

Religious Freedom and Conflict Management

By

IBRAHEEM, Abdullah Abiodun

**Department of Islamic Studies,
School of Secondary Education Arts and Social Sciences,
Osun State College of Education,
Ila-Orangun, Osun State, Nigeria**

E-mail: dankhalifah2012@gmail.com

Phone Number: 08062865454

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Abstract

The concept of religious freedom is one of the fundamental human rights as unanimously agreed upon by the United Nations. This principle authorise an individual, group of individuals or community to publically or privately hold and practice a set of believe (worship) without interference of others. The manifestation of disagreement between one another or between groups of individuals often results to conflict. This paper is set out to examine the accessibility of freedom within the ambit of the law, hindrances, restrictions and deprivations of this right. The paper therefore applaud and prefer conflict management to conflict resolution by identifying some conflict management measures which if adequately applied would drastically minimize religious conflict in Nigeria in particular and the world at large.

Introduction

Freedom of religion is undoubtedly one of the universal and fundamental human rights; by the way, fundamental human rights are a group of rights that have been recognised by a high degree of protection from encroachment. David Kaluge (2013) defines as the “Inalienable rights of people”. In other word, they are the legal entitlements which every citizen should enjoy without fear of the Government or other fellow citizens. They are said to be the rights which cannot be said to have been given to man by man but are earned by man for being a human because they are necessary for his continuous happy existence with himself, his fellow man and for participation in a complex society.

In Nigeria, these rights are specifically identified in the constitution or have been fund under due process of law.

- *The Right to Life*
- *Right to Freedom of Expression at the Press*
- *Right to Personal Liberty*
- *Right to fear hearing*
- *Right to private and family life*
- *Right to freedom of thought, conscience and religion*
- *Right to freedom of expression at the press*
- *Right to peaceful assembly and association.*
- *Right to freedom of movement*
- *Right to freedom from discrimination*
- *Right to acquire and own immovable property anywhere in Nigeria*

Despite the constitutional provision of the above listed rights, there are gross abuses of these rights. The case of the abuse could be best describe as survival of the fittest in which the influenced and privileged take advantage of the less influenced and privileged people in the society even if it will cost up to their lives without minding their rights under the constitution. However, there have been frequent reports of human rights abuses emanating from truncating right to freedom of thought, conscience and religion among cleric fundamentalists. Nigeria has witnessed many clashes between Christian and Muslim adherents over the years.

We shall now consider the concept of the concept of religion freedom; hindrances and excesses that often lead to crises among the two major religious groups (Christian and Muslim) in Nigeria and conflict management measure that would checkmate religious violence in our country.

Concept of Religious Freedom

Freedom of Religion is a principle that supports the freedom of an individual or community, in public or private to manifest religion or belief in teaching, practice, worship and observance. It also includes the freedom to change one's religion beliefs

According to United Nations, freedom of worship or freedom of religion is considered by many people and most of the nations to be a fundamental human right. In a country with a state religion. Freedom of religion is generally considered to mean that the Government permits religious practices of other sects besides the state religion and does not persecute believers in other faiths. Freedom of belief is different, it allows the right to believe what a person, group or religion wishes but it does not necessarily allow the right to practice the religion or belief openly and outwardly in a public manner

Freedom of religion has been used to refer to the tolerance of different theological systems of belief while freedom of worship has been defined as freedom of individual action. Each of these has existed to varying degrees. Many countries have accepted some forms of religious freedom; this has also often been limited on practice through punitive taxation, repressive social legislation and political disenfranchisement

Guarantees of religious liberty and respect for conscience and belief are inevitably found in the constitutional orders of liberal democratic societies and in international and regional human rights instruments. To some extent, these reflect the concerns at the time of those charged with drafting these instruments. Examples abound, each with perhaps subtly different emphases. In particular, Article 18 of the Universal Declaration on Human Rights of 1948 provides that Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. A fuller formulation (which includes a reference to education, but excludes explicit recognition of the right to change religious belief) is found in Article 18 of the International Covenant on Civil and Political Rights of 1966:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral

education of their children in conformity with their own convictions. Such guarantees are found in other instruments at a regional level.

Freedom of religion in Nigeria, guaranteeing the peoples entitlement to religious freedom including freedom to change religion or belief and manifest and propagate ones religion or belief in worship, teaching, practice and observance.

The law also provides:

- No person attending any place of education shall be required to receive religious instruction or to take part in any religious ceremony relating to a religion not his own.
- No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.
- Nothing in the provision of the Constitution shall entitle any person to form, take part in the activity or be a member of secret society.

The Scope of the Freedom of Religion

The freedom of thought, conscience and religion: freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. In trying to identify the roots of this freedom and its embedment in international documents it must be noted that The Universal Declaration states that “this right includes freedom to change his religion or belief. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions

It is acknowledged that to have freedom of religion and belief protects the individual in his or her spiritual and transcendental relationships. It has both a negative and a positive component. Negatively, this freedom provides protection against being coerced into joining a particular belief or a particular religious community, changing one’s religious belief, or carrying out particular rituals or other religious acts. This prohibition is absolute. In a positive sense, the freedom of religion or belief provides human beings with the possibility of having or adopting a religion or belief of their choice, and the freedom— either individually or in community with others and in public or private—to manifest one’s religion or belief in worship, observance, practice and teaching. This includes the right to erect and visit places of worship, to impart religious teachings and participate in religious education, to profess one’s faith in public, and to create and publish religious writings. The same guarantees of freedom apply to all these, and no limitation whatsoever is admitted as far as the realm of personal conscience is concerned. Such absolute freedom, moreover, applies

not only to freedom to have such convictions but also to change them and to adopt new ones. The process of maintaining such convictions as well as the freedom of individual choice are protected against all forms of direct coercion and also against indirect encroachments

The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.

The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group. In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications. The Committee also added that the fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population shall not result in any impairment of the enjoyment of any of the rights under the Covenant. There should be no discrimination against adherents to other religions or non-believers. In particular, certain measures discriminating against the latter, such as measures restricting eligibility for government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths, are not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection.

The negative freedom of religion is not restricted to the absence of religious services or religious education. It extends to practices and symbols expressing, in particular or in general, a belief, a religion or atheism. That negative right deserves special protection if it is the State which expresses a belief and dissenters are placed in a situation from which they cannot extract themselves if not by making disproportionate efforts and acts of sacrifice. The State has a duty to uphold confessional neutrality in public education, where school attendance is compulsory regardless of religion, and which must seek to inculcate in pupils the habit of critical thought. The Court considered that the compulsory display of a symbol of a particular faith in the exercise of public authority in relation to specific situations subject to governmental supervision, particularly in classrooms, restricts the right of parents to educate their children in conformity with their convictions and the right of school children to believe or not believe. It is of the opinion that the practice infringes those rights because the restrictions are incompatible with the State's duty to respect neutrality in the exercise of public authority, particularly in the field of education.

Limitations and Derogations to the Freedom of Religion

The freedom to manifest one's religion or beliefs may be restricted only to the extent that such limitations are permitted by law and are necessary to protect public safety, order, health or morals, or fundamental rights and freedoms of others. It is important to distinguish between derogation from rights in time of public emergency and the permissible limitations on rights. Although the circumstance permitting derogations, "public emergency which threatens the life of the nation," resembles to the grounds for possible limitations, "national security," derogations and limitations differ in character and scope, in the circumstances in which they may be imposed, and in the methods by which they may be affected. Derogations in time of emergency are clearly intended to have only a temporary character; limitations, in contrast, may be permanent. Measures taken by a state party in the exercise of its right of derogation have to meet the following tests:

- (a) they must be strictly required by the exigencies of the situation;
- (b) they must not be in conflict with other international obligations that the state party has assumed; and
- (c) they must not involve discrimination based "solely" on race, colour, sex, language, religion, or social origin.

The Universal Declaration of Human Rights is the only international instrument aimed at the global protection of human rights which concentrates limitations upon rights and freedoms in a single provision. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.

Few cases of Religious Discrimination Nigerian Education Sector

There are a number of unnecessary discriminations and deprivations of rights of the Muslims by influenced people of other faith noticed in almost every sector most especially in Western and Eastern part of Nigeria. We would highlight some cases of discrimination resulted from the use of Hijab by female Muslim student.

1. Peace of the people of Osogbo the Osun state capital was glossily destructed in December, 2014 when Muslim Student in Public Secondary School were disallow to use Hijab. The issue was resouled in Law court. There was a similar case in Lagos state
2. The case of Amasa Firdaus Abdulsalam who was denied call to bar in December, 2017 claiming she broke the dress code set by the university wearing the wig on top of her hijab is still fresh in our memories
3. In University of Ibadan some teachers forcefully remove Hijab from female Students

Concept of Conflict Management

Conflict refers to a situation in which there are opposition in ideas, opinion, feelings and wishes. It is a clash of interest. The basis of conflict may vary but, it is always a part of society. Basis of conflict may be personal, racial, class, caste, political and international conflict in group often follow a specific course. According to Robert (1990) quoting Rahim notes the following common elements in the definition of conflicts having developed from their past interaction, building on that the proposed definition of conflict by Rahim is "An interactive process manifested in incompatibility, disagreement or dissonance within or between social entities.

Michael Nicholson defines conflict as an activity which takes place when conscious being (individual or groups) wish to carry out mutually inconsistent acts concerning their wants, needs or obligations. It is an escalation of disagreement, which is its common prerequisite and is characterized by the existence of conflict behaviour, in which the beings actively trying to damage one another ranging from disagreement, verbal abuse and interference

Routine group interaction is first destructed by an initial conflict, often caused by difference of opinion, disagreement between members, or scarcity of resources. At this point, the group is no longer united and may split into coalition. This period of conflict escalation in some cases gives way to a conflict resolution stage after which the group can eventually return to routine group interaction. Conflict resolution involves the reduction elimination or termination of all forms and type of conflict

Religious conflicts therefore, can be defined as "A situation in which religious adherents are involved in a serious disagreement or argument with one religious group or the other". In another word, Religious conflict is the struggle over values and claims to scarce resources, status and power in which the aims of the opponents are to naturalise, inure or eliminate their rivals"

However, conflict management is the process of limiting the negative aspect of conflict. The aims of conflict management is to enhance learning and group outcomes, including effectiveness or performance in organizational setting properly managed conflict can improve group out comes. Five style of conflict management as identified by Thomas and Kilman are: competing, compromising, collaborating, avoiding and accommodating. Conflict management minimize the negative outcomes of conflict and promote the positive outcomes of conflict with the goal of improving learning in an organization. Properly managed conflict increases

- Organisational learning by increasing the number of questions asked and encourages people to challenge the status quo
- Organizational conflict at the interpersonal level includes dispute between peers as well as supervisor-subordinate conflict

In another way round, party directed mediation (PDM) is a mediation approach particularly suited for dispute between co-workers, colleagues or peers, especially deep-seated interpersonal conflict, multi-cultural or multi-ethnics disputes. The mediator listens to each party separately in a pre-caucus or pre-mediation before ever bringing them into a joint section. Part of the pre-caucus also includes coaching and role plays. The idea is that the parties learn how to converse directly with their adversary in the joint section. Some unique challenges arise when organizational dispute involves supervisor or sub-ordinate. The Negotiated Performance Appraiser (NPA) is a tool for improving commendation between supervisor and subordinate and is particularly useful as an alternative model because it preserve the hierarchical power of supervisor while encouraging dialogue and dealing with differences in opinion.

Orientation to Conflict

There are three orientations to conflict. These are:

1. Lose – lose: Lose – lose is a type of conflict that tends to end negatively for parties involved
2. Win – lose: A win – lose orientation result in one victorious party, usually at the expense of the order
3. Win – win: The win – win orientation is the most of essential concept to conflict resolution. A win – win solution arrived at by integrative bargaining may be close to optimal for both parties. This approach engages in a cooperative approach rather than a competitive one.

Although the win – win concept is the ideal orientation, the notion that there can only be one winner is constantly being reinforced in American culture.

Early conflict management models Blake and Mouton (1964) were among the first to present a conceptual scheme for classing the models (style) for handling inter personal conflicts in five (5) types:

- Forcing
- Withdrawing
- Smoothing
- Compromising
- Problem solving

In 1970 and 1980(s), researchers began using the intentions of the parties involved to classify the style of conflict management that they included in their models. Both Thomas (1976) and Pruitt (1983) put forth a model based on the concern of the parties involved in the conflict. The combination the parties concern for their own interest (assertiveness) and their concern of those across the table (cooperativeness) yield a particular conflict manage style. Rahim (2002) noted that there is agreement among management scholars that there

is no one best approach to how to make decision lead or manage conflict. In a similar vein, rather than creating a very specific model of conflict management, Rahim created a meta-model (In much the same way that Dechurch and Markes (2001), created a met-taxonomy) for conflict style based on true dimension concern for self and concern for others

Within this frame work are five (5) approaches. These are integration, obligation, domination, avoiding and compromising.

- **Interaction:** This involves openness, exchanging information, looking for alternatives and examine differences so as to solve the problem in a manner that is acceptable to both parties
- **Obligation:** this is associated with attempting to minimize the differences and highlight the commonalities to satisfy the concern of the other party
- **Domination:** in this style, one party goes all out to win his/her objective and as a result often ignores the needs and expectations of the of the other party
- **Avoiding:** here a party fails to satisfy his or her own concern as well as the concern of the other party
- **Compromising:** this involves give-and-take where by both parties give up something to make a mutually acceptable decision

Conclusion and Recommendations

From the fore going, religion which is the system by which man recognises the existence of a superhuman controller of the universe, the recognition of God as an object of worship, love and obedience which ultimately leads to practical piety and morality should not be a seen as a source of crisis, riot and unrest which many at times leads destruction of life and properties. Every religious group should judiciously exercise their religious freedom and not to exceed their limit as everything has its boundary. The role of understanding of other people's religion, respect and well organised inter-faith dialogue are stressed as they among others would definitely minimize religious conflicts in Nigeria while the little misunderstanding and differences could be meaningfully managed by the application different conflict management styles. This work prefers conflict management to conflict resolution. The former would not give room for fire to set at all while the latter seek to quench the fire after it has ready set.

The religious groups in Nigeria should see themselves as one. A critical examination of one's extended family in Nigeria (most especially south-western part) revealed relationship and affiliation with people of other faith. Also, it should be in our mentality that the wish of Allah made us what we are and no one should be compelled to accept or reject a particular religion since no one other than Allah guides to the right path (see Qur'an 2:272, Q2:142, Q2:213, Q6:88, Q18:17 etc). We strongly feel that It would not be too much for religious group in Nigeria to consider the following recommendations.

- Religious groups should as a matter of duty to critically study their religion and endeavour to understand some basic things about other people's religion with a view to tolerate, respect and admire other people's religion
- The freedom of religion as important of fundamental Human right should be given a chance to operate moderately. the Nigerian Government at all levels should create a level ground for all religious groups in terms of socio-culture, education, employment, appointment, aids/grants and so on
- The media houses should sensitize its workers on the need to treat every religious group equally and not be biased in any form, they should give true story of events and issues that has to do with religious groups
- The religious leaders should be very careful with their utterances while delivering their sermons and lectures. They should train their followers love and respect of every creature irrespective their race, religion, ethnics, background and status. They should always organise well guided both inter and interal faith dialogue with a view to teach and learn from one another.
- Religious Peace Committee (RPC) should be put in place in each town, city, Local government, State and at Federal level. Members to be drawn from every existing religious group with a view to monitor and guide religious groups in other to maintain love, peace and orders

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