

LAW AND RELIGIOUS CONFLICT IN NIGERIA

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Abstract.

Nigeria is a country with cultural diversity as reflected in her various ethnic groups, diversity of languages and dialects plus different political views. Another perspective of this diversity is the nation's varied religious inclinations most especially African Religion, Islam and Christianity. In effect, Nigeria is a multi-religious society. There is obviously connection between the religious ideas possessed by the members of a given society and the social changes taking place in that environment. The strong communal bond emphasized in every society is the function of their religious activities. A glance at today's events will reveal the deplorable situation in this country. Everybody is a living witness to the rapid deteriorating condition of this great country. Political upheaval, economic instability, social injustice, disharmony, religious conflicts and greed are adequate descriptions of Nigeria. Consequently, several factors among which are politics, injustice, intolerance, lawlessness, religious particularity, mutual suspicion or rivalry and wrong methods of evangelization as a result of inadequate knowledge, have been responsible for religious conflicts in Nigeria. This paper examines the concept of religious conflicts, its effects on the social lives of Nigerians and the capacity of the law to regulate, curb and forestall ravaging occurrence of conflicts arising from the corridor of religions in Nigeria. This paper comes up with appropriate recommendations to achieve socio-religious harmony to engender development.

INTRODUCTION

Nigeria is a country with cultural diversity as reflected in her various ethnic groups. Diversity of languages, and dialects plus different political ideologies. Another perspective of this diversity is the nation's varied religious inclinations most especially African Religion, Islam and Christianity. In effect, Nigeria is a multi – religious but not a monolithic religious society. There is obviously a connection between the religious ideas possessed by the members of a given society and the social changes taking place in that environment. The strong communal bond emphasized in every society is the function of their religious activities.

A glance at current events on social media, inter netting information, today's newspaper, police insurgency reports, and a host of others will reveal the deplorable situation in this country. Everybody is a living witness to the rapid deteriorating condition of this great country. Religious crisis, political upheaval, economic instability, social injustice, disharmony and greed are adequate descriptions of Nigeria's experience in the past two or more decade. Crimes of astounding dimensions in ordinate ambitions and wistful exploitation of one religious man by his fellow man are rampant. Corruption; gross indiscipline and religious violence are not only common but increasing. These vices, being the sure demonstrations of our paralyzing malady, have combined to deny Nigeria of her positive necessary upward national development.

In the light of the on – going, is there any hope for this great country with over a hundred million. If there is any hope, how can this be achieved. It is strongly believed that Nigeria can still attain an enviable height especially if we stop attacking ourselves/synto rather than causes. The first step to national development is through religious harmony. Islam has got something to say. For example, concerning the best of peoples evolved for mankind because of religious services they rendered, the Qur'an (Ch. 3: 110) says:

**'You are the best of people, evolved,
for mankind. Enjoining what is right,
Forbidding what is wrong, And
Believing in GOD'1**

In an ideal situation, mutual relationship among religious adherents that will call for harmony in any society is expected to lead to positive development of the society. Our point of arguments here is that religious has the tendency of helping other religious adherents through their laws, scriptures and what their religions preached to arrive at more rational decisions that are capable of promoting national survival. The aim of this paper is to examine the various concept of God, (in African Religion, Islam and Christianity) causes of Religious disharmony and to utilize laws to bridge the gaps. These concepts will be critically appraised, compared and sources of the concepts identified. Having done all these, it will be imperative to utilize these concepts as laws and tools in our search for national unity in Nigeria.

RELIGIONS AND LAW

Religious law includes ethical and moral codes taught by religious traditions. This includes Christian canon law, Islamic Sharia, Jewish halakha, and Hindu Law².

Sharia, also known as Islamic law “Qanun Islami” is the moral code and religious law of Islam. Sharia is derived from two primary sources, the precepts set forth in the Qur’an and the example set by Islamic prophet Muhammad in the Sunnah. Islamic Jurisprudence (Fiqh) interprets and extends the application of Sharia to questions not directly addressed in the primary sources by including secondary sources. These secondary sources usually include the consensus of Ulama (religious scholars) embodied in Ijma and analogy from the Qur’an and Sunnah through qiyas. Shia Jurists prefer to apply reasoning (aqil) rather than analogy in order to address difficult questions.³

Muslims believe Sharia is God’s law, but they differ as to what exactly it entails. Modernists, traditionalists and fundamentalists all hold different views

of Sharia, as do adherents to different schools of Islamic thought and scholarship. Different countries, societies and cultures have varying interpretations of Sharia as well. Sharia deals with many topics addressed by secular law, including crime, politics and economics, as well as personal matters such as sexual intercourse, hygiene, diet, prayer and fasting where it has official status.

Sharia is applied by Islamic judges or Qadis. The Imam has varying responsibilities depending on the interpretation of Sharia while the term is commonly used to refer to the leader of communal prayers, the Imam may also be a scholar, religious leader or political leader.

Law on the other hand, can be defined as the system of rules which a particular country or community recognizes as regulating the actions of its member and which it may enforce by the imposition of penalties⁴. Also, law is a rule of conduct developed by the government or society over a certain territory

According to advanced learner Dictionary, Law can be viewed as the principles and regulations established in a community by some authority and applicable to its people whether in the form of legislation or of custom and policies recognized and enforced by judicial decision, any written or positive rule or collection of rules prescribed under⁵....

It is often asserted that it is impossible to divorce religion completely from law which is Sharia for the Muslims in any society. This is because moral values and obedience to Allah's commandments are the bed rocks of any religion often appeal to the conscience of the religious adherents.

STATUS OF ISLAMIC LAW IN NIGERIA

The Sharia is a vast and highly technical field and its administrators are required, as a rule, to devote the whole of their life to its learning, teaching, and application. Even the most learned of Ulama have always dreaded the judicial office and have always insisted that only men who are both learned and pious may be appointed to administer the Sharia. We may recall the famous prophetic tradition that divides Judges into three categories – two of which will go to Hell and one to paradise. The two destined for Hell, we might recall, are the one who is ignorant of the Sharia and accepts the office and purports to administer Justice and the one who is learned but Judges not in accordance with the Sharia. Now, taking all this into account, there can be no doubt that the ends of Justice cannot be adequately served by either allowing amateurs to administer the Sharia or by administering it through second – hand means. What is more, when Judges trained in the English legal system are called upon to apply the Sharia (and “take it in their stride “they cannot be blamed if their preconceived notions of Justice and equity play a large (if subconscious) part in their application of the Sharia. One should also not lose sight of the fact that, due to the general ignorance of the Sharia amongst lawyers, there are still many common law Judges whose view of Islamic law and the Islamic legal system is similar to that expressed by Justice Goddard in 1940 when he said, referring to certain provisions of the then Emergency powers Act, that his court was really put very much in the position of a Qadi under the palm tree: “There are no principles on which he is directed to act. He has to do the best in the circumstances, having no rules of law to guide him”⁶

This palm – tree notion of Justice still dominates the minds of a good many High court Judges. But above all, the really more serious issues in the

matter of non – Sharia judges applying the Sharia, concerns the possibility of either the deliberate disregard for the Sharia or ignorance by the bench resulting in a miscarriage of Justice.

THE CONCEPT OF GOD IN ISLAM, CHRISTIANITY AND AFRICAN RELIGION.

“ISLAMIC CONCEPT OF GOD”

The proper conception of God is the bedrock of Islam as a religion and as a way of life. Belief in the existence of Allah is very important and indispensable that a new convert into Islam must declare before he is regarded as a Muslim. Chapter 112 of the Qur’an says:

**He, Allah, is unique Allah Is He on whom all creatures depend.
Neither does He beget, nor is He begotten And there is
no one like Him⁷**

The oneness of Allah can be graphically comprehended when considered from the three (3) major aspects in relation to Him. These include “Dhat” the essence of Allah, “Afa’l” the works of Allah and “sifat” the attribute of Allah. All these made Allah what He is. The most important quality of God in Islam is that Muslims believe that Allah is one; indivisible and no one share the essence with Him, Nobody share his authority with Him. To a Muslim, trinity is not an acceptable description of Allah. Allah has no peer similar or equal. This belief in the unity of Allah is non – negotiable. Muslims worship Him directly no intermediaries or divinities as in case of African Religion and Christianity.

CONCEPT OF AFRICAN RELIGION

An examination of the structure of Africa religion reveals that Africans believe in God. God is real and his position cannot be replaced by any other divinity. The worship centers such as shrines, grooves, temples and religious

articles – reassure us of the peoples understanding of God. The divinities have sacred places dedicated to them. Prayers are held, but when these prayers are not answered they appeal directly to God.

In the light of the above, the Africans believe in divinities and intermediaries as God is too big to approach directly but they use divinities as their intermediary between them and God to convey their demands to the Supreme God and not semi -gods.

CONCEPTS OF GOD IN CHRISTIANITY

Concerning the existence of God in Christianity, as considered by Naturalism is a philosophical system which rejects the supernatural and divine revelation. Insisting that Natural causes and laws explain all phenomena. They have tried to establish the existence of God through three (3) arguments. Vis - a- vis. Cosmological argument, says the universe is an effect which connotes an adequate cause and that cause is God. Ps. 19:11.

The second argument is Teleological argument. This is the teaching that events and developments exist according to the design or purpose of God Rm. 1: 18 – 20.

The third argument is the anthropological argument. Is the teaching that since man is a moral and intellectual being, he must have a maker who is also a moral and intellectual Being Acts 17:29.

Another conception of God by Christianity is the Trinity of God. There is only one God, but in the unity of the God head, there are three (3) eternal and co – equal persons who are same in substance but distinct in subsistence. The Old Testament does not reveal the Trinity but occasions the latter revelation of it. Some passages use plural words and pronouns for God. e.g. Gen 1:1,

In the New Testament, there is a clear revelation that father, son and the spirit of God, thus the trinity. The father is God (John 6:27, Eph 4:6) son is Jesus Christ and is God. (Heb 1: 3 – 2: 14). The Spirit is God (Acts 5: 3 – 4). The three are seen as one. (Second Corint 13:14).

Summarily, the father is one, who is father over all creation Act 7:29; of Israel Ex.4:22; of Jesus Christ matt 3:17 and of believers in Jesus Christ Gal. 3:26. He is the author of election (Eph 1: 3 – 6) begotten and sender of Jesus (John 3: 16) disciplinarian of His children. (Heb. 12:9)

COMPARISON OF THE VARIOUS CONCEPTS OF GOD

From the analysis of the various concepts of God in the three religions. It is obvious that their exist areas of similarities and dissimilarities. All three (3) agree firmly in the reality of the existence of God though each religion has its own peculiarities. African religion – the divinities, Islam holds God as the Supreme Being course of everything., Christianity have no doubt about the existence of God but deceiving themselves with Trinity.

As regards the dissimilarities, there exist a lot of differences in African Religion, Islam and Christianity, one of the areas of differences is the unity of God. According to African religion, the divinities were not created beings. Rather they are emanations of the Supreme Being.

In other words, the divinities Share certain qualities with the Supreme Being. The Christians as observed believe in the Trinity. They believe also that God sent His begotten son into the world for certain purpose. However, Islam disagrees with these views. Insisting that Allah has begotten no one neither is he begotten. Allah stands in class of Separate from every other thing.

Similarly, the belief in the concept of intermediaries also from the basis of further differences. Divinities stand in Africa Religion, the divinities stand between the Supreme Being and man. While Jesus Christ in Christianity is the mediator of man before God. On the other hand, Islam recognizes no intermediary between man and God.

ISLAMIC CONCEPTION OF OTHER FAITHS

Islam does not pretend to be the only religion in the universe, it is aware of the presence of other religions; its attitude towards other religions and their adherents is based on the nature of such religions.

Basically, Islam groups all religions into two (2) categories: monotheistic and polytheistic religions. The monotheistic religions are revealed, i.e. Judaism, Christianity and Islam itself. The polytheistic religions are unrevealed, and they include those religions which recognize worship of other beings than God⁹. According to Islam, all revealed religions, as stated above have God as their common origin. The Qur'an says:

**Say ye: 'we believe in Allah and what has
been revealed to us, and what was revealed
to Abraham and Is'mail, and Isaac, and Jacob
and their children, and what was given to Moses
and Jesus and what was given to other prophets from
their lord. (Q2:136)**

It becomes clear that the above quotation as regards the religion brought by Jesus, i.e. Christianity is recognized by Islam as a revealed religion which shares the same with it. A write has correctly described Jesus as follows:

**Jesus was one of the long line Of prophets
who had been sent to the peoples of this
Earth; that he was a messenger whose
guidance and teaching were a re – affirmation
and extension Of the guidance which the prophets
before him had brought and were a preparations for
guidance which the prophet coming after him
would bring¹⁰.**

Jesus himself foretold that there would be another messenger after him.
He says:

**I have many things to say unto you but you
cannot bear them now. Howbeit, when he,
the spirit of truth, is come, he will guide you
unto all truth (John16: 12 – 14)**

The Qur'an claims that the prophet Muhammad is the messenger about whom Jesus foretold. It says:

**“And when Jesus son of Mary said O’ children
Of Israel, surely, I am Allah’s messenger unto you...
giving glad tidings of a messenger who will come
after me. His name will be Ahmad (Q 61:6)”.**

The Qur'an contains much information about the life of Jesus; his conception and birth are recorded in great detail. Q 3: 42 – 53 and 19: 16 – 36. The Qur'an denies the divinity of Jesus, it says:

They have indeed disbelieved who say "surely, Allah is none but the messiah, son of Mary". Q5:17. Also in another place the Qur'an rejects the concepts of Trinity when it says:

O people of the Book, exceed not the limits in your religion, and say not of Allah anything but the truth, verily the messiah, Jesus, son of Mary, was only a messenger of Allah and his word which He sent down to Mary... and say not they are three Desist. Q4: 171 – 172

Islam recognizes the pristine Christianity as a monotheistic religion. The recognition which Islam accords Christianity will remain valid as long as Christianity remains monotheistic. That is why the Qur'an has warned against Trinity.

As for Islamic concept of African Traditional religion, it is regarded as polytheism. It is described as such because even though its adherents believe in his existence of a Supreme Being – God, other deities or divinities are associated with Him. A writer (Benjamin) has this to say:

Most scholars have used a hierarchical model in describing the structure Of African Religions: the Supreme being at the top, followed by a graded order of subordinate divinities, Then the ancestors and local spirit¹¹.

The concept of God as perceived by the Yoruba and as indicated in the above paragraph, that African Religion cannot be described as monotheism. Geoffery Parrinder also finds it difficult to see it as monotheism and that is why he says: "It would be useful to devise a term which would denote Religions that have a Supreme God and also worship other gods.

We have noted earlier that Islam does not pretend to be the only religion in existence; neither does it preach that Muslims should live in isolation of others. Hence, the religion has laid down certain principles which guide Muslims in their interaction with the adherents of other religions. Islam believes in peace and harmony, co-operation, unity and understanding with other revealed religions.

FACTORS RESPONSIBLE FOR RELIGIOUS CONFLICTS IN NIGERIA

Taking Nigeria as an example, it is plain that the level of lawlessness is so great that it is visible to the blind and audible to the deaf. Religion has proven to be the most sensitive cause of lawlessness often leading to hatred, divisions and bloodshed. Yet majority of the Nigerians are neither faithful Muslims nor Christians, it is no longer fashionable to be seen as adherent of African Religion. Against this background is the ever increasing number of Mosques and churches. Though, these religions preach peace, concord and harmony there still remain evidence of crime in our major cities. Strictly from the religious viewpoint, it will be educative in this paper to examine the factors responsible for the indecency of our Land:

1. Religious Particularity:- Everybody claiming that his religion is the only religion recognized by God. Some even claim that their sects or denomination is the only one that understands the heartbeat of God. In consequence, there is this inability to accommodate and respect other's views and opinions. Many people do not tolerate other peoples' view points. Many adherents complain against other worshippers. Complains ranging from disturbance of sleeping to worship days.
2. Mutual Suspicion of adherents of one religion over others:- This rivalry has extended to the corridors of power. Many use their

position to influence decisions in favour of their religion. As a result of this, most policy decision are greeted with cynism.

3. Wrong methods of evangelization:- It is a common knowledge today to hear virtue appreciation from Clerics of Islam and Christianity diverted at opposing camps. A times using aggressive stickers say such words like “You may be born twice but you must die a Muslim” or “Jesus is the way, truth and light” These methods are wrong ways of propagating religions of peace.¹³
4. Problems of religious fanaticism:- This may be the function of ignorance about the goal of religion. Many have committed atrocities on their fellowmen. This is the result of an imbalanced grasp of one’s religious law.
5. The collapse of the function of the religious leaders:- Religious personages look on, folding their arms as crime rates increase. They do not with one voice speak against the perpetrators of evil. In most times, possibly because of poverty they become the puppets in the hands of evil men. Many of them fear pre-arranged accidents and in consequence abandon the cause of truth. Instead of facing common enemies of progress, they devote time to irrelevant issues.¹⁴
6. Religion and politics:- Another major factor in Nigerian politics is that people are using religion to cause trouble and pandemonium before and during electioneering. In an ideal situation, mutual relationship between religion and politics in any society is expected to lead to positive development of the society. Our point of argument here is that religion has the tendency of helping political actors to arrive at more rational decisions that are capable of promoting national survival.¹⁵

CAPACITY OF THE LAW TO REGULATE, CURB AND FORESTALL THE RAVAGING OCCURRENCE OF RELIGIOUS CONFLICTS IN NIGERIA

Utilizing the various concepts of God for national unity. Every believer no matter the creed must be aware of the fact that Nigeria is a Country of diverse, cultures, traditions and beliefs. Nigeria is a pluralistic society accommodating freedom of worship and expression. No matter what anybody does, he cannot convert every Nigerian into his religion.

The geo-political situation of the country has compelled us to live together as citizens of a united country. It is unimaginable that religion has been the bane of hatred, chaos, confusion, violence, destructions and enmity among brethren in Nigeria. In the light of this, the following could be the capacity of law to checkmate the ill behaviors of the three religious adherents:

1. All religions in Nigeria must be guided by the principles derived from their concepts of God which is their Laws/constitutions, the Qur'an and Bible. Since all religions preach peace, harmony, unity and concord. No religion preaches violence. None preach hatred but all preached and talked of a God who is loving, kind and merciful. Whoever destroys in the name of any religion has abandoned the cause of his religion and law. He is not a true representative of that religion and needs to be enlightened.
2. Another viable way in which concepts of God and Law can promote national unity is through having meaningful dialogue:- They should be frank, open and clear to themselves. They should convene and talk about what each religious law says. This will lead to understanding and peace.
3. Adherents of one religion should be made to study religious concept of other religions. When one understands other laws, it will certainly promote peace, harmony and development in Nigeria. It will remove the biases and prejudices, and then creates appreciation and understanding.
4. All believers should follow the ideals of their religious conception. Putting such ideals into practice as maintained by the shari'ah law and laws of other religious adherents. Nigeria might once again witness the dawn of a new era, free from religious bigotries, intellectual bankruptcy, economic woes, social cultural ills and political disharmony

RECOMMENDATIONS

Nigerians should imbibe National value, unity and harmony; we believe that if such could be inculcated in Nigerians by making them realize that irrespective of language, culture, religion, tribes, all Nigerians and indeed nations are one. In this regard, the Qur'an (chp. 49:14) says:

**O Mankind! We have created you from a single pair of male
and female and have made you into tribes and sub-tribes
only for identifications. Verily the more superior among you is
Only he who is more righteous**

The importance of unity among Muslims throughout the World cannot be over emphasized. Even though our attention has been called to the laudable precept in the Qur'an and Hadith, many Muslims have not really imbibed the Islamic spirit of brotherhood which must transcend ethnic and linguistic boundaries. The Prophet says:

**Surely believers are like an edifice in their unity each part
Strengthening the other The Prophet (S.A.W.) then inter
joined his fingers by way of illustration. 16.**

If Nigerians are imbibed with this spirit of brotherhood that cuts across geographical, Linguistics and cultural barriers. From what we have discussed so far in this paper, it appears that religion and Law go together and one is out to help the other in the development of society, the two are edifice and as well inseparable as explained by the Prophet Muhammad in one of his famous Hadith.

In conclusion, we call upon all those in authority of power, particularly the spiritual leaders, Qadis, Judges, Imams, Ma'llams, Pastors Lecturers, Preachers, Administrators, Parents, Clerics and a host of others who are in one way or the other at the helm of affairs of authority to allow the Law of Allah to reflect, prevail and even guide them in all religious activities both spiritually and otherwise to allow peace to reign for the betterment of this Nation.

Religious leaders should allow meaningful dialogue and tolerance. They need to be conscious of their duties with Allah and with fellow human beings in relation to proper dealings and to abide by the spirit and the dictates of Allah (Shari'ah law) as brought, preached, practiced and as well demonstrated by the Prophet Muhammad and other Messengers of Allah in order to achieve socio-religious harmony to engender development in all ramifications.

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