

## Religious Pluralism, Cultural Differences, and Social Stability in Nigeria

*Rose C. Uzoma\**

Religion, despite its concern with the spiritual, affects us socially, and religious rights thus remain an important topic in contemporary society. An African scholar, Simeon Onyewueke Eboh, asserts that religion “has always manifested itself as a social fact, an associative reality with a communitarian character.”<sup>1</sup> Eboh argues that religion, as a social phenomenon, “touches on, and influences decisively, other spheres of human life—cultural, economic, political, etc.”<sup>2</sup> He further argues that “although religion concerns the spiritual and other-worldly dimensions of man,” it also “affects deeply the temporal dimension of man.”<sup>3</sup>

Some commentators assert that manipulation of religion and the existence of multiple, doctrinally diverse religions within a single society can negatively affect social stability.<sup>4</sup> They assert that religion fulfills its traditional role of unifying a society only if that society has but a single religion.<sup>5</sup> According to Michael Haralambos and Robin M. Heald, a truly religious society has one faith and one church; but religious pluralism, where different religious faiths exist within a single society, splinters society, weakening the influence of religion and inhibiting religion from acting as a cohesive force within society.<sup>6</sup> Haralambos and Heald argue that religion can effectively

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\* Assistant Comptroller General of Immigration, Nigeria Immigration Service. An earlier version of this Article was first presented at the Tenth Annual International Law and Religion Symposium held at the J. Reuben Clark Law School, Brigham Young University, October 4–8, 2003.

1. SIMEON ONYEWUEKE EBOH, CHURCH-STATE RELATIONS IN NIGERIA: A JURIDICAL SURVEY OF THE CHURCH-STATE RELATIONSHIP 1 (1984).

2. *Id.*

3. *Id.*

4. See MICHAEL HARALAMBOS & ROBIN M. HEALD, SOCIOLOGY: THEMES AND PERSPECTIVES 476–78 (2d ed. 1985).

5. See *id.*

6. *Id.* at 476–77. Religious pluralism within the same religion is *intrapluralism*. See generally JAVEED AKHTER, PLURALISM: ESSENTIAL FOR CIVIL SOCIETY, at <http://www.ispi-usa.org/currentarticles/pluralism.html> (last visited May 12, 2004) (noting that intrareligious

reinforce societal norms and values only when a single religion within that society has a monopoly on the truth.<sup>7</sup> Religious pluralism does not allow religious values to represent the community's values.<sup>8</sup> Haralambos and Heald assert that religious pluralism inhibits religion and prevents it from performing its traditional role of unifying society.<sup>9</sup> Moreover, the emergence of multiple denominations weakens the influence of religion so that "a single 'universe of meaning'" shared by all members of the society no longer exists.<sup>10</sup>

Religious pluralism threatens Nigeria's social stability and its hard-won democracy by pitting different religious and cultural beliefs, particularly of new, radical Christian evangelical and fundamentalist Muslim sects, against one another.<sup>11</sup> Religious pluralism is fostered by the Nigerian Constitution's promise of religious freedom, by the right to travel and reside in the country, and by Nigeria's participation in the Organization of African Unity (OAU) and the Economic Community of West African States (ECOWAS).<sup>12</sup> Nigeria's prominent role in the OAU and particularly in the ECOWAS<sup>13</sup> affects religious pluralism by facilitating

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pluralism occurs when there is pluralism within a single predominant religion). Christianity, for example, has multiple denominations that have split off from Protestant churches which in turn originally broke from the Roman Catholic Church. For a general overview of the Protestant Reformation, including the divisions within early Protestantism, see *Reformation*, in THE COLUMBIA ENCYCLOPEDIA (6th ed. 2001), available at <http://www.bartleby.com/65/re/Reformat.html> (last visited May 12, 2004).

7. See HARALAMBOS & HEALD, *supra* note 4, at 477.

8. See *id.*

9. See *id.*

10. See *id.*

11. For a general overview of Nigeria, including its geography, people, government, economy, history, and foreign relations, see BUREAU OF AFRICAN AFFAIRS, U.S. DEP'T OF STATE, BACKGROUND NOTE: NIGERIA (June 2003), at <http://www.state.gov/r/pa/ei/bgn/2836.htm> (last visited May 12, 2004) [hereinafter BUREAU OF AFRICAN AFFAIRS, BACKGROUND NOTE]. For a brief overview of Nigerian history, see generally *Chapter 1: Historical Setting*, in NIGERIA—A COUNTRY STUDY (June 1991), at <http://lcweb2.loc.gov/frd/cs/ngtoc.html#ng0137> (last visited May 12, 2004).

12. For a brief summary of Nigeria's involvement with OAU and ECOWAS, see the *Foreign Relations* section of BUREAU OF AFRICAN AFFAIRS, BACKGROUND NOTE, *supra* note 11. For a brief overview of Nigeria's general involvement in regional issues, see *Chapter 5: National Security: African and Regional Issues*, in NIGERIA—A COUNTRY STUDY, *supra* note 11.

13. The U.S. Department of State, in its BACKGROUND NOTE on Nigeria observes that "Nigeria has played a central role in the ECOWAS efforts to end the civil war in Liberia and

interconnection in the world. Addressing these issues is important because the right to travel, the right of entry, and the right of residence are the main instruments of integration among the ECOWAS nations.<sup>14</sup> This freedom of movement within the subregion promotes subregional cohesion, but it also threatens the Nigerian state's unity.

This Article examines the problems of religious pluralism, religious and cultural differences, and social instability in Nigeria. In so doing, it analyzes the religious rights granted to every Nigerian by the Nigerian Constitution. It also discusses the religious differences militating against national integration and cohesion in Nigeria that create potent sources of danger to the hard-won democratic government.<sup>15</sup>

### I. RELIGIOUS PLURALISM IN NIGERIA

Indigenous African societies rarely tolerated religious pluralism, but the advent of Islam and Christianity brought religious pluralism and social upheaval to Nigeria by introducing different cultures and ideas.<sup>16</sup> Today, Christianity, Islam, and indigenous African beliefs are the three main religions practiced in Nigeria, with Christianity and Islam being the dominant religions in the country.<sup>17</sup>

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contributed the bulk of the ECOWAS peacekeeping forces sent there in 1990." See BUREAU OF AFRICAN AFFAIRS, BACKGROUND NOTE, *supra* note 11.

14. For a general overview of ECOWAS, see Sheryl Silverman, *Economic Community of West African States (ECOWAS)*, in LIBERIA'S UNEASY PEACE, at <http://www.pbs.org/newshour/bb/africa/liberia/ecowas-background.html> (July 25, 2003).

15. The Tenth Annual International Law and Religion Symposium held at the J. Reuben Clark Law School at Brigham Young University, October 4–8, 2003, was quite timely in discussing these issues.

16. There are also an estimated 250 to 400 ethnic groups, with different cultures and modes of political organization, in Nigeria. See *Chapter 1: Historical Setting*, in NIGERIA—A COUNTRY STUDY, *supra* note 11. For a general overview of ethnic tensions in Nigeria, see Philip C. Aka, *Nigeria: The Need for an Effective Policy of Ethnic Reconciliation in the New Century*, 14 TEMP. INT'L & COMP. L.J. 327 (2000).

17. The numbers of Christians and Muslims in Nigeria are almost equal. See CIA, THE WORLD FACTBOOK: NIGERIA, available at <http://www.cia.gov/cia/publications/factbook/geos/ni.html#People> (last modified Dec. 18, 2003) (listing 50% of Nigerians as Muslim, 40% as Christian, and 10% as followers of indigenous beliefs); see also *Summary of Religious Bodies in Nigeria*, in RELIGIOUS FREEDOM NATION PROFILE: NIGERIA, at <http://religiousfreedom.lib.virginia.edu/nationprofiles/Nigeria/rbodies.html> (indicating that approximately 46% of Nigerians are Christian and approximately 44% are Muslim) (last modified June 28, 2001).

*A. Cultural Conflicts Created by the Introduction of Christianity*

Following the European military conquest of southern Nigeria, European missionaries, starting in the seventeenth century, began introducing Christianity primarily into southern Nigeria.<sup>18</sup> Christianity has since spread into many parts of northern Nigeria, including the northern states of Kaduna, Plateau, Gongola, Niger, Benue, Bauchi, and Borno. The southern Nigerians' early exposure to Western-style formal education through Christian missionaries provided advances not available to the northern Muslims.

Prior to the introduction of Christianity by the European missionaries, most communities in southern Nigeria maintained social stability through their indigenous religion. Even when Christianity's presence was relatively new in Nigeria, the religious differences it introduced brought a new world view that upset the social stability of the communities. And Christianity's introduction of the Western European culture and way of life further upset Nigeria's social stability.

Chinua Achebe, a Nigerian novelist, captures the cultural conflict, social trauma, and destabilization caused by the introduction of Christianity into the Nigerian communities through his fictional character Okonkwo who gives a vivid description of the prevailing social situation in Umuofia, a village representing the Igbo world at the time of Christianity's introduction. To capture the sense of destabilization in the Nigerian communities, Achebe quotes W.B. Yeats: "Things fall apart; the center cannot hold."<sup>19</sup>

Today Christianity has become more integrated into the indigenous Nigerian culture. An emerging problem now is that of *intrapluralism*, or differences within Christianity itself.<sup>20</sup>

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18. Note, though, that the Christian missionaries worked in all parts of Nigeria. See generally B.A.T. BALEWA, GOVERNING NIGERIA: HISTORY, PROBLEMS AND PROSPECTS (Malthouse Press Ltd. 1994). For a general overview of Christianity in Nigeria, see *Chapter 2: The Society and Its Environment: Christianity, in NIGERIA—A COUNTRY STUDY*, *supra* note 11. For a more detailed history of Christian missionaries on the African continent, see Murray Hofmeyr, *Christian Mission and Colonialism in Southern Africa and African Responses*, 14 EMORY INT'L L. REV. 1029, 1029 (2000).

19. CHINUA ACHEBE, THINGS FALL APART, at i (Anchor Books 1994).

20. For the definition of intrapluralism, see *supra* note 6.

*B. Differences Among Islamic Sects**1. Introduction of Islam into Nigeria*

Muslim merchants from North Africa introduced Islam into the northern parts of Nigeria during the tenth century.<sup>21</sup> Thus, Islam existed in Nigeria for six centuries before the introduction of Christianity. The Muslim traders from North Africa who first introduced Islam into northern Nigeria exposed the indigenous community to visual manifestations of the faith. The Fulani, Wangara, Kanuri, Arabs, and Nupes together spread the Islamic religion.

*2. Islamic sects*

Two main Islamic denominations are practiced in Nigeria: Tijaniyya and Quadiriyya, with Tijaniyya practiced more widely.<sup>22</sup> The majority of northern Muslims, especially the commoners (talakwa), embraced Tijaniyya in both the urban centers and rural areas. Quadiriyya has more elitist adherents who are predominantly among the aristocratic Fulani ruling houses and the privileged members of their society.

As with Christianity, a multiplicity of sects has emerged within the Islamic faith. The prominent sects include the Izalatul-Bid'ah Wa Igamat al'Sunnah, abbreviated as the Yan Izala, founded by Mallam Ismaila Idris. Another prominent sect is Izala, a strong reformist group favored by Islamic intellectuals. These two sects have clashed over modes of worship and have other differences as well.

Islam, as practiced in northern Nigeria, does not reflect a demarcation between the social, political, and religious lives of the people. In fact, for followers of Islam in northern Nigeria, Islam is a total way of life.

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21. For a general overview of Islam in Nigeria and of the Islamic faith in general, see *Chapter 2: The Society and Its Environment: Islam, in NIGERIA—A COUNTRY STUDY*, *supra* note 11.

22. The Ahmadiyya movement found in western Nigeria is a third Islamic sect, but it has not been fully accepted by the more orthodox Muslims. See *generally Ahmadiyya, in THE COLUMBIA ENCYCLOPEDIA* (6th ed. 2001), at <http://www.bartleby.com/65/ah/Ahmadiyy.html> (last visited May 12, 2004).

### *C. Indigenous African Beliefs*

There are few traditionalists in Nigeria, but most towns, particularly in southern Nigeria, still retain their traditional deities and have custodians who worship those deities. Indigenous religions typically involve the worship of idols who serve as intermediaries to the main god.<sup>23</sup>

Today, the indigenous religions have deviated from their former role as custodian of the people and culture, and instead are primarily used for rituals and black magic. It is therefore not surprising that the followers of the indigenous religions suffer discrimination, mainly from fanatical Christian and Muslim groups.

## II. THE CHURCH-STATE RELATIONSHIP

The Nigerian Constitution grants freedom of religious worship to all Nigerians. The Constitution provides that “the Government of the Federation or of a State shall not adopt any religion as State Religion.”<sup>24</sup> It further provides that “[e]very person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.”<sup>25</sup>

Based on this strong constitutional language, Nigerians should be able to freely exercise their religious rights. However, religious fanaticism, displayed by some Muslim groups and Christian sects, together with some politicians’ use of religion to further their own ends, inhibits Nigerians’ constitutional right to religious freedom. While Christianity acknowledged a clear separation of church and state before its introduction into Nigeria,<sup>26</sup> the theocratic nature of Islam affects its adherents’ tolerance of non-Muslims.

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23. For a general overview of the indigenous beliefs in Nigeria, see *Chapter 2: The Society and Its Environment: Indigenous Beliefs, in NIGERIA—A COUNTRY STUDY*, *supra* note 11.

24. NIG. CONST. ch. I, pt. II, § 10. The 1999 Nigerian Constitution was promulgated on May 5, 1999, and came into force on May 29, 1999. See BUREAU OF AFRICAN AFFAIRS, BACKGROUND NOTE, *supra* note 11.

25. NIG. CONST. ch. IV, § 35.

26. Drawing a distinction between church and state is *separatism*.

## III. RELIGIOUS DIFFERENCES

*A. Conflicts Between Christianity and Islam*

The different cultures propagated by Christianity and Islam have been a source of social conflict in Nigeria.<sup>27</sup> Adherence to Islamic beliefs makes northern Nigerian Muslims appear to owe greater allegiance to their religion than to the state,<sup>28</sup> which is a situation the Christian population finds difficult to understand. Southern Nigerian Christian converts, on the other hand, have accepted the Western way of life that accompanies Christianity. This way of life includes Western-style education, mode of dress, and type of marriage, as well as the use of the English language. Indeed, Western culture was so well propagated through Christianity that evangelists changed the names of their converts to “Christian names.” However, what the southerners lost because of Western cultural interference, they gained in modernization and in the acquisition of Western education.<sup>29</sup>

The social conflict resulting from the cultural differences between Christianity and Islam has been manifested in numerous religious riots, such as the Maitatsine Riots of 1980–84,<sup>30</sup> the

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27. See generally John S. Pobee, *Religious Human Rights in Africa*, 10 EMORY INT’L L. REV. 163, 164–65 (1996); *Chapter 2: The Society and Its Environment: Religion, in NIGERIA—A COUNTRY STUDY*, *supra* note 11 (noting that the coexistence of several religions in Nigeria helps accentuate ethnic and regional differences); *Chapter 5: National Security: Religious Sectarianism, in NIGERIA—A COUNTRY STUDY*, *supra* note 11 (observing that “religious sectarianism emerged as the most potentially explosive social division”).

28. See *Chapter 2: The Society and Its Environment: Islam, in NIGERIA—A COUNTRY STUDY*, *supra* note 11 (“Two features of Islam are essential to understanding its place in Nigerian society. They are the degree to which Islam permeates other institutions in the society, and its contributions to Nigerian pluralism.”). Because Islam requires daily and annual obligations, it pervades modern daily life. *Id.*

29. See generally *Chapter 2: The Society and Its Environment: Religion, in NIGERIA—A COUNTRY STUDY*, *supra* note 11 (noting that the rise in Nigerian Christian converts is due partly to the converts’ ability to be educated at Christian missions).

30. Mallam Muhammadu Marwa, known as Maitatsine, claimed to be Allah’s true prophet and led his followers into several altercations with Nigerian police, including the infamous battle at Kano in 1980, where he lost his life along with 4,200 others. *718 Deaths Cited in Nigeria Riots*, N.Y. TIMES, Mar. 11, 1984, § 1 at 16; Alan Cowell, *An Outburst of Cult Strife Tests Nigeria’s Civil Rule*, N.Y. TIMES, Nov. 16, 1982, at A2. His martyrdom only further enraged his followers, whose continued riots culminated in Maiduguri over a three-day period in October 1982 in which 450 people died. *718 Deaths, supra*; Cowell, *supra*.

For a general overview of the Maitatsine Riots, see *Chapter 5: National Security: Religious Sectarianism, in NIGERIA—A COUNTRY STUDY*, *supra* note 11.

Muslim Students' Society (MSS) religious riots at Ahmadu Bello University and Federal Government Colleges of 1979–84,<sup>31</sup> and the Shari'a riots of 2000–01.<sup>32</sup> Religious riots have claimed thousands of lives and millions of dollars in property damage.<sup>33</sup> For example, in 2001, following the Shari'a riots in the northern states, there was a retaliatory attack on northern Muslims in southeastern and southwestern Nigeria.

The fanatical sects and movements among Christianity and Islam caused most religious conflicts that occurred in Nigeria since the late 1970s and early 1980s, including the Maitatsine Riots. Christianity has divided into numerous sects since the Protestant Reformation<sup>34</sup> and the division is ongoing, as evidenced by the recent astronomical growth in the number of new Christian denominations and evangelical sects.<sup>35</sup> The new Pentecostal churches are characterized by their radical approach: they are more militant in their evangelistic and proselytizing movements, particularly with respect to their

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31. During the 1970s, the new, more extreme MSS leadership, because it protested the use of alcohol, began attacking university social clubs and also advocated inclusion of Shari'a law in the constitution. See Rosalind I.J. Hackett, *Conflict in the Classroom: Educational Institutions as Sites of Religious Tolerance/Intolerance in Nigeria*, 1999 BYU L. REV. 537, 551–52. Moreover, student riots against police were prevalent on Nigerian campuses in the early 1980s and continued throughout the decade. See, e.g., Rufai Ibrahim, *Third World Review: Behind Nigeria's Riots of Despair*, GUARDIAN (London), July 24, 1987 (noting that throughout 1986 and into the following year there were “[r]epeated clashes on various campuses between Muslim and Christian students”).

32. Fresh riots erupted over implementation of Shari'a law in 2000–01. See, e.g., *Hundreds of Residents Flee as Religious Violence Kills at Least 200 and Leaves Nigerian City in Ruins*, ST. LOUIS POST-DISPATCH, Feb. 24, 2000, at A7; *Nigerian President Warns of Religious Riots' Unity Threat*, L.A. TIMES, Feb. 24, 2000, at A10; Gilbert Da Costa, *Religion Sparks Nigeria Riots*, CHI. SUN-TIMES, Feb. 22, 2000, at 18 (“The violence began when hundreds of Christian demonstrators marched through the streets chanting ‘No to sharia! No to sharia!’ Counterchants by Muslims who support sharia, or Islamic law, led to fighting between the two groups . . .”).

33. For a list of the year, location, and apparent cause of religious riots in Nigeria from 1980 to 1990, see M.J. BALOGUN, DIVERSITY FACTORS IN STATE CONSTRUCTION EFFORTS IN AFRICA: AN ANALYSIS OF CHALLENGES, RESPONSES, AND OPTIONS, at <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan003187.pdf> (last visited May 12, 2004).

34. The religious movement and revolution in Europe in the fifteenth and sixteenth centuries brought about the proliferation of denominations in Christianity. The initial church was the Roman Catholic church. Then there were the Protestant churches: Anglican, Methodist, Baptist, and Ecwa. Others were Seventh-day Adventist, Jehovah's Witness, Cherubim and Seraphim, and many others. For further discussion of these Christian denominations, see corresponding articles in THE COLUMBIA ENCYCLOPEDIA, *supra* note 6.

35. See generally Chapter 2: *The Society and Its Environment: Religion*, in NIGERIA—A COUNTRY STUDY, *supra* note 11 (noting the rise in evangelical Christian sects).

aggressive style of witnessing and their intolerant approach to “nonbelievers.” Many fundamentalist sects have also sprung up among the Muslims, and these Islamic sects are less tolerant as well.

Despite the fact that the Nigerian Constitution guarantees every Nigerian freedom of worship, which includes the right to change one’s religion,<sup>36</sup> and the fact that the 1978 constitution declared Nigeria a secular state,<sup>37</sup> northern Nigerian Muslims do not take kindly to the conversion of their adherents. A Christian is free to change his or her religion, but a Muslim appears unable to freely become a Christian. Following an increase in the conversion rate of Muslims, MSS members embarked on a religious rampage, destroying property, physically harming students, and destroying several churches.

Outside influences have bolstered northern Nigerian Muslims’ efforts to prevent conversions to Christianity. Research data on Nigerian religious conflicts found that the MSS was funded by foreign countries, namely Saudi Arabia and Libya.<sup>38</sup> These findings also reported that, at an Organization of the Islamic Conference (OIC) meeting in 1974, members were given guidelines on how to curb the spread of Christianity in the respective countries of member states. These guidelines included establishing Muslim organization centers to resist Christian missionary activities in all Muslim-dominated areas and denying certificates of occupancy to Christians seeking to erect churches.<sup>39</sup>

### *B. Conflicts Between Christianity, Islam, and Indigenous Beliefs*

Despite the Biblical injunction that the Word of God should be spread to all corners of the earth, the Christian approach to converting unbelievers, especially in northern Nigeria, has often led to religious riots—although riots have occurred in other parts of Nigeria as well. In a clear case of infringement of the fundamental human rights of nonadherents, a particular Christian faction recently set ablaze the shrine of the traditional worshipers in Anambra state.

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36. *See supra* note 25 and accompanying text.

37. *See, e.g., supra* note 24 and accompanying text.

38. *See, e.g.,* Hackett, *supra* note 31, at 552 (noting the existence of “widespread allegations . . . that the Iranians trained some of the MSS leaders in Iran”).

39. RESEARCH DEP’T, NAT’L INST. FOR POLICY AND STRATEGIC STUDIES, RELIGIOUS DISTURBANCES IN NIGERIA 30 (1986).

They gathered and burned priceless artifacts, which had served as idols for the indigenous religions for centuries. This led to riots and social unrest. The conflict is still being resolved in court.

Muslims, too, frequently violate the right to freedom of worship belonging to followers of the indigenous African faith. Consider the case of Moremi Shrine, which was located at the palace of the Olofa in Kwara state to commemorate the brave and altruistic Yoruba princess who saved her ethnic group. In the late eighteenth century a mosque was built in front of the shrine and both the mosque and shrine coexisted peacefully for centuries. However, the Oba trustees of the mosque recently insisted that the Moremi Shrine be demolished. This brought about social upheaval in the state. The state was thrown into socio-political disharmony, dividing those who supported from those who opposed the demolition.<sup>40</sup>

#### IV. SHARI'A CRIMINAL LAW

##### *A. Introduction of Shari'a Criminal Law*

It is popularly believed that Governor Ahmed Sani of Zamfara introduced the Shari'a criminal legal system into his state in 1999 to avert impeachment because his party representatives in the state assembly house were in the minority.<sup>41</sup> By introducing Shari'a law

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40. See M.O. ENE, RAIDERS OF SACRED SHRINE, at [http://www.kwenu.com/moesmemo/raiders\\_shrine.htm](http://www.kwenu.com/moesmemo/raiders_shrine.htm) (Feb. 18, 2002) (stating that, in 2000, "police arrested six of the Muslim fundamentalists who destroyed the Moremi Shrine in Otta, the second largest city of Kwara State").

41. In 1999, Zamfara, a state in northern Nigeria, implemented rules to harmonize Shari'a law with the secular code. See Jennifer Tyus, *Going Too Far: Extending Shari'a Law in Nigeria from Personal to Public Law*, 3 WASH. U. GLOBAL STUD. L. REV. 199, 202-03 (2004); BUREAU OF DEMOCRACY, HUMAN RIGHTS, & LABOR, U.S. DEP'T OF STATE, NIGERIA: INTERNATIONAL RELIGIOUS FREEDOM REPORT, at <http://www.state.gov/g/drl/rls/irf/2001/5687.htm> (last visited May 12, 2004) [hereinafter BUREAU OF DEMOCRACY, FREEDOM REPORT]. Nigeria's 1979 constitutional convention committee had previously rejected the incorporation of Shari'a federal law because of the extreme tensions between the Muslims and Christians on the constitutional committee. See Tyus, *supra*, at 202-03.

In general, Shari'a law is the law of Islam. "For Muslims, adherence to Shari'a law is not only a legal duty but a civil and religious obligation." *Id.* at 201; cf. Ismene Zarifis, Note, *Rights of Religious Minorities in Nigeria*, HUM. RTS. BRIEF 22, 22 (2002) ("Historically, Sharia courts exercised limited jurisdiction over personal and family matters and were available to Muslims who elected to resolve their disputes in such courts."). Shari'a criminal law imposes "strict Islamic laws, including amputations and death by stoning for transgressions like theft and adultery." *Analysis: Nigeria's Sharia Split*, BBC NEWS, Jan. 7, 2003, at <http://news.bbc.co.uk/1/hi/world/africa/2632939.stm>. Shari'a law bans prostitution, alcohol, and

and taking refuge in Islam, Governor Ahmed improved his position with the electorate. His introduction of Shari'a law popularized him, especially among the common people.<sup>42</sup> The other northern governors followed suit and introduced Shari'a criminal laws in their states.<sup>43</sup> Government resources were used to build Shari'a courts and to fund the implementation of the Shari'a criminal law.

### *B. Conflicts Between Shari'a Criminal Law and Christianity*

Upon the introduction of Shari'a criminal law in Zamfara, a conference of all Muslims from the entire ECOWAS subregion was held in the state. At the end of the meeting, the conference passed a resolution obligating member states to respond to calls for assistance whenever another member nation was attacked, because "an attack on one is an attack on all." The importance of this resolution was not lost on the Christians in Nigeria.

The northern Nigerian Christian population, feeling marginalized after the introduction of Shari'a criminal law,

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gambling. "Volunteer vigilante groups" roam the streets, "keeping an eye open for any transgressions of Sharia regulations." *Id.* For examples of Shari'a sentences and law, see generally *Nigerian Man Faces Stoning Death*, BBC NEWS, Jan. 6, 2004, at <http://news.bbc.co.uk/1/hi/world/africa/3373131.stm> (reporting man being sentenced to be stoned to death for having sex with teenage stepdaughter); *Analysis: Nigeria's Sharia Split*, *supra* (reporting Amina Lawal being sentenced to be stoned to death for having extramarital sex); BUREAU OF DEMOCRACY, FREEDOM REPORT, *supra* (noting punishments of amputation for convicted thieves and caning for fornication).

Shari'a law arguably "violates the Nigerian Constitution because it negates the secular intent of the constitution, extends beyond the constitution's permissible bounds, and violates many Nigerian and international human rights standards." Tyus, *supra*, at 203, 204-14; *Analysis: Nigeria's Sharia Split*, *supra*; see also Pobe, *supra* note 27, at 165 ("The Shari'a law has been in this century a politically-inspired imposition which has been as damaging to Muslim-Christian relations as have been the imperialization of Christianity and Islam and the crusades.").

For an overview of Shari'a law in Nigeria, see generally M. Ozonnia Ojielo, *Human Rights and Sharia'h Justice in Nigeria*, 9 ANN. SURV. INT'L & COMP. L. 135 (2003).

42. See, e.g., Ojielo, *supra* note 41, at 157 (noting that after he enacted Shari'a law, the governor of Zamfara was addressed as "the chief defender of Islam").

43. See, e.g., *id.* at 157-58 ("The governors in the northern states engaged in a mad scramble to outdo each other in introducing the [Shari'a] law . . ."); see also Philip C. Aka, *Nigeria Since May 1999: Understanding the Paradox of Civil Rule and Human Rights Violations Under President Olusegun Obasanjo*, 4 SAN DIEGO INT'L L.J. 209, 240 (2003) ("Twelve out of the nineteen northern states in the country have adopted Islamic Sharia law as legal system since General Obasanjo took office."); BUREAU OF DEMOCRACY, FREEDOM REPORT, *supra* note 41 (noting that after Zamfara's adoption of Shari'a law, other northern states adopted variations of Shari'a law).

demonstrated against this perceived abuse of their fundamental human rights. A conflict ensued and many innocent Nigerians lost their lives and property.<sup>44</sup> This was not the first time the interest of the northern Christians had been compromised.<sup>45</sup>

#### V. INTERCONNECTEDNESS AND THE RIGHT TO TRAVEL

Nigeria's regional integration, particularly with ECOWAS, means people can freely move into Nigeria, bringing controversial religious ideas that foster more religious pluralism and further fragment Nigerian society. The challenges that an interconnected world and

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44. See, e.g., *New 'Taleban' Clashes in Nigeria*, BBC NEWS, Jan. 7, 2004, at <http://news.bbc.co.uk/1/hi/world/africa/3376979.stm> (reporting that "[m]ore than 10,000 people have died in religious and ethnic clashes" since Muslim-dominated states in northern Nigeria introduced Shari'a law in 1999); *Nigerian Police Open Fire in Religious Clash*, N.Y. TIMES ABSTRACTS, Feb. 23, 2000, at A6, at 2000 WL 16311746 ("The Nigerian police fired on rioters today in the city of Kaduna, where violent clashes began on Monday between Muslims who support the imposition of Islamic law and Christians who oppose it."); Norimitsu Onishi, *New Strife Tests Nigeria's Fragile Democracy*, N.Y. TIMES ABSTRACTS, Mar. 15, 2000, at A1, at 2000 WL 19064910 ("After Muslims marched . . . last month calling for the adoption of the Shariah . . . a counterdemonstration by Christians led to riots.").

45. Another case in point where the rights of northern Christians were compromised occurred when a secondary school established by a Christian church was forced to employ Muslim teachers for the Muslim students in that school. This was in spite of the fact that the Muslim-owned school in the same town made no such provision for Christian students in that school. An attempt by the Christian school to refuse to comply with such an unjust instruction led to the withdrawal of the state approval of the school. When the case went to court, the Muslim population in the town invaded the law court and aborted the trial. See generally BUREAU OF DEMOCRACY, FREEDOM REPORT, *supra* note 41 (noting that despite the Nigerian Constitution's prohibition against requiring students to receive instruction relating to any religion other than their own, "Islamic studies are mandatory in public schools in Zamfara and other northern states, to the exclusion of Christianity," and "[t]here are reports that Christianity is taught in the same manner" in Christian states).

Another example worthy of mention is the case of Ilorin University, which was shut down because the law faculty were not going to offer Islamic Law as a course.

The case of Mr. Gideon Akaluka, an Ibo man and a Christian who lived in Kano with his family, must also be mentioned. Mrs. Akaluka mistakenly used a piece of paper she saw flying about to clean her baby. She was later to learn the hard way that it was a page of the Qur'an. This led to the beheading of her husband by an irate mob that put his head on a pole and triumphantly ran round the whole town. See Karl Maier, *Beheading Stirs Nigerian Tension*, INDEP. (London), Aug. 16, 1995, at 11. No one has yet been punished for this injustice and no compensation has been paid to the family of this unfortunate Nigerian.

Perhaps the most well-known example of the application of Shari'a law is the case of Amina Lawal, a woman who, because she committed adultery, was sentenced to death by stoning. See, e.g., Tyus, *supra* note 41, at 199; *Analysis: Nigeria's Sharia Split*, *supra* note 41. Due to considerable international pressure, the Shari'a court overturned the death sentence it had given to Amina. See Tyus, *supra* note 41, at 199.

religious pluralism present to Nigerian social stability and national security cannot be overemphasized, especially considering that the first religious riot that claimed thousands of Nigerian lives was masterminded by a Cameroonian immigrant.<sup>46</sup>

Nigeria's involvement in regional integration also presents challenges. The ECOWAS Protocols on Free Movement of Persons grant any member-nation citizen the right to enter and reside in Nigeria.<sup>47</sup> The African Union, which has taken over the functions of the OAU, grants many other concessions as well. The problem facing Nigeria, and indeed, many other nations today, is how to balance the right to freedom of worship and movement with the need for national security and social stability.<sup>48</sup> To achieve a successful balance, security organizations, especially the Immigration Service, need to operate at a high level of efficiency.

## VI. CONCLUSION

Thus far, religious pluralism in Nigeria has prevented national and social cohesion and threatened Nigeria's social stability by pitting different religious groups against one another. The Nigerian government has not fully implemented the constitution's promise of religious freedom, resulting in feelings of insecurity, especially for Christians in the north, and a deepening divide between Christians and Muslims. The government's difficulty in implementing the constitution's promise of religious freedom has also limited northern Christians' ability to perform their perceived missionary obligations. Moreover, Muslims in Nigeria interpret religious freedom differently

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46. Nigeria has had tense relations with migrant workers who entered the country illegally. See generally Chapter 5: *National Security: Domestic Security*, in NIGERIA—A COUNTRY STUDY, *supra* note 11; Chapter 5: *National Security: Local and Bilateral Issues*, in NIGERIA—A COUNTRY STUDY, *supra* note 11. Moreover, there has been a longstanding border dispute between Nigeria and Cameroon over potential oil fields. See BUREAU OF AFRICAN AFFAIRS, BACKGROUND NOTE, *supra* note 11; see also *Nigeria Hands Cameroon Villages*, BBC NEWS, Dec. 19, 2003, at <http://news.bbc.co.uk/1/hi/world/africa/3334721.stm> (reporting that Nigeria has handed over thirty-two border villages to Cameroon to help end a “longstanding border dispute between the two countries”).

47. See, e.g., Silverman, *supra* note 14 (“ECOWAS has made progress promoting free movement among member nations by developing a passport for all citizens of the 16 nations.”).

48. See Jonathan C. Randal, *Ghanaians Claim Mistreatment, Thousands Remain Stranded in Nigeria*, WASH. POST, May 16, 1985, at A25.

than the United Nations<sup>49</sup> and the Nigerian Constitution, practicing utmost loyalty to the law propagated by the Qur'an.

Furthermore, the attempt by politicians to manipulate religion for political gains endangers the security of Nigeria. A former presidential candidate in the last election was alleged to have earlier called on all Muslims in the country to vote against any non-Muslim candidate. Despite the publicity given to the statement, this candidate did not find it necessary to repudiate the statement until the election period.

The actions of the Organization of the Islamic Conference and of some Arab countries also deepen the divide between Christians and Muslims in Nigeria. Therefore, it is vital that security agencies monitor the activities of visitors and of immigrants in Nigeria while at the same time protecting national security and ensuring the right of entry to foreigners.

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49. Universal Declaration of Human Rights, G.A. Res. 217A(III) (1948), U.N. GAOR, 3d Sess., U.N. Doc A/910 (1948), *available at* <http://www.un.org/Overview/rights.html> (last visited May 12, 2004).

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