

Nigeria, National Development and the Relevance of the Sharī'ah

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Abstract

In the year 2014, Nigeria celebrated one hundred years of its existence, with the Federal Government conferring various awards on a number of the citizenry, in recognition of their meritorious services to the growth and development of the country. Adopting the historical approach, this paper takes a critical look at the country's pre-colonial, colonial and post colonial experiences. This historical background provides insight into some of the factors hampering effective national development of Nigeria. At this point, the descriptive approach is employed to explain the concept of national development and the indices used by the United Nations Development Programme (UNDP) to determine the development level of world nations. In the process, it is observed that the development level of Nigeria does not commensurate with its wealth of experience, enormous human resources and phenomenal material endowments. Finally, it is argued that if adopted, the Sharī'ah could tackle most of the country's national development challenges identified in the paper. Some selected Sharī'ah provisions and injunctions are therefore highlighted and briefly discussed.

Key Words: (1) National Development (2) Nigeria (3) Shari'ah

1.0 Introduction

Nigeria is a federation of 36 states with Abuja as the federal capital territory (fct). Each of the 36 state capitals doubles, more or less, as a commercial centre. The country occupies an area of 924,000 square kilometers (Taiwo, 1986, p.1) and has a population of 158.4 million people (Transparency International, Country Profiles, 2010, p.3). The people are diverse in their socio-cultural orientations, religious beliefs, spiritual inclinations, ethnic affiliations and linguistic groupings.

Nigeria is blessed with enormous human resources; agricultural wealth, mineral reserves and industrial facilities. It also has a fertile land and a comparatively friendly climate. But the country's development level does not commensurate with its phenomenal human and material resources. To substantiate these claims, the country harbours one fifth of the inhabitants of

Africa; it is the largest economy on the continent and the 13th largest oil producer in the world; its gas reserve could last for some 110 years (*The International Development Magazine, 2005, pp. 8-9*).

Moreover, it is pertinent to note that the Sharī'ah is not an alien legal system in Nigeria. In fact, it pre-dates the colonization of the country by Britain and was indeed adopted in the 14th century, in some parts of the then Northern Region, reinforced during the reign of Mai Idris Alooma, and fully implemented during the era of Shaykh Uthman bin Fudi (Akintola, 2004). And what more, the Muslim communities of Lagos, Ibadan and Ijebu-Ode, are reported to have agitated for the application of Sharī'ah to their daily lives during the country's colonial days (Akintola, 2004, p. 57). Indeed, the Islamic legal system continues to impact positively in the public and private lives of many Nigerian Muslims irrespective of the official posture of the government. In the 2nd part of this paper, the historical perspective of the country is presented, because it throws light on the background to the country's national development challenges. The 3rd part deals extensively with the concept of national development with a review of some of the instruments used globally to gauge the rate at which a particular country is growing and developing. The 4th part dwells on specific national development challenges facing the country. The relevance of the Sharī'ah to Nigeria and its capacity to facilitate the process of surmounting its development-related challenges is the subject matter of the 5th part. The 6th and 7th parts of this presentation are respectively devoted to the conclusion and appropriate recommendations.

2.0 Nigeria Across the Ages

Historically, Nigeria has played host to human existence since 9,000 years BC. In fact, as far back as 5,000 years BC, agriculture was practiced in some parts of what is today known as Nigeria (Stock, 2009). The pre-colonial history of the country saw the rise and fall of several kingdoms, empires, states and emirates. These included the Kanem-Bornu Empire between 800 and 1808 (Ifemesia, 1981); the seven Hausa States of Kano, Rano, Katsina, Zazzau, Gobir, Kebbi and Auyo (Ifemesia, 1981); the Sokoto Caliphate of Usmanu dan Fodiyo; the Oyo and Benin Kingdoms of the South West; and the Nri and Aro civilizations of the South eastern part of the country (Stock, 2009).

Meanwhile, Nigeria experienced a colonial domination which lasted for 46 years, starting from 1914 till the 1st of October, 1960, when it became an independent sovereign country. The

first civilian administration had Sir Tafawa Balewa as its Prime Minister and Dr. Nnamdi Azikiwe as its ceremonial President. The administration was terminated by the first military government headed by Major General Johnson Aguiyi-Ironsi (16th January to the 19th of July, 1966) (Tell Magazine, Special Publication, Nigeria at 50, The Journey so far, May 2011, page 10).

The military intervention of January 1966 heralded the beginning of many more military interventions featuring, at one time or the other, military rulers, such as General Yakubu Gowon (1966 to 1975); General Muritala Ramat Muhammed (1975 to 1976); Lt. General Olusegun Obasanjo (1976 to 1979); General Muhammadu Buhari (1983 to 1985); General Ibrahim Babangida (1985 to 1993); General Sanni Abacha (1993 to 1998) and finally, General Abubakar Abdulsalam (1998 to 1999).

It is pertinent to remark here that Major General Buhari overthrew the civilian administration of Alhaji Shehu Shagari, which lasted from 1979 to 1983, while Abacha truncated the civilian regime of Shonekan, which lasted only for three months (August, 1993 to November, 1993). It is equally significant to recall that General Abdulsalam successfully handed over, in 1999, to Chief Olusegun Obasanjo, who had won the year's presidential election on the platform of the Peoples Democratic Party (PDP). Obasanjo handed over in 2007, to Alhaji Umaru Musa Yar'Adua (Tell Magazine, Special Publication, Nigeria at 50, The Journey so far, May 2011). Yar'Adua took ill mid-way into his tenure, and his first term was completed by President Goodluck Ebele Jonathan, from 2009 to 2011. President Jonathan was given a full mandate of his own, in the April, 2011 elections, as the President of the Federal Republic of Nigeria, from the 29th of May 2011, to the 28th of May, 2015 (Tell Magazine, Special Publication, Nigeria at 50, The Journey so far, May 2011, page 10).

A critical appraisal of the above historical background reflects the preponderance of military interventions, resulting from political upheavals, instability and disunity across the nation. All these constitute fundamental threat to national development, which is the concern of the 3rd part of this paper.

3.0 The Concept of National Development

Generally speaking, national development is the process of constructing a nation and bringing its citizens together as a united entity. It is a process of total improvement of human

behaviours, values, languages, cultures, institutions and physical structures. It is about political stability, economic viability and educational and intellectual sustainability. It borders on the sovereignty of the nation, the welfare of the people, the reign of peace and the rule of law. In short, national development signifies total progress. Specifically, it connotes, among other conceptions, the process of economic growth, normally reflected in the gross domestic product (GDP) per capita ranking of economies, provided annually by the world bank (Arndt, 1987). It also signifies the productive capacity of labour to increase the output of goods and services used to improve people's standard of living (Growth, 2001). From the view point of Seer (1979), national development is the capacity to buy physical necessities; having a job; a steady income; adequate education; participation in the political process and belonging to an independent nation (Seer, 1979, in Growth, 2001, p.206). As far back as 1992, it was reported that some feminists and environmental movements had advocated a conception of national development, which should be both gender sensitive and environmentally conscious (Sach, 1992, in Growth, 2001). This suggests that national development is not determined by the whims and caprices of an individual or a group of individuals. Indeed, there are standardised tools which are globally recognised and employed to measure the development level of nations. Examples include the various indices adopted by the United Nations Development Programme (UNDP):

- i. The Human Development Index (HDI), used to determine the life expectancy of a nation, its educational attainment and its Gross Domestic Product (GDP) per capital;
- ii. The Gender Development Index (GDI), designed to compare and contrast the differences between male and female Human Development Index;
- iii. The Gender Empowerment Measure (GEM), constructed to show the inequality in the economic and political chances available to the male and female citizens of a nation;
- iv. The Human Poverty Index (HPI), put in place to measure the extent of suffering experienced by citizens deprived of human development; and
- v. The Human Freedom Index (HFI), employed to examine the extent to which people are free from forced labour, child labour, compulsory work permits and censorship. It also measures the extent to which women and ethnic minorities enjoy political, legal, social and economic equality, as well as the extent to which trade unions enjoy freedom of operation (Cainan, 2009).

In addition to the above indices, the World Bank has evolved its own instrument named the World Bank Development Indicator (WBDI). This is constructed to lend empirical backing to the human development index of the UNDP. The instrument measures:

(i) The citizen's quality of life; (ii) The poverty alleviation level of the nation; (iv) Its account balance; (v) Malnutrition level; (vi) Extent of traffic congestion; (vii) Tax rate; (viii) Life expectancy; (ix) Population size; (x) Education standards; and (xi) Infant mortality (Cainen, 2009).

Moreover, a joint instrument has been constructed by Tobin and Nordhaus (Cainen, 2009) known as the measurement of economic welfare (MEW). The instrument measures five distinct areas of economic and environmental concerns:

(i) The real GDP per capita; (ii) The value of a family's work; (iii) The balance of hours spent in leisure and work; (iv) Pollution levels; and (v) The rate of environmental damage (Cainen, 2009).

In the light of the various national development indices, no country can be described as 'developed' except that which enjoys remarkable calm, harmony, tranquillity and whatever it takes genuine peace to reign. A good percentage of its citizens must be economically buoyant, socially amiable and culturally well exposed. They must have a sound educational background, acceptable political system, increased industrial output, a democratically elected government and a very high standard of living. A developed nation would have minimal cases of poverty, ignorance, diseases, accidents and all forms of artificial mishaps and abnormal behaviours. Ideally too, it should have zero tolerance for corruption and all forms of abominable acts.

Going by these criteria, Nigeria does not seem to comfortably satisfy the essential practical requirements for national development, particularly from the perspective of the reign of peace and religious tolerance. The following facts are eloquent testimonies to the challenges of national development in Nigeria.

4.0 The Challenges of National Development in Nigeria

Literally, a challenge is 'a new or difficult task that tests somebody's ability and skill' (Oxford Advanced Learner's Dictionary, 2009, p231). Within the context of this paper, it refers to the various impediments to national development in Nigeria, including: intolerance, Professor A.G.A.S. OLADOSU, Nigeria, National Development and the Relevance of the Shaṛīcaḥ, pp. 141 - 155

misconceptions, inadequate grasp of religious matters, fanaticism, extremism, violence, bloodshed, suicide, insecurity, injustice, corruption, immoral acts, ignorance and bad leadership and governance, which are inimical to the progress of a country. When these are added to several instances of youth misinformation, mis-orientation and other forms of misguided exposures and experiences, the challenges of national development in Nigeria assume such an awful proportion that seems to defy any kind of antidote! This is the stage, at which the Sharī'ah becomes most apt and most relevant.

5.0 The Relevance of the Sharī'ah to Nigeria

The concept of Sharī'ah has been adequately defined by previous writers and sources: Literally, Quadir (2000) refers to it as “a path that leads to where water is fetched”; Ambali (1998) sees it as “the straight path”; Doi (1984) describes it as a “path to be followed”; while Gibb and Kramers say “it is the road to the watering place and a clear path to be followed.”

Technically, the Sharī'ah has been defined as “the canon law of the religion of Islam” (Doi, 1981); “a complete path in which God wishes men to walk” (Adams, 2006); “a complete code of conduct that is divine in origin and universal in application” (Mahmud, 1999); “the principles and laws which Allah revealed and which He requires all Muslims to adhere to strictly in all their actions” (Higab, 1983).

These definitions could be summarized that the Sharī'ah “is a divine law enacted by Allah to regulate the behaviour of Muslims, in particular, and mankind in general. This summary is anchored on the position that the Prophet of Islam, is a universal source of mercy (Sūratul 'Anbiya', 21:107) and that the Qur'ān is a global source of guidance (Sūratul Namli, 27:77). As a fundamental legislative instrument, the Sharī'ah derives its authority from: (i) The Glorious Quran; (ii) The Sunnah of the Prophet; (iii) The consensus of Muslim scholars (Al-ijmā); and (iv) The act of reasoning or analogy (Al-qiyās) (Ali, N. D.; doi, 1984).

As a divine source of guidance and road map for the world, it covers all aspects of human endeavour, including spiritual, religious, moral, social, political, economic and other dimensions of human development. This justifies the declaration that the Glorious Qur'ān is all-embracing, having left no issue untouched (Sūratul- An'am, 6:38; Sūratul - Nahl, 16:89).

According to Al-Jazā'iriy (1976), the Muslim's comprehensive way of life is dealt with in the Sharī'ah through provisions bordering on Faith, Ethics, Manners, Worships and Social Interactions or Transactions (Al-Jaza'iriy, 1976, P.7).

It is on account of the above facts that it could be hypothesized that with piety, righteousness, God-consciousness, sincerity of purpose, honesty and strong faith, mutual trust, mutual understanding and mutual respect, among the adherents of the various faith organizations across Nigeria, the Sharī'ah could be found relevant in solving the national development challenges of the country.

However, the process of actualizing this vision requires the concerned stakeholders to brainstorm on some desirable basic strategies. This is imperative because of the many hurdles lying ahead. For example, not every Muslim, not to talk of every non-Muslim, is conversant with the Sharī'ah and its provisions; Western media, in their various forms, have already demonize the Sharī'ah locally, nationally and globally; the majority of enlightened and conscious Muslims, who could use political appointment to positively influence the image of the Sharī'ah, are scared away from politics because of their conviction that it is a "dirty game" and, in most cases, it is at cross purposes with their spiritual, moral and religious ethics. Some Muslims are even vehemently opposed to the adoption of the Sharī'ah, among many other hurdles. It should also be recalled that previous efforts to totally adopt the Sharī'ah, among the Muslim communities of some countries were hampered, partly by some of the factors identified above, and partly by colonial enemies who are constantly conspiring against the survival and interest of Islam. Such countries include Algeria, Egypt, India, Indonesia, Iran, Iraq, Malaysia, Morocco, Pakistan, Sudan, Syria, Tunisia, and several others (Doi, 1984, pp 456-458).

Yet, the provisions of the Sharī'ah, proffer sufficiently effective solutions to the various national development challenges facing the country. Such provisions, stipulated in the Glorious Quran and the Sunnah of the Prophet, are generally highlighted next, followed later by a brief discussion of their germaness to the thrust of this paper.

5.0.1 Relevant Sharī'ah Provisions

(i) Injunction on religious dialogue and interaction

Say: O People of the Book: come to a word that is common to both of us: that we worship but God; and we associate no partners with Him; and that none of us shall take others as lords beside God. Then if they turn away, say: "Bear witness that we are Muslims (Sūratul Baqarah, 2: 64).

(ii) Injunction on the unity of God

And your God is one God, there is no god other than He, the most gracious, the most merciful (Sūratul Baqarah, 2: 163).

(iii) Injunction on the unity of the messengers and prophets

We never sent a messenger before thee without inspiring him that: there is no god other than me; therefore, worship me (sūratul anbiyā, 21: 25).

(iv) Injunction on the unity of all the revealed religions

He has established for you, the same religion enjoined on Noah, and that which we sent on to you by inspiration, and that which We enjoined on Abraham, Moses and Jesus: namely that you should uphold religion and make no divisions therein (Sūratush Shūrā, 42:13).

(v) Injunction on the unity of the holy books

And those who believe in the revelation sent to thee and the ones sent before thee (Sūratul Baqarah, 2:4).

(vi) Injunction on the unity of mankind

O Mankind! We created you from one male and one female and made you into nations and ethnic groups so that you may know each other. Surely, the most honourable of you in the sight of God, is the most righteous of you. Surely, God is all-knowing and well acquainted with everything (Sūratul Hujurāt, 49: 13).

In furtherance of the above values, the prophet (SAW), addresses the world and says:

O Mankind! Your Lord is one. Your father is also one. An Arab is not superior to a non-Arab. The red in complexion is not superior to the black nor is the black superior to the red, except for the virtue of righteousness. Surely, the most honourable of you in the sight of God, is the most righteous (Hadīth: Narrated by Al-Bayhaqy and quoted by Abū Shawq, 2006, p. 490).

(vii) Injunction against fanaticism/extremism

There is no compulsion in religion because the truth stands clear of falsehood (Sūratul Baqarah, 2: 256).

If it had been the will of your Lord, all that are on earth, would have believed. Will you then compel mankind to believe against their will? No soul can believe except by the wil of God (Sūratu Yūnus, 10: 99-100).

If your Lord had so willed, he could have made mankind a single denomination. But they will not cease to differ (Sūratu Hūd, 11: 118-119).

The responsibility of the messengers and the prophets is to remind people of god. It is not to monitor or police them (Sūratul Gāshiyah, 88: 21-26)

(viii) Injunction against bloodshed

Whoever kills one soul, has killed the whole of mankind, and whoever saves one life, has saved the whole of mankind (Sūratul Mā'idah, 5: 32).

Whoever kills an innocent person deliberately, his punishment is to abide in hell forever, with the wrath and curse of god upon him and with a dreadful penalty awaiting him (Sūratun Nisā, 4: 93).

(ix) Injunction on justice, kindness and generosity

Allah commands justice, kindness and generosity to kith and kin (Sūratul Nahl, 16: 90).

O ye who believe! stand out firmly for justice, as witnesses to God, even as against yourselves, your parents, or your kin, and whether it be against the rich or the poor, for, God can best protect both.and follow not the lusts of your heart, lest you swerve. And if you distort or decline to do justice surely, God is well-acquainted with all that you do (Sūratun Nisāi, 4:135).

O ye who believe! Stand out firmly for Allah, witnesses for justice, and let not the hatred of others to you make you swerve to wrong, and depart from justice.Be just. That is next to piety, and fear Allah, for Allah is well acquainted with all that you do (Sūratul Mā'ida 5:8).

(x) Injunction against corruption and all forms of abomination

Allah forbids corruption, all acts of indecency and injustice. he instructs you, so that you may receive admonition (Sūratul Nahl, 16:90).

Injunctions against other forms of immoral acts such as infanticide, adultery, murder, misappropriation of funds, etc, as well as injunctions on various good deeds are contained in sūratul isrā'i, 17; 26-39.

(xi) Injunction on education, research and intellectual pursuits

The Sharī'ah, through the Glorious Quran, provides injunctions on education, research and intellectual pursuits. The relevant verses in this regard are so numerous and lengthy that they can best be summarised rather than quoted verbatim. Essentially, they emphasise the acquisition of knowledge and the acts of observation, reflection, deduction, and the effective engagement of the intellect. The first five verses, ever revealed to the Prophet (SAW), are examples of such injunctions. These verses instruct us to read and to continue reading throughout our existence. 'And of course, reading is one of the basic language skills and one of the most important media of communication' (Sūratul 'Alaq, 96:1-5).

Read in the name of your Lord who created, created man from a clot of congealed blood.

Read, and your Lord is the most Generous, who taught by the pen, taught man that which he knew not (Sūratul 'Alaq, 96:1-5)(See also Sūratun Nahl 16:3-18).

Moreover, the prophet instructs the ummah to pursue knowledge, even if it requires travelling to as far as China. This is to say that knowledge should be acquired, regardless of the sacrifice involved.

(xii) Injunction on wise and polite approach to religious propagation

Invite people to the way of thy lord, using wisdom and beautiful admonition. for thy lord knows best, those who have strayed from his path, and those who are rightly guided (Sūratul Nahl, 16:125).

(xiii) Injunction against suicide

Whoever tumbles from a mountain, and kills himself in the process, shall continue to tumble in hell for ever; whoever takes a poison and kills himself, shall hold the poison in hell and shall continue to sip it forever; and whoever

stabs himself to death shall continue stabbing himself to death in hell, forever'
(*Hadīth, Muttafaqun 'Alayhi, Al-Qardawiy, 1976, p.305*).

(xiv) Injunction on good deeds and against bad behaviour

And let there be among you, a group of people, inviting others to all that is good, enjoining what is right and forbidding what is wrong. those are the successful one (Sūratu Āl-imrān, 3:104).

(xv) Injunction on effective leadership, and the concept of power

Every individual is a shepherd, i.e. a potential leader, and shall account for his leadership: an Imam is a leader, and shall account for his leadership; a man is a leader in his household, and shall account for his leadership; a woman is a leader in her husband's home, and shall account for her leadership; a house maid is a leader responsible for the property of his master, and shall account for his leadership' (Hadith: Reported by Al- Bukhariy, in Muhammad Al-Gazaliy N. D., p. 49).

Say, O Allah, Lord of Power! You give power to whoever You wish, and You withdraw power from whoever You wish. You grace whoever You wish and disgrace whoever You wish. In your hand, is all that is good. Surely, you have power over all things (Sūratu Āl-Imrān, 3:26).

5.0.2 A Brief Discussion of the above Injunctions

A cursory glance at the various headings of the above injunctions shows that they are capable of facilitating the process of tackling many of the national development challenges identified earlier in this paper. For example, the 1st injunction on religious dialogue and interaction is apt to bring the adherents of different faith persuasions together for discussion on the way forward. This could hopefully engender mutual understanding and peaceful coexistence, which are features of national development.

The injunctions on the unity of God, unity of the messengers and prophets, unity of all revealed religions, unity of the holy books and unity of mankind, are also capable of

eliminating the religious misconceptions associated with the five concepts, provided the stakeholders imbibe the virtues of the injunctions.

Similarly, the injunctions against fanaticism, extremism, terrorism, bloodshed, suicide, corruption, and other forms of abomination could hopefully check the vices associated with each of them and therefore promote peace, harmony and tranquility, which are indices of positive development.

In the same vein, the injunctions in favour of justice, kindness, generosity, wise and polite approach to religious propagation, good deeds, acquisition of knowledge and effective leadership and governance, could hopefully provide the required guidance to people to imbibe the virtues associated with these injunctions and thereby enhance the chances of national and positive development.

Finally, it is significant to note that all injunctions bordering on penalties and punishments for crimes and offences, such as murder, theft, robbery, fornication, adultery and others are applicable to Muslims and non-Muslims, only in a strictly Islamic state (Doi, 1984, p. 220).

6.0 Conclusion

The foregoing has taken us briefly through the historical development of Nigeria across the ages. Its national development challenges were highlighted and the relevance of the Sharī'ah in addressing the identified challenges was emphasised. It remains to be stressed that the Sharī'ah acquires relevance, not only to Nigerian Muslims, but in fact, to Muslims all over the world. As indicated earlier in this paper, the life of every Muslim is supposed to be regulated by the principles and practices of Islam enunciated through the provisions of the Sharī'ah. This is an ideal, which Muslim communities should aspire to achieve sooner or later, and regardless of the official stand of the government. For no man-made law can cater for the welfare of mankind, the way the Almighty Allah has done. But to actually reap the dividends of the Sharī'ah, the following strategies, presented in form of recommendations, must be put in place. The recommendations are informed by the various submissions of this paper.

7.0 Recommendations

- i. Nigerian politicians should not afford the soldiers any opportunity or excuse to intervene in the administration of the country, any more. This is because, military interventions are aberrations and inimical to the national development of a country.
- ii. There is the need for a national awareness campaign, to educate Nigerians, including the leadership and office holders, on the essence of national development and the various challenges facing it in the country.
- iii. Both Muslims and non-Muslims should be better educated on the provisions and injunctions of the Sharī'ah to enable them appreciate their potentials for surmounting the country's national development challenges.
- iv. Sharī'ah should be demystified and de-demonised to disabuse the minds of individuals who are scared by it or prejudiced against it.
- v. Muslims should develop positive attitudes towards politics and governance to enable them influence policies and decisions that border on the interest of Islam.
- vi. The fear of non-Muslims should be allayed by assuring them that the penal aspect of the Sharī'ah, is applicable to the Muslim population alone, except in an Islamic state whereby the penalties and punishments for major crimes and offences are applicable to both Muslims and non- Muslims.
- vii. Members of the Muslim Ummah should reposition their mind-set for the application of the Sharī'ah in their public and private lives, regardless of the official position of the government.

When these recommendations are implemented along with similar proposals, the way would have been paved for making the Sharī'ah more relevant to solving the national development challenges of the country, in a way that will surely commensurate with its age, human resources, material wealth and natural endowments.

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