

**THEME:**

**ISLAMIC THEOCRACY AND MODERNISM: Issues and Challenges**

**SUBTHEME:**

**ISLAMIC THEOCRACY AND MULTIRELIGIOUS STATEHOOD**

**TOPIC:**

**A REVIEW OF SOME SOCIOPOLITICAL ASPECTS OF  
ISLAMIC THEOCRACY AND ITS MODERN WORLD  
APPLICABILITY WITH PARTICULAR REFERENCE TO  
NIGERIA'S SHARI'A APPLICATION EXPERIENCE:**

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**PREAMBLE**

It must be an interesting study to embark on review of some sociopolitical aspects of Islamic Theocracy in a multireligious state such as Nigeria.

This paper is determined to focus on those areas impinging on our experience in Sharia Application efforts from the beginning of the Nigeria State till the present time.

Such effort then necessitated the search for a world widely accepted study with which to juxtapose our experience in Nigeria. A survey which serves this purpose is being copiously consulted.

The three main political regions of the Nigeria State at the Independence (North, West and East) are my nidus of the Socio political discuss from where all other created states emanated.

The challenges posed by the heterogeneity of the socio-political arrangements starting from the pre-Independence, Independence and post-independence periods, are discussed. The small socioeconomic gains achieved at our Independence has been virtually dissipated due to the sociopolitical conflicts poorly managed by our leaders accentuating the negativity of multireligious coexistence.

Islamic Theocracy in its normative or modernized form is arguably a solution which should be considered for the Muslim Ummah in Nigeria, and then the solution which is necessary for the expected progress to be made.

## **INTRODUCTION**

The geographical entity now known as Nigeria existed as different nationalities when the colonialist explorers came around 1861<sup>1</sup> to this part of the world.

When the British completed the amalgamation of the North and Southern portions in 1914<sup>2</sup> and drew her boundaries named Nigeria, there were no official contribution from any of the colonial subjects (who occupied the soils).

Even at the 1960 Independence, the 1958 – Constitution which formed the official document on which it was based was enacted on the floor of the British parliament in London.

“Ab initio” therefore, at the beginning of Nigeria’s nationhood, the political Independence had no stable political structure to sustain it as a multicultural and multi religious political entity as obtained in Britain and other Western and civilised countries.

The British recognized this defect and was meant to have been corrected at the 1963<sup>3</sup> declaration of Nigeria as a Republican State by an act enacted in the Nigeria Parliament in Lagos, however, the damage to our history has been done already.

The leaders of the three Regional governments the Northern, the Eastern and the Western have assumed their roles as leading representatives of their three nations in the Nigeria State, though the limitations of their capabilities were very clear to them, therefore they still avow their loyalty to the Federal Government at Lagos as nationalists.

At first, post-independence, the Nigeria subjects carried over the pre-independence nationalistic passion, but more quickly than their leaders, the subjects began to see themselves first as Hausa – Fulanis, Yorubas and the “Igbos” with the minorities. (community States).

The political instabilities which then led to the first Nigeria’s coup de tat and the Military occupation of the countries in January 1966 has been described\*<sup>4</sup>

Historians must continue to emphasize that our Colonial masters apparently were comfortable with the dissimilar sociopolitical arrangements which existed in the Northern Nigeria as against the Southern Nigeria which they ignored in 1914 as shall be explained below.

I agree with Omole and Adeniji\*<sup>5</sup> that the British policy of Indirect Rule was successfully deployed in the North because the colonial imperialist were not interested in disturbing the politico – religious structure which existed in the North and were able to utilize it to their political and economic advantages.

On the other hand, the above strategy could not be applicable in the Southern Nigeria where the people were more individualistic and analytic of alien suggestions.

In both cases however, at the end of the day the British imperialists had to employ coercive force of the gun wherever necessary to forge the two protectorates in to this political environment, Nigeria.

### **SOCIO POLITICAL OUTLOOK OF THE YORUBAS OF THE 19<sup>TH</sup> CENTURY**

The old Oyo Empire was at the height of its power in the 18<sup>th</sup> century but by the middle of the 19<sup>th</sup> Century, it was completely disintegrated and after the death of Alafin Abiodun in 1789, the central authority finally collapsed.

The effects of the Yoruba civil wars of the 19<sup>th</sup> Century had profound effects on all aspects of life of the Yorubas including their religious believes.\*<sup>6</sup>

For about 70years, the Yoruba country was in a state of chaos and uncertainty.

The Fulani conquests of the Yoruba northern towns and the sack of KATUNGA the capital city of the Old Oyo Empire, quickened the tempo of the decline and collapse of the Yoruba political kingdom and introduction of the Northerner's Islamic belief to the Yoruba towns.

There were numerous inter-tribal wars among the Yorubas themselves and in the 19<sup>th</sup> Century, this led to the emergency of new towns and cities in Yorubaland. Ibadan was founded around 1829 and later organized a government that was military in character.

The Egba concentrated around Olumo rock and founded their capital town of Abeokuta about 1830. Alafin Atiba also founded new Oyo about 60 miles to the south of the original capital at Ago – Oja.

When the Europeans came calling around 1846 it was a socially and politically divided nations of the Yorubas they found, therefore, it was not difficult for them to meddle, as they prefer, in their tribal affairs to their advantage.

While the Yoruba civil wars ravaged Yorubaland for a long period, several kingdoms disintegrated while lives and property were destroyed.

Furthermore as a result of the Yoruba wars that followed the Owu war, new states and cities were founded as mentioned; and including the Ijaye and Modakeke subjects who fled from their original homes to their present locations.<sup>7</sup>

After the initial failures of the meddlesome Europeans in Yoruba national politics, the later missionaries came with the Bible and the educational agenda and were more civil in their approach, thus much accepted, and "the seeds of Christianity were planted and well-watered until they germinated".<sup>8</sup>

By the middle of the 18<sup>th</sup> Century, Islam was firmly in existence in the towns such as Oyo, Igboho, Kishi, Shaki, Iseyin down to Badagry and Lagos.<sup>9</sup> Before the colonialization of the Yorubas,<sup>10</sup> the application of Shariah Law was informally done by the Islamic scholars who lived among the people that have been converted to Islam and sought willingly for the application Shariah for their complaints.

The indigenous traditional courts were the common mode of legal system until the British legal system was introduced. The introduction of their common law jurisprudence was made to supersede the Traditional legal system and the Shariah Law. The emergence of Muslim monarchs in parts of the Yorubaland from mid-nineteen century, for example, Abibu Lagunju (1847 – 1900) at Ede. Lamuye (1858 – 1906) at Iwo, improved the application of Shariah Law in the towns both in scope and prominence. In fact, some criminals found guilty were punished adequately according to Islamic Shariah Law.<sup>11</sup>

## **THE YORUBAS, SOCIO - CULTURALLY**

The Yoruba Kingdom rulers agree that their forefathers migrated from Ile – Ife, led by Oduduwa their ancestor. The Yorubas were not the original inhabitants of the area they now occupy particularly those whose migrations could be traced by historical records.<sup>12</sup>

The Yoruba culture shows the people as farmers and town dwellers. They have monarchical tradition.

They worshipped many gods though they believed in a supreme deity called “Olorun’ or Olodumare”.

Each Kingdom was ruled by a constitutional monarch who was elected by the Council of Chiefs who were in turn elected by the town people.

The Oba was referred to as a god but his tyrannical powers can be curtailed by the people and chiefs.

## **THE IBO OR IGBOS<sup>13</sup>**

Unlike the Yoruba (and the Binis) the Ibos were not centrally organized around an Oba whose dynasty could be used to recall what happened in the past. They also migrated as groups to the areas where they settled, but they too, have a system of government.

The original Ibo center could be traced to present day Awka and Orlu Division. They spread from here to other settlements over time. A part from the above, there exist other traditions of origins for the Umuni group who claimed to have migrated from Idah while the Onitsha people said that their original home was Benin.\*

### **IBO CULTURE AND GOVERNMENT**

The Ibos were organized in scattered homestead and villages. Each village was the basic unit of social organisation and cultural activities which linked them together by ties of kinship\*. Each village has a head of lineage. The Okpara held the Ofo title whose symbol was club – like. They can manage their internal affairs themselves.

The largest political unit was the “village – group” which comprised a member of villages sharing the same cultural identity, a guardian deity and a central meeting place.

The component villages performed religious rites and cleared their towns and public places like markets.

The village government consisted of two basic institutions, the AMAALA (Council of Elders) and the Village Assembly of Citizens. All adult male held the right to sit at the Council meetings and all citizen may attend the village assembly.

The Ibos are united by the socio-cultural as well as the ties of the grassroot political organisation. There was the fear of the deity or oracles which must not be offended by any member who is protected by the power of the Guardian Deity of the village in the village group. An Ibo man is also encouraged to marry outside the village and this is another method of unifying the villages and the Ibo Nation.

This was the socio-political structure of the Ibo nation up to the period of political independence in 1960.

### **THE HAUSA – FULANI NATION<sup>14</sup>**

It is historically convenient to study the Hausa – Fulani socio political structure from the time when Uthman Dan Fodio successfully carried out his “Jihad” in 1804\* and by 1807, when he retired, he had established a single Fulani aristocratic governance structure. The full islamization of administrative and judicial systems based on Shariah occurred in 1808 after the king of Gobir was defeated. Therefore, he and his children have successfully put an end to any system that was previously in place in the area which was recognized as the Northern Region until the period of British colonialism up to the Independence in 1960.

## **IMPERIALISM AND SOCIO – POLITICAL CHALLENGES IN NIGERIA**

When the colonial imperialists arrived, they met the established Islamic theocratic Hausa Fulani nation whose matters had to be addressed by appeasement initially and in other cases by the use of force to install their own type of colonial imperialism of Democracy.

It must be noted therefore, that while the Western part of Nigeria at Independence was socio culturally identifiable as a “political” nation because of their traditional benefits, mingled with syncretic Islamic influences, there were so much difference in their political awareness to exist as a truly homogenous nation in a multinational state.\*<sup>15</sup> The language has always been Yoruba, and a common identity for that matter, but there are so numerous dialects and some of them are not easily recognized by non – yorubas.

(As for the Ibos, it has been argued above that they have rather republican, and less monarchical structure, but still open to outside and foreign influences as we have seen in history.

This factor contributed to the relative ease with which the foreign beliefs and cultures penetrated the Southern Regions (East and West) compared to the North before Nigeria’s Independence in 1960 and afterwards.

The sociopolitical environment in the North also was amenable to the application of Shari’a law in the areas of family and social affairs and the structure are still there now; albeit, rather in a form to be discussed below.

In the Western Region, because of the acceptance of Islam by the local communities, a structure of Shari’a law system was adopted and was even entrenched in the Nigeria Constitution.

The common law and British system of judicial intervention, however took the centre stage post – independence till now, particularly in the areas bordering on criminal justice.

However, in the then Eastern Region of Nigeria, the Shari'a Law System has not been well established.

## **ISLAMIC THEORACY AND WORLD APPLICABILITY**

In the modern world, the large percentage of Muslims in many countries of the world desire that Islamic Law (Sharia'h) should be the official law of the land

This will be in keeping with the injunction of Allah\*<sup>16</sup> (s.w.t) in the Holy Qur'an, Chapter 61 verse 9.

“He it is Who has sent His Messenger (Muhammed s.a.w) with guidance and the religion of truth (Islamic monotheism) to make it victorious over all (other) religions even though, the Mushrikum (idolaters) hate it.”

The Pew Research Center\*<sup>17,28</sup> conducted a worldwide survey recently to confirm this assertion.

Many supporters of the Shariah Law opined that the Law should be applicable only to Muslim population of the country. This survey outcome is relevant to the discussion that shall be presented here, therefore some of its findings shall be included.

### **SHARIA LAW IN FAMILY AND PROPERTY MATTERS**

There were different interpretation of the Sharia Law relating to the Family and Property issues, particularly, many Muslims do not support the Sharia Law in severe punishments like Whipping or Cutting off hands in criminal cases.

#### **1. SUPPORT FOR SHARIA**



The survey involved 38,000 face to face interviews in more than 80 languages.

The distinctly different legal and political cultures of the interviewed participants explain the reason why in some countries, they want total political instruments of the state to be used to establish Islamic Sharia Law while in other countries, it is preferred that only the Muslims in the country should be subjected to the Sharia Law. The countries of the Central Asia, Southern and Eastern Europe share the historical experience of separating religion and the State Politics.

For example, Turkey's modern political history support the creation of a secular government. On the other hand, governments in many of the countries surveyed in South Asia and the Middle East including North Africa region have officially embraced Islam.

The Support for Sharia as official State Law and its specific application in the Domestic Spheres may be considered by looking at the application in examples where previous political experience causing the existing legal frame work in the country stand out as the significant factor.

Let us look at these three countries: Lebanon, Tunisia and Turkey:

- 1) **Lebanon** – Islam is not officially stated as the State Religion, though the majority of the Muslim Sects in the country have their own courts for setting their family matters.
- 2) **Tunisia** – The Tunisian constitution favours Islam over other Religions but religious courts, which once governed family law were abolished in 1956; and more Tunisians want Sharia to be official law of the land in that survey. (56%) while (42%) favoured influence of Sharia only on Family and Property matters.
- 3) **Turkey** – The evolutionary political experience of Turkey in the early 20<sup>th</sup> century resulting in sweeping legal reform resulted in a secular constitution and legal frame works. Specifically, the Traditional (Islamic) Sharia courts were eliminated in the 1920's. History recorded that by 1925, the Islamic Caliphate Rule in Turkey was collapsed by the British.

Now, only minorities of Turkish Muslim support enshrining Sharia as official Law (12%) or letting religious judges decide even Family and Property disputes (14%).

## 2. **SHOULD SHARIA APPLY ONLY TO MUSLIMS**

Muslims who favour making Sharia the Law of the land generally agree that the requirement of Islam should apply exclusively to the adherents of the Muslim Faith.

The medians across the 5 Regions where the interviews took place was fifty-one percent (51%).

### **3. FAITH AND MORALITY**

Is it necessary to Believe in God to be a Moral person?

The median percentage of the Muslims who say “YES” are as follow.

- ❖ South Asia 87%
- ❖ Middle East – North Africa 91%
- ❖ South East Asia 94%
- ❖ Southern and Eastern Europe\* 61%

\*(Note that these countries are mainly secular States) – with relatively low percentage.

Regardless of whether they support making Sharia the official law of the land or not, Muslims around the world mainly agree that in order to be a “moral” person, he or she must believe in God. This statement may be argued by the non – Muslims.

Muslims also believe that some behaviours such as suicide, homosexuality and consuming alcohol are morally unacceptable.

There are, however, divided opinions on the morality of issues such as Divorce, Birth control and Polygamy, among the Muslims who were interviewed and future studies may look more closely in to them.

In particular, other immoral behavior such as sex – outside – marriage, Abortion and Euthanasia are areas of controversies.

### **4. WOMEN’S RIGHTS (Veil etc.)**

World Muslims attitude toward Women’s right are mixed depending on whether the States are under the Sharia Law or secular. Viz: “Wife should obey her husband”

- ❖ South East Asia (93) median %
- ❖ South Asia (88)
- ❖ Middle East – North Africa (87)
- ❖ Sub-saharan Africa (40)
- ❖ South – Eastern Europe\* (43)

\*Opinion that women should have the right to choose if she veils here 88% median.

### **5. EXTREMISM WIDELY REJECTED BY THE MUSLIM WORLD, Suicide Bombing Not Justified**

In most countries where the questions were asked, roughly three – quarter ( $\frac{3}{4}$ ) or more of the Muslims reject suicide Bombing and other forms of violence against civilians.

It is not even a defence of Islam against its enemies. Therefore, those who support violence of any kind must have other political or geographical (land boundary) disputes as their reasons. The Sharia or Islam could not be a tenable excuse by them for violence.

**6. SUNNI – SHIA TENSION**

Fewer than four in ten (40) median % Muslims consider tension between the Sunnis and Shias to be a major national problem. The majority of the Muslims, therefore, more than (60) median % did not see the tension as a major problem though, it is present in some areas and should be prevented in these areas to the barest minimum.

**7. DEMOCRACY AN RELIGIOUS FREEDOM**

In the Muslim world, there is widespread support for Democracy and Religious Freedom.

Most Muslims around the world express support for Democracy, that others may be free to practice their religion. Many of them will, however, want religious leaders to have at least some influence in political matters of the state.

**8. POLITICAL ROLE FOR RELIGIOUS LEADERS**

Median % Muslims who believe religious leaders should have political influence.

- ❖ South East Asia 79 median %
- ❖ South Asia 69 median %
- ❖ Middle East – North Africa 65 median %
- ❖ Central Asia 28\* median %
- ❖ South Eastern Europe 22\* median %

The above figures include medians of at least a quarter across these three regions who would like to see religious leaders exert a large influence on politics as in the first three examples above.

Muslims in the last two examples, in the regions where the question was asked, less than 3 in 10 (28%) in Central Asia and (22%) in Southern and Eastern Europe are comfortable with the merger of Politics and Faith.

Furthermore, out of these few Muslim population in these (mainly secular) States, still less than one in ten (1 in 10) of them think that Religion should have a large influence in the politics of the State.

In the survey study, it was found that the Devout Muslims tend to be more supportive of religious leaders playing a role in politics.

In a number of countries, particularly in the Middle East and North Africa, but also in Southern and Eastern Europe, Muslims who pray several times a day are more likely than those who pray less frequently to say religious leaders should have at least some influence on political matters.

At a country level, this gap is especially wide in Lebanon where Muslims who pray several times a day are nearly 4 times more likely than other Muslims (51% versus 13%) to say that religious leaders should play a role in politics.

## **9. ISLAM AND CONTEMPORARY SOCIETY**

Many Muslims are comfortable to practice their faith in the contemporary “secular” world. Relatively few feel there is an inherent conflict between being religiously devout and living in a modern society.

The prevailing view in most countries under the survey is that there is no inherent conflict between Religion and Science.

However, many Muslims think that Western music, movies and television pose a threat to morality in their countries, though, on a personal level, substantial percentages say they enjoy Western entertainment.

## **THIS WORLD SURVEY FINDING COMPARED TO THE STUDY AMONG AMERICAN MUSLIMS**

In 2011, the Pew Research Center conducted the second nationality representative survey of Muslims in the USA, and found some key differences viz:

- 1) 63% Americans did not feel any tension between being religiously devout and living in a modern society. This is compared with a modern of 54% of Muslims Worldwide.
- 2) Many religions, not just one can lead to eternal salvation (56%) American Muslims believe that compared with the global median of 18%.

- 3) Muslim in America are much less likely than the Muslims worldwide to say that all or most of their close friends are Muslims, 48%, compared with the global median of 95%.

Such is the influence of the secularity of the political environment on the degree of liberalism demonstrated within the ambit of the same faith. (context)

## **DISCUSSION**

Muslims adore “Sharia as the Islamic mode of setting a standard of jurisprudential conduct of life which does not permit fanaticism (extremism) or a practice which falls below the set standard.

Allah\*<sup>18</sup> (swt) said “We have sent down to you (Al Qur’an) the Book as an exposition of everything, a Guidance, a Mercy, and Glad – Tidings to those who have submitted themselves (to Allah) as Muslims.

“Truly Allah is with those who fear Him and are Good Doers”\*<sup>19</sup> (Surah 16:89 and 128).

In a long Hadith\*<sup>20</sup> which is so relevant to the discuss here that its content shall be summarized thus: -

“The Holy Prophet Muhammad (Peace Be On Him) sent Mu’ad ibn Jabal to Yemen as a governor. He then instructed Mu’ad to teach with the Holy Qur’an and the Hadith (Sunnah of the Prophet) and asked him

“How will you judge  
(Kaefa toqlih)

Mu’adh said

“I will judge according to what is in the Book of Allah (swt). The Prophet said“

(Fa in Lam yakun fii kitaabi Lahi)

What if it is not in the Book of Allah,

Mu’adh said “Then I will judge with the tradition (Sunnah) of the Messenger of Allah”

The Prophet (saw) said

What if is not in the tradition of the Messenger of Allah Mu’adh said, “Then I will strive to form an opinion (IJTIHAD).

The Prophet (saw) said

(AlhamduliLahi lazhi wa fa qa rosuula rosuuliLahi) All Praise in due to Allah, who has made suitable the messenger of the Messenger of Allah.

(Source: Sunnah At – Tirmidhi 1327 Grade: Sahih)

This narration demonstrated the proper procedures for applying Islamic guidance that would eventually develop into the discipline of the Principles of Islamic Jurisprudence.

(USUL – AL – FIQH). Viz:

- 1) Al Qur’an
- 2) Ahadith
- 3) Consensus of the Companions
- 4) Scholars’ application of rational principles such as analogy (QIYAS)
- 5) Equity (ISTIHSAN)
- 6) Public Interest (Maslahah Mursalah)
- 7) Custom (of the people) (‘urf)

The use of these rational principles (from 4 to 7) is called the practice of Independent legal reasoning (IJTIHAD).

In the later periods, scholars then extracted the purposes and objectives of Islamic law as a guiding philosophy when applying rational principles to new situations, a discipline known as the objectives of the law (MAQASID – ASH – SHARIA).

These objectives include the protection of life, religion, and property, family and intellect as well as the pursuit of mercy, justice and welfare.

Finally, the last advice the Prophet of Allah (s.a.w) gave to Mu'adh\*<sup>21</sup> more than 1400 years ago is still relevant to my discussion in this paper. He told Mu'adh to behave with good character, as it is the character of a Muslim which can most strongly impact a good impression of Islam to those being called.

In these words: “

Ah sin khuluqaka I naasi  
Yah Mu'adh ibn Jabal.

Make your character excellent for the people,  
O'Mu'adh ibn Jabal

(Source Muwatta 167 Grade Sahih)

In the Holy Qur'an Allah\*<sup>22</sup>(swt) commanded the believers to preach Islam in a beautiful manner, not in a harsh way. (Q16:125) Al – Nahl.

The Holy Prophet (s.a.w) was sent to the entire world to personify “peace” that is to preach and practice all things which will end in peaceful and serene happiness of the people.

After he had left, those who lived and practiced his sunnah in Islamic Theocracy puritanistically as he had done, led the world in the Islamic Golden Age\*<sup>23</sup>, when the Europe was still in the Dark and Middle Ages, i.e. mid-7<sup>th</sup> Century to the mid-13<sup>th</sup> century at which the Muslims rulers established one of the largest empires in history. See under the Abbasside's dynasty)

The severe punishments for criminality in Islamic Laws were more of deterrents to those who are yet to be criminally inclined. The punitive aspects of the Sharia Law obtain are for the mild offenders in non-criminal and civil cases.

The point being made here is that in the parts of the world where Islamic Laws are practiced, the citizens tend to be less criminally motivated. In effect, more efforts are thus directed at organisation of the family and communal structures of the society who then fill the courts with minor offenders with family and inheritance complaints and fewer criminal cases than in the permissive non – Sharia Law nations. In these liberalized countries permissive attitude of the communities have overtaken most moral mures, and the incidence of criminal offences and violence are by far prohibitive to epidemic proportion and public embarrassment with socio economic consequences.

Specifically, in the Nigeria context, it is being submitted that the weak political structure created for us by the imperialists which failed to

harmonise our multi religious and multicultural nationalities in to strong political state status at independence and after wards is at the root of our socio-political challenges up to now. The imperialists continue unabated to rule us by remote control through their local protégés or titular “leader – servants” who must rush to London or New York to find solutions to problems that they themselves have contributed to, locally.

## **ISSUES AND CHALLENGES**

The problems are now so obvious that even our leaders themselves who are benefitting from them are afraid that the balloons can burst suddenly anytime. They can see clearly that the young generations are restless and hungry\*<sup>24</sup> (Kaduna Crisis of October 2018, where 50 people died. See Punch, Wednesday 24/10/2018 of page 2)

## **THE WAY FORWARD**

The way forward is to strength the factors which may promote moral and religious development and collectively mitigate against the other factors which cause disunity, violence and rancour in Nigeria. This paper may merely point to few of them.

It has been argued above that in the North of Nigeria before the dawn of Independence in 1960, Usman Dan Fodio established his own version of Islamic Theocracy which displaced the animists beliefs of the Hausa states before his Jihad in 1804. The elements of the Sharia Law which is in the Nigeria Constitution is still being practiced to settle family and some non–criminal legalistic conflicts in the Northern State of Nigeria.

When in Zamfara State, Governor Ahmad Sanni declared the State Sharia Law in October 1999, he thought that it would quickly bring about the much needed security, social and economic justice and morality which have eluded his people.

He also believed that corruption in the society would be a thing of the past. These, and many more good changes are the expectations of the Sharia Law if properly instituted in an Islamically informed society and midwifed by righteous leaders.

In Lagos State, the attempts being made to establish an Independent Sharia Panel, by the Muslims themselves unlike the Zamfara experience have been thwarted repeatedly by the political class in the State.

Amidu Sanni<sup>25</sup> observed that the colonialists found the Shariah application informally by Islamic scholar in Yorubaland to those who sought it side by side with the indigenous traditional courts which held sway before the British Common Law system was introduced and did little, at first, to change the status quo. Later on, the situation was replaced by the predominance of the British Common Law and the administration of the other two legal systems were discriminated against until in the nineteenth century when muslim king ruled parts of the they



Yorubaland. At that time in the Yorubaland, the scope and prominence of Sharia'h became enhanced. These muslim rulers carried out severe punishments on some criminals according to Islamic Sharia'h Law.

In recent times, the efforts of the National Council of Muslim Youth Organisation (NACOMYO) in Oyo State to initiate a bill to introduce Sharia'h Law was also resisted by the political class.

However, later on in the discussion, the efforts of the Muslims in Lagos State and Oyo State shall be further stated because of their relevance to this paper.

The Zamfara state and the South West States examples provide interesting case studies, such religio – legalistic phenomena with visible socio-cultural consequences shall be highlighted in this paper.

## **SOCIO-CULTURAL EFFECT OF LEGAL PLURALISM**

Can we also for a while examine the complexity of the legal systems in Nigeria sequel to our colonial experience. I agree with the submission of Abdul Mumini Oba\*<sup>26</sup>, as I have argued above, that our colonial masters suppressed the importance of the Sharia Law and the traditional (Customary) Law which they found on arrival and promoted their own Common (canon) law which was basically derived from Christianity and institutionalized the validity test. Therefore, after Independence and as late as 1999, of the 12 Northern Nigeria States, 9 of them which adopted the Sharia Law as the basic source of Laws, are still groping under the yoke of multiple problems, particularly ethnic differences (note that Nigeria has about 250 ethnic groups) and socio-cultural conflicts.

It is therefore reasonable to discuss the legal pluralism in Nigeria under the customary law, Islamic law and common (English derived) law which are the globally and naturally recognized legal traditions and categorization. It is hoped that the proponents of the supremacy of the Common Law will allow this.

At the global level, the Muslims are supportive of the Sharia, though the opinion differ about the criminal offences and the consequences. The Sharia Law should therefore be considered a legal system, because it contains an element of belief (eeman) and also is a way of life (min'haji). It is not just a religious law. This should be another case in point for its global acceptability among the Muslims.

In Nigeria, the validity text policy has outlived its importance and should be expunged from our statute, books, now that the Citizens Bill of Rights is in the Constitution.

The organisation of the Court System should be carried out so that the High Courts administer English Law, The Sharia Courts of Appeal and the Customary Court of Appeal exclusively administer Islamic and Customary Law respectively. In my opinion, the plural legal systems above having lasted this long, shall continue in future Nigeria, particularly regarding the Family Law. The submission here is that those who prefer a legal system should be allowed easy access to it within the context of the Law.

It has been stressed that the effective consequences of the criminal offences in the Sharia Law serve to prevent the larger proportion of the society from these unwholesomely atypical misadventures. Some social ills which have wide public, political and developmental effects such as corruption in all its ramification, community factors bordering on ignorance, leading to poverty and disease are consequences of our legal pluralism.

However, few examples of these menaces shall be mentioned.

1) **CORRUPTION**

In the context of this topic, the Zamfara State Sharia Law experience is worth a detailed study. History has noted it that October 27, 1999 was the day of the Sharia Law declaration by the Governor of the State and the first thief's hand was cut off in March 2000, barely 5 months. The statistical figures of more amputations if computed in future will be instructive. Those who treasure their hands may not risk a theft.

2) **CIVIL MATTERS**

In Lagos State, the experience of one Kadiku\*<sup>27</sup> was equally interesting.

In the year 2002, Muslim Activists in Lagos, set up a Private Arbitration Tribunal, the Independent Sharia' Panel (ISP) of Lagos State.

When the Zumuratul Islamiyya Association dismissed one of its members, Alhaji Ibrahim O.K. Lawal, he sought the ruling of the ISP court to, among other prayers, to withdraw the letter of his dismissal. An excerpt from the report thus:

"Most respondents, including one G.I Kadiku appear before the ISP in response to its summoners and took part in the proceedings. Kadiku also retained his own lawyers who sent a letter to the ISP emphasizing their intention not to submit to the Court. The letter was subsequently disowned by Kadiku before the ISP and the ISP accordingly asserted its jurisdiction over his person, the lawyer's letter notwithstanding, emphasizing Kadiku's continuing voluntary participation in the case knowing that in law, he did not have to .....\* it is clear that the Shari'ah Law does not have to be forced on the Muslims.

3) **FAMILY / CRIMINAL ISSUES**

The Muslim Youths (NACOMYO) in Oyo State did not succumb to the blackmail of the political class. They established the Supreme Council for Sharia'a in Oyo State to exercise jurisdiction on civil and criminal matters brought before them by Muslims. The members of the Council are legists and experts in Islamic Law.

A landmark case involved Sulaiman Shittu who had voluntarily requested for "HADD" punishment on him for fornication. Despite the fact that the Council initially hesitated, Shittu insisted and reminded the council that they will be answerable to Allah (s.w.t) for failing to carry out the sanction on him.

On Thursday, 31 October, 2002, a panel was constituted and headed by Ahmad Tihamiyu Olawale with other members, Abdul Rashid Adiatu, and Ishaq Kunle Sanni, the then President of NACOMYO, sat at the Ojaba Central Mosque, Ibadan and caused 100 strokes of the cane to be administered on Shittu in the presence of a multitude of observers.

## **CONCLUSION**

Allah, sub a nau wa ta aala emphasized in the Holy Qur'an that Islam shall triumph at the end of the world over all other religious. (Q61:9)

The turmoil all over the world now and the "Islamophobia" particularly from the Western world probably may soon give way to the peaceful end for the believers which was predicted. Being a Religion of Peace, all the instruments and processes of the Sharia Law lead essentially towards achievement of justice and peace at home and in the society.

The legal pluralism in Nigeria as in such places all over the world signify a society which is not cohesive and focused. If that is the little that the Muslims in Nigeria can achieve, there should be a Sharia'h Law court with the status of the Court of Appeal and the cases of severe punishments should be referred to the Supreme Court where an internationally experienced Sharia'a Law judge should be on the bench.

In this multi religious Nigeria State, Islamic Theocracy is possible and in fact necessary when Muslims are well informed and embrace it voluntarily. The non-Muslims should be educated properly to adore the preventative strategies and effective methodologies of this jurisprudential as well as all – embracing peaceful stylish attitude. It should only be accessible to the Muslims who ask voluntarily.

## **WHAT IS A MEDIAN?**

The Median is the middle number in a list of numbers sorted from highest to lowest. On many questions in this report, medians are reported for groups of countries to help readers see regional patterns.]

For a region with an odd number of countries, the median on a particular question is the middle spot among the countries surveyed in that region.

For regions with an even number of countries, the median is computed as the average of the two countries at the middle of the list (e.g. where six nations are shown, the median is the average of the third and fourth countries listed in the region).

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