil proceedings involving question of Islamic law where all parties are Muslims. It have jurisdiction in any case where one or both parties to the proceedings are non-Muslims and both requested in writing the court that heard the case in the first instance to determine the case in accordance with Islamic law.

The major point of departure between the two provisions is that the scope of the 1988 provision is wider since the court is given unlimited jurisdiction over all aspects of Islamic Law which under the envisaged dispensation would now include land and business transaction as well.

The Muslim members of the Constituent Assembly put forward a demand that a Shari'ah court of appeal should be established in all the states of the federation.<sup>19</sup> They do not want establishment of Shari'ah court of appeal to be voluntary as contained in the draft. The southern parts of country should not be overlooked with regard to their strong desire for Shariah and the established Shari'ah courts to be fully funded by the State.

The Christian Constituent Assembly Members demand that Section 254(1) of the Constitution providing for the creation of Shari'ah courts in states that require them should be expunged because its inclusion in 1979 was a mistake. Further that there should be no government funding of any religious courts.

The deliberations of members of the Committee 16 on the Shari'ah issue ended in a stalemate. Despite the intervention of the Committee of Elders set up to mediate in the bitter disagreement, the problem was still not resolved until the government withdrew the issue from the jurisdiction of the Constituent Assembly Members. It was, however, referred back to the Assembly before the close of business not for any deliberation but for incorporation into the Constitution. This did not go down well with the Christians who saw the government's action as an imposition.

One is bound to ask why the controversy over the Shari'ah has persisted despite its enshrinement in the Constitution since independence?

Christian opposition stems from the fear that the establishment of *Shari'ah* may be an attempt by the Muslims to Islamise the country. According to them this contradicts the secular status of Nigeria as well. The Muslims on the other hand argue that *Shari'ah*

courts are only for the Muslims and this is explicitly stated in the Constitution. Non-Muslims are not required to go there for litigation unless they are willing to opt for it.

Secondly, the establishment of *Shari'ah* courts does not change a country into an Islamic State. The *Shari'ah* legal system was continued by the colonial masters yet their administration was not Islamised. Since independence, Nigeria has accommodated *Shari'ah* courts; the country has not because of that ceased to be a secular state. African countries like Kenya, Tanzania, Ethiopia, Uganda and the Gambia are not Islamic state despite the existence of *Shari'ah* courts in these countries.<sup>20</sup>

According to Muslims, Islamisation of the country through *Shari'ah* courts would not be legitimate in view of the constitutional provision that no government shall adopt a state religion.<sup>21</sup>

The second Christian contention is that the establishment of *Shari'ah* courts a preferential treatment for the Muslims.

The Muslims' argue that denying them access to *Shari'ah* would amount to denying them freedom to live their lives in accordance with the teachings of their religion. Any government that is worth its name should provide for the needs of its subjects, and this is why *Shari'ah* has been enshrined in the constitution of Nigeria up to this day. The Muslims would not oppose establishment of Ecclesiastical Courts where *jus canonium* (canon law) would be applied if it is their desire, and the government would have no moral justification to turn down such a request. If religious courts can be established for the Muslims and the Christians it might be better for the country as that would enable them to practice the teachings of their religions and consequently the high incidence of crime and immorality would hopefully be reduced.

The Christians further argue that the establishment of a dual legal system would be economically wasteful.

The Muslims argue in return that a dual legal system is almost a universal practice. In Britain, English law exists side by side with Scot Law, yet Britain operates as a unitary political system. In Egypt Coptic Courts exist side by side with common law and *Shari'ah* courts, yet the Coptic Community is less than 7% of the Egyptian population.<sup>22</sup> The heterogeneous nature of these societies demand such an arrangement.

The by now well-worn argument that the *Shari'ah* legal system is an instrument of oppression and injustice is also employed by Nigerian Christians.

The Muslim reaction to this has been that any legal system can be used as an instrument of oppression and injustice. The use or misuse of a legal system very much depends on the operators of the system. When in any system the judiciary is not independent, it is often used as an instrument of oppression by political authorities everywhere.

That Islamic criminal law is archaic and barbaric is a corollary of the above argument. Nigerian Muslims tend to reassure their Christian compatriots that whatever the nature or spirit of this law, it will not be applied to non-Muslims. In contradistinction to the harshness of the system they focus on the low crime incidence in Islamic States.

Whatever the merits of the *Shari'ah* or its demerits both Muslims and Christians need to approach it with extreme caution. It is the most sensitive of all the religious controversies going on in the country which some people believe could lead to war.<sup>23</sup>

There is no gainsaying the fact that the bitterness generated by this controversy climaxed in the religious crises that have erupted in the different parts of the country in recent times. However, this does not have to be so if the Christians would try to understand the view points of the Muslims. However, the decision of the Military Government to use its power to incorporate the *Shari'ah* into the Constitution was perhaps the only way out in a situation where the whole nation was being held to ransom as a result of the deadlock over the issue.

## Conclusion

It is clear from the foregoing that in Nigeria, religion will continue to mix with politics for as long as the politicians and the electorate are zealous in their religious beliefs. Now that the Constituent Assembly members have ratified and submitted the Constitution to the military authorities we can say the stage is set for a return to democratic rule. Consequently, the army has promised to lift the ban on politics. It is therefore appropriate to propose some ideas for the resolution of the religious crisis with a view to creating harmonious relationship between the Muslims and Christians.

With this end in view we would suggest that the government should strive to meet the religious needs of the adherents of the two major religions without preferential treatment to either. Hence, if the Christians feel they are in genuine need of ecclesiastical legal systems they should be accommodated in as much as the *Shari'ah* legal system is already enshrined in the Nigerian Constitution. Since what is good for the goose is good for the gander there is no justification for continued delay in payment of the ten million naira for the construction of the National Church for the Christians in Abuja. The same has been given the Muslims who have utilized it for the purpose for which it was granted. All the Christian sects and denominations should, however, be treated as one single community.

Further while the government should endeavour to meet the religious demands of the religious groups, only those considered reasonable should be entertained. For instance, the demand by the Christians that the government should stay away from administering the annual pilgrimage to the Holy Lands in order to save foreign exchange is ill-conceived. It should be realized that any attempt to deny pilgrimage facilities to the intending pilgrims would amount to denial of freedom of worship and movement.

In order to create mutual understanding, respect, tolerance and good will for each other, there should be a forum where Christians and Muslims meet regularly to discuss issues of common interest. Without such understanding there can be no harmony, and without harmony there can be no peace. In this regard, the efforts of the Federal Military Government should be commended for establishing 'The Advisory Council on Religious Affairs'. The present leadership tussle in the Council can be resolved by making the posts of the Chairman and Secretary rotational between Christian and Muslim members.

The media being the agency for public information cannot but be mentioned in relation to public peace. The media should be urged not to be partisan in reporting on



issues involving adherents of the two religions. They should treat religious issues with circumspection

Both Islam and Christianity are proselytizing religions. So placing restrictions or prohibiting such activity would not be practicable or desirable. But the two faiths should be urged to proceed without offending the adherents of other religions. Recent experience in the country has shown that religious disturbances have often been sparked by a provocative manner of proselytization. If the preachers would confine themselves to direct propagation without recourse to abuses, sarcasm or mockery of the other faiths, friction between Muslims and Christians would be minimised.

Nigeria can be a united and stable country free from religious acrimony if the foregoing recommendations are implemented. But the success of the implementation would largely depend on the cooperation between the religious groups and the government. The religious groups should demonstrate mutual understanding, good will, respect and tolerance while the government should ensure social justice. It must be realized that Nigeria can only grow strong and prosperous when the government is stable and the citizens united.

### Notes

1. Matthew 22:21
2. Matthew 3:2; 4:17; 10:7 and 8:3
3. Encyclopedia of the Social Sciences New York, Macmillan Co. 1930, p. 258.
4. Brian Wilson : *Religion in a Secular Society* Watts 1966, p. 55
5. *Encyclopedia of the Social Sciences*, op. cit., p.333.
6. Abul A'la Mawdudi, 'Political Theory of Islam' in Khurshid Ahmad (ed.) *Islam : Meaning and Message* Lagos, Islamic Publications Bureau, 1977 p. 158.
7. Babs Fafunwa, *History of Education in Nigeria* London, George Allen and Unwin, 1974) p. 74.
8. O.B.C. Nwoliye, O.B.C. 'Awolowo and Religion in Nigeria' in Olasope O. Oyelaran et. al. (Eds.) *Obafemi Awolowo : The end of an Era*, Ile-Ife Obafemi Awolowo University Press, Ile-Ife, 1988 p. 849.
9. M.A.Al-Haj, 'The Meaning of the Sokoto Jihad', in Y.B. Usman (Ed.) *Studies in the History of the Sokoto Caliphate* Zaria Dept. of History, A.B.U. Zaria, 1979 p.1.
10. Okwudiba Nnoli, *Ethnic Politics in Nigeria*, Enugu, Fourth Dimension Publishers, Enugu, 1978 p. 141.
11. H. O. Danmole, H.O. 'The Religious Factor in Nigerian Politics : Awolowo and the Muslims' in Olasope O. Oyelaran, et. al, (Eds.) op. cit., p. 878.
12. Ibid. p. 878
13. Ibid. p. 878
14. Ibid. p. 881
15. Lagos State Government : Three Years of fulfillment (Speeches of Governor L.K. Jakande), pp. 35-36.
16. The estimated population of Nigeria today is 100 million. According to the 1963 census Nigeria's population was 56.5 million out of which the Muslims constituted 47.27%; the Christians 34.59% while 18.18% was shared by the adherents of other religions. The 1981-82 projected population distribution based on religion shows that Muslim population constituted 45.5%, the Christians 44.9% while 9.6% was shared by others. See *Sunday Triumph* No. 7, 1982.

17. *Daily Sketch of Nigeria*, 17th April, 1987, p. 3
18. See Donli Commission of Inquiry's Report published in 1987
19. The Muslims and the Christians positions on the Shari'ah issue were published in *Newswatch* of October 24, 1988. See pages 14 and 15.
20. J.N.D. Anderson, *Islamic Law in Africa*, London Frank Cass, 1970) pp. 58-59; pp. 88-89.
21. M. O. Opeloye, M.O. 'Problem of Desecularization of Nigeria's Political Order' in Sigvard Von Sicard (Ed.) *Bulletin on Islam and Christian-Muslim Relations in Africa* Vol. 6, No. 2. Muslim Relations, Selly Oak College, Birmingham, 1988 p. 12.
22. D. O. Shittu, 'The Nigerian Draft Constitution and the Shari'ah controversy' in M.O.A. Abdul, (Ed.) *Journal of Nigerian Association of the Teachers of Arabic and Islamic Studies* Department of Arabic and Islamic Studies, University of Ibadan, 1977 p. 108.
23. S. U. Eriwo, 'The Church in a Changing Nigeria : 1960 to Date in Atanda and Aliyu (Eds.) *Political Development*, Proceedings of the National Conference on Nigeria since Independence, Vol. 1 *Zaria* Gaskiya Corp. 1985, p. 395.