

*Appendix 5:*

**NOTE: This file contains two Boer documents. The second document can be found by finding <XXXX>.**

- 1. Muslim Relationship with and Attitude towards Common Law.**
- 2. Legal Pluralism.**

**DOCUMENT 1****Muslim Relationship with and Attitude towards Common Law****Jan H. Boer***a. Common Law--A Failure*    **clf**

As far as Christians are concerned, the Common Law of Nigeria, inherited from colonialism, is a secular document that is non-religious in origin and nature. It is neutral when it comes to religion and therefore they support it. They do not wish to see it replaced, not even partially, by sharia, a religious non-neutral law. Christians would not regard Common Law a Christian subject; it is a secular subject. They strongly defend its merits. Over against that, many Muslims argue strongly that it is a failure; some, a total failure.

Muslims, however, have long regarded Common Law as Christian in origin and in spirit. Hence their attitude towards it is mostly negative. They often blame it for many of Nigeria's social ills. They have come to the conclusion that Common Law "has robbed them of the blessings of sharia." Secularism and Western education have failed to bring them the progress and development promised. These factors have created an atmosphere of "general insecurity, spread of vices and promiscuity, social unrest, unemployment, breakdown of essential services, continuous underdevelopment and subservience to foreign powers as evidenced in the debt-trap." This lawlessness has "opened the eyes of the Muslims" and others, including experts. They all "express their disgust at the woeful failure of the present system. They argue that the present legal system is not only Mosaic

and outdated, but also absolutely irrelevant to the wills and aspirations of our society, not to mention its complex technicalities and inaccessibility for the poor common man."<sup>1</sup>

A Kano imam, Isa Waziri, in a Hausa-language address at a MAMSER occasion,<sup>2</sup> pitted Islamic law and Common Law against each other. He said that in Islam politics and government are based on justice and truth. It is incumbent on a Muslim ruler to be a truthful, responsible trustee and have deep love for his people. When a ruler practices justice, bribery and corruption as well as abuse of government property and waste of the public wealth will all be overcome. A ruler who does not adhere to sharia will come to nothing. The Western legal system has only brought corruption and bribery, lack of compassion and distress. In other words, the Common Law has failed Nigeria by allowing these negative factors to develop and take over.<sup>3</sup> ++++++

Rashid shows us that this issue goes back to early colonial days. He tells us the story of Mr. Palmer, a colonial officer in Northern Nigeria, that you have already read earlier in this series. Then Rashid turns to sociologist Beita Yusuf, who agreed that the Nigerian crime wave, clearly noticeable in the 1980s, was a “direct consequence” of Common Law. A thief could “walk away free” from the court or perhaps “suffer a token fine or a relatively light sentence.” Embezzlers of public funds would go unpunished; robbers and murderers buy their way to freedom or go to prison for a few years “at the end of some unnecessarily lengthy trial involving enormous expenditure of public funds, time and energy.”<sup>4</sup>

Jamilu Lawan of Kano more recently stated:

*Ample evidence exists to buttress the fact that the degree of success of sharia is manifest compared to other systems. In the USA, for example, a woman is raped every six minutes; a person is killed every 25 minutes. In Nigeria, where Common Law is practised, looting, bribery and corruption remain the order of the day, because, though enshrined to guard against these vices, Common Law is inadequate, thereby ensuring the failure of the nation to fight the evil of tribal and geopolitical conflicts, corruption, robbery and looting, among others.*

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<sup>1</sup>J. Badamasuyi, 1989, p. 5.

<sup>2</sup>MAMSER was a Federal agency for social mobilization.

<sup>3</sup>*Alkalami*, 17 Feb/89, p. 16.

<sup>4</sup>S. Rashid, 1986, p. 91. These complaints about the secular justice system find their echoes today in the Canada of the 21<sup>st</sup> century and were even a campaign issue in the Canadian federal election of 2006.

He claimed that the formulators of the Constitution “have never failed to recognize the inadequacy of their document, which by and large ignores all aspects of morality and is thus deficient.” Common Law has simply failed

*to take care of all dimensions of life and ensure peace. Based on these facts, the Muslims have now turned out to demand for the sharia, their legal right and belief. We declare openly our needs. We are really tired of this paganistic life or what others call secularism through the application of the Common Law characterised by anti-religiousness, alcoholism, drugs, rudeness and free sexuality. If a community has the above illness, the outcome is obviously all sorts of crimes and evils.*<sup>5</sup>

Bello Alkali wrote, “The Common Law which has been in practice in both the Muslim and non-Muslim communities, has not been able to check the cascade of social vices that affect our supposedly peaceful society.” After presenting the usual list of prostitution, alcohol, fraud, etc., as regular features of life, he “wonders if in reality any law exists to check these recurring vices.”<sup>6</sup>

Bello Sakkwato doubts that there was an effective sharia in place at the time the British established colonialism. However, the British contributed to the further abandonment of sharia. Since then, “one cannot fail to recognize that the breakdown of morality, social order, peace and progress in this country was sown.” The abandonment of sharia, of course, was merely the flip side of the introduction of the Common Law system. Common Law could not resist the growing brutalization of society.<sup>7</sup>

No doubt, part of the reason for Common Law’s lack of restraint is the fact that law, to be effective, should “reflect social realities,”<sup>8</sup> or as British Lord Denning put it, “The people must have a law which they understand and which they respect.”<sup>9</sup> Mahmud Tukur expressed the point under discussion very well:

*The legal system is a fundamental pillar of society. It is also unfortunately inherently defective in its foundations and assumptions. It is founded on the*

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<sup>5</sup>J. Lawan, 9 Nov/99. These complaints and situations are also common currently in Canada.

<sup>6</sup>A. B. Alkali, 4 Jan/2000. Boer: The laws exist but are unable to stem these vices. To achieve that, something different from secularism is needed.

<sup>7</sup>B. Sakkwato, 5 Jan/2000.

<sup>8</sup>K. Rashid, 1986, p. 91.

<sup>9</sup>A. Albashir, 8 Nov/99.

*Common Law of England, which grew out of English customs and way of life. No Nigerian community is, of course, English. So, the legal system has naturally started on a parasitic footing. It is to date relevant essentially [only] to the needs of the elite. It caters, in reality, only to a tiny percentage of the population. Yet, due to selfishness and slave mentality, that small segment of the community--the legal profession and its fellow travelling veneer in the "modern" sector of the economy--continues to impose the contraption on a bewildered society. Since the westernized elite has the monopoly of power and controls the state and its instruments of coercion, they have continued to impose the legal and judicial system that not only does not benefit the people, but also inequitably punishes and disenfranchises them. Hence they do not get justice where it matters to them most---land seizures, commercial and petty crimes cases in the rural areas. Worse, they are oppressed and sent to prison for trespassing and petty thefts, because they cannot afford to have lawyers, pay for bail or obtain sureties. In any case, when they are taken to magistrate and high courts, they are mostly ignorant of what the whole thing is about. Even when ordinary people are complainants, the procedures are so cumbersome, the delays so long and corruption so rife, that they generally simply give up in frustration. Despite these disabilities, the media and the evangelists complain of the "imposition" of sharia and the "primitiveness" of customary laws. Left alone, the majority of the ordinary Nigerians know and understand that they get speedy justice and fairer treatment in these systems than under the cumbersome and unsuitable "civilised" law which the colonial "injustice" system slowly churns out in dribs and drabs, subject as it is to endless adjournments, sessional ceremonies, appeals, lost documents, lack of equipment, incomprehension, insensitivity, vanished witnesses, arranged judgements, misappropriation, etc.<sup>10</sup>*

*Even the legal profession itself seemed generally to be a conspiracy against the majority of Nigerians. The proof being that "the myths of impartiality and due process" were belied by the objective fact that securing the "rights" were subject*

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<sup>10</sup>These Muslim complaints about Common Law are exactly parallel to Christian experience with sharia! Things are not working for anyone, it seems.

*to knowing them, which was beyond the ordinary Nigerian and to the ability to pay the lawyer or to possess the resources to satisfy bail conditions.*

*Also, even though redressing wrongs is supposed to be a major objective of justice administration, the statutorily prescribed sentences totally ignore the useful attention of our pre-colonial justice system to victims of crime through compensation, restitution or reconciliation, despite the full knowledge that the existing prisons were unsuitable for correction or rehabilitation.*

*Again, despite the proven “objectives” of the law, the narrowness of the lawyers’ “distinguishing expertise” and the awareness that their loyalty was usually to the highest bidder, “the legal system is unwittingly made the exclusive preserve of lawyers who are already burdened by the traditional conservatism of the legal profession and its reluctance to solve problems by innovation.”<sup>11</sup>*

Some hard but actual truths. Thank you, Dr. Tukur! And as an aside, much of what you say about the system in Nigeria reflects the experience of the citizens of my own Canada as well! Right on!

As with so many issues in this sharia tug of war, both sides accuse each other of the same things. Muslims, on the one hand, charge that the “Christian” Common Law has led to corruption and all the other social ills and expect that sharia will pull them out of it. Christians, on the other hand, counter this with accusations of sharia corruption. Kurawa fumes, “The opponents of sharia always cite the injustices perpetrated by this British-defined sharia system, whenever Muslims demand sharia.” Yohanna Madaki and Jibrin Ibrahim, both Christians, “argue that some Muslims opted out of the sharia jurisdiction by claiming to be Christians, because of fear of persecution.” Kurawa countered this argument by reminding them that the sharia they are talking about is not the real sharia of Muslim inspiration. It was of British inspiration and tinkered with so seriously it can no longer be considered the genuine article. It was heavily politicised, exactly as the British wanted it, and thus, hopefully headed for eventual abrogation.<sup>12</sup>

Audu Zango sums up the feelings of many in his article against James Adeen:  
*On the re-introduction of Sharia, James and others who think like him should know that people in the states implementing Sharia have exercised their right to*

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<sup>11</sup>M. Tukur, 29 Jun/2001, p. 18.

<sup>12</sup>I. Ado-Kurawa, 2000, p. 306.

*practice the religion of their choice and to be governed by the law they believe would give them justice. They have no apologies to any one on that issue. The Common Law operating in Nigeria is for the highest bidder and therefore unjust, the masses hated it and they couldn't understand it. The law was designed in England many decades ago to suit English people and not for the Talakawa [the poor]. The Common Law is cruel to them because they cannot get justice in it and it cannot even guarantee the distribution of wealth through Zakat. Moreover, the sharia places emphasis on both morality and legality in solving problems in the society, while the Common Law places emphasis mainly on legality*

In addition to all these negatives attached to the Common Law, the people who have created it are among the most violent on earth. Muslims have had to defend themselves against their crusades, their slave traders and colonialists in the past and today against their “agents of globalization,” “the chronic exploitation and imposition of cruel tariffs by IMF and World Bank,” not to speak of all the wars fueled all over Africa by them in the interest of minerals. In other words, what can possibly be expected from a legal system concocted by such barbarians? –the same question Christians ask of sharia and its advocates!

Opponents of sharia, asserted Adegbite,  
*ignore the perilous state of Nigeria's morality, the grand failure of the Western system to deal effectively with the social ills of our time. Does the alarming and definitely unacceptable rate of criminality in Nigeria bother these sharia critics? Nigerians have virtually become prisoners in their houses, barricaded in them with iron burglary-proofs and high fence walls to keep robbers at bay.*

*Prostitution is now a dignified commerce as Nigerian women offer their bodies for easy fortune. Public officers are notorious for abusing public trust by looting the Treasury. There is far too much injustice, extortion, exploitation and tyranny all over the place.*

*At the rate Nigeria is going, we may have to commit a disproportionate amount of state funds to sustain our criminal justice system.*

Adegbite then proceeded to describe the high expense of the British judicial system “Must we go this way when the sharia would avail us a comprehensive legal system

routed in decency and morality and which aims at cleansing the society by ensuring a crime-free polity, where justice and fairness obtain...”<sup>13</sup>

***b. Muslim Obligation to Common Law mocl xxxx***

With all the negatives associated with secular Common Law, Nigerian Muslims often reject any obligation to adhere to this system. Ibrahim Sulaiman wrote,

*It is when there is a justification in the sharia to follow laws made by human beings that a Muslim is obliged to do so. A Muslim is never bound by law merely on the ground that such laws constitute the law of the land, much less when such laws have been imposed by colonial usurpers. A Muslim judges laws by their merit – for instance, whether they are just and upright and fulfil man’s spiritual and mundane purposes – and not merely by political sentiments.*

*If Muslims reject the imposed law, the reason is that they have every justification to do so. Firstly, the law is alien to Islam and it has been imposed, among other things, to replace the noble sharia. Secondly, the imposed law has entrenched injustice in the country and has proved particularly hopeless in fulfilling one of the greatest objectives of law: the suppression of crime. Thirdly, the imposed law is so fluid and amoral that it has succumbed to all sorts of manipulation and perversion. This legal system has served all the tyrant governments – civil and military alike – with equal faithfulness and loyalty.*

*Above all, Muslims have a system of law of their own which they hold sacred, and which determines their lives. The Sharia remains the most obeyed and venerated law in Nigeria, despite the persecution it has continued to suffer in the hands of secular governments. Certainly, the security of life and property enjoyed in Muslim areas in Nigeria, in contrast to the universal insecurity experienced in non-Muslim areas is sufficient an indication of the efficacy and sanctity of the Sharia for the intelligent observer. To ask Muslims to throw away this noble system in order to embrace a corrupt and unjust legal system is just the limit.<sup>14</sup>*

This attitude remains characteristic of many Muslims also in the current sharia regime.

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<sup>13</sup>A. Zango, “Islam and the West.” L. Adegbite, “The Constitutionality and Legal...,” 2000, p. 14; “Sharia in the Context...,” 2000, pp. 76-77.

<sup>14</sup>I. Sulaiman, May/86. See Appendix 6, vol. 4.

This short section is only a pointer to and summary of what you may have read in earlier volumes.

## DOCUMENT 2

### Legal Pluralism

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**Jan H. Boer**

Another issue Christians bring up frequently is that of legal pluralism: Can a nation have more than one legal systems? The answer of sharia opponents, especially Christians, is generally negative. Subsequent to the Zamfara declaration, it quickly became a major point of discussion, but was already an issue throughout the CA decades. Back in 1988, the editor of *The Pen* demanded a pluralistic legal approach. In the wake of the second post-colonial CA he wrote, “Since this country has been under a Christian legal system, there will now be no more justification for denying sharia a significant place in the constitution of our land. The choice is now between giving sharia equal status with the Christian common law or doing away with both. Anything less will amount to a profound mockery of our secular creed.”<sup>15</sup> Imams and Muslim scholars from Nigeria’s Eastern states echoed the same sentiment: “If the sharia is to be abolished, then the existing common law must also be excluded, because it is completely Christian in origin, content and application.”<sup>16</sup> In other words, both are needed--a plea for pluralism.

Auwalu Yadudu denied that the current Nigerian legal system is pluralistic. True, Muslim and customary law exist side by side with common law. However, the first two are not “independent and autonomous partners of common law.” At best they “are simply and politely tolerated in the hope that they would gradually die out or be submerged by the common law.”<sup>17</sup> That relationship is no mere accident. It was designed that way from the beginning.

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<sup>15</sup>*The Pen*, Editorial, 16 Dec/88.

<sup>16</sup>*The Pen*, “Chief Imams...,” 18 Nov/88.

<sup>17</sup>A. Yadudu, 16 Dec/88. That, of course, is the classic dream of secularism and the classic hope or even plan of colonialism.



In Chapter 2, we will read Yadudu’s discussion about the three phases of sharia. The upshot of the long-range development was that sharia by conscious colonial design became a limited handmaiden to common law. Yes, three systems co-exist, but with the sharia and customary law existing “at the mercy and under the shadow” of common law, as appendages of the latter. Sharia “does not exist as an autonomous and self-regulating system. It is defined in terms of common law. It is subject to the standards of common law. Its courts are established and its personnel trained and appointed in the same way and using virtually the same criteria as those of common law courts and justice.” Today—1986—“we see how the English legal ideas affect the thinking process of policy makers, judicial officers and the legal profession as a whole.”<sup>18</sup> That, in Yadudu’s opinion, is not pluralism, for pluralism implies equality.

You may remember from Monograph 5 that Muslims cogently argue that secularism is a coercive mono-cultural system that will brook no rival, while Islam is pictured as a tolerant and open system that leaves room for other systems to flourish alongside it. Sharia, being the embodiment of Islam, is tolerant and pluralistic. Ibrahim Sulaiman asserted that “through all the ages, sharia has been the only system that, rather than impose itself on others, respects pluralism.” One of the most quoted statements in the Qur’an is that there can be no compulsion in religion. When Jews came to Muhammad to judge in disputes, he would ask them to judge on basis of the Torah. The Qur’an does not teach that all people should live under one set of laws or be forced to accept other cultures. Where sharia is in force, non-Muslims are to be allowed to practise their own system. They can drink alcohol in their own part of town. Europeans have wiped out tolerance and pluralism in Nigeria as you may have overheard Sulaiman argue in Monograph 4.

Nigeria’s Constitution has assigned to state governments the responsibility to pass laws suitable to their people, based on their customs and culture, which, in the case of the core north, is Muslim. “The responsibility of the Federal Government is not to impose unitary laws on states, but to find ways of managing the different yearnings and aspirations of the different units of the federation.”<sup>19</sup>

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<sup>18</sup>A. Yadudu, 1986, pp. 4-6.

<sup>19</sup>I. Umar, 2 Nov/99. Appendix 56, vol. 6.

At an international sharia conference in the UK, Ali Mazrui asked “whether a federal system is able to support cultural self-determination of its constituent parts and still retain cohesion as a federation.” He referred to the Swiss model “where cultural autonomy has been conceded to its constituent cantons.”<sup>20</sup> Can a secular legal system co-exist with a religious sharia? Generally Christians answer this question negatively.

Muslims usually counter this with an affirmative. JNI held a national seminar on sharia in Kaduna and published a communique in which it denied that sharia threatens the unity or further development of Nigeria. Haliru Yahaya, speaking for the conference, stated that Nigeria’s legal pluralism “should not be seen as an impediment to the development of the country.” After all, Nigeria has long had a pluralistic legal system consisting of three strands, sharia, common and traditional. It has learned to live with it. Secondly, such pluralism is not peculiar to Nigeria. While that is true, it is unfortunate that the report or, perhaps, the communique itself, does not expand on where else such pluralism exists or how it works. The final word was that any future constitution must “fully and unambiguously reflect the country’s religious and legal plurality.”<sup>21</sup>

A sharia conference held in Kwara State made the same recommendation. Nigeria’s pluralistic legal system is a “healthy practice which should be encouraged in Nigeria just as it obtains in Canada, India, UK and Switzerland.”<sup>22</sup> Mu’az Dadi reminds his readers that in the United States, states have their own laws that may even contradict those of other states. They “are applied strictly without regard to the other states.”<sup>23</sup> Auwulu Yadudu, in a lecture on capital punishment, said that the FG “should allow each state to determine if capital punishment should be retained.” That amounts to advocating a pluralistic legal system.<sup>24</sup>

Ibrahim Sulaiman stated that God “has prescribed that laws must never be imposed on any religious community against their will, and that the system of law of each

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<sup>20</sup>R. Nweke, May/2001, p. 12.

<sup>21</sup>*NN*, 14 Feb/2000. Appendix 32, vol. 6. K. Kolade, 19 Feb/2000.

<sup>22</sup>M. Lamidi, 22 Feb/2000, p. 2. Canada has 10 provinces and three huge territories, each with their own laws. Though these are mostly based on the British system, Quebec’s is based on their French heritage as well as on their different history. In addition, Canada has laws that apply only to the Aboriginal peoples in the country-- very much of a pluralistic legal system that has so far enabled the country to manage its diversity of peoples, geography, history and cultures. A unitary legal system would unleash the existing tensions and probably render them unmanageable.

<sup>23</sup>M. Dadi, 15 Mar/2000. Appendix 17, vol. 6.

<sup>24</sup>J. Orintunsin, 12 Jan/2004. *TD*, 13 Jan/2004.

human organisation should be duly recognised and protected. This is the only way to ensure harmony in society, and forestall friction and conflicts which may ultimately lead to the disintegration of society.” He goes back to the time of the Prophet when a covenant was created between Muslims and Jews and a *Pax Islamica* established. One of the guiding principles of this covenant is

*that Muslims should co-exist with other communities within one nation only under a firm, secure and written agreement in which the terms of the co-existence are clearly set out. The rights and obligations of Muslims must be spelt out precisely and unequivocally. Likewise the rights and obligations of non-Muslims. Another principle is that such a constitutional agreement must contain terms which are fair to the Muslims as well as to non-Muslims in addition to an irrevocable acknowledgement that the law of God shall remain supreme and the free expression of Islam shall in no way be hindered.*

The above situation hardly obtains in Nigeria, Sulaiman observed. Instead, Muslims and Christians live together under conditions that are not negotiated but imposed. The Nigerian state is designed to dissolve Muslim institutions. The most sensible solution is to work out a fresh agreement between Muslims and Christians “based on equity and fairness” that includes “mutual respect and reciprocal obligation” and will produce “sustainable and peaceful co-existence.” Islam, Sulaiman promises, “offers justice to all.” Sharia “grants automatic legitimacy to Christian laws and enjoins the Islamic government to facilitate their application. It grants others a high degree of social and juridical autonomy.”

Yes, legal pluralism is the word from Sulaiman, but a few pages earlier we have seen that he often contradicts it. There is more. For example: “The state must give full recognition to the Islamic value system. All things Islam declares morally good must be regarded as such by the state. All things Islam declares reprehensible, like alcoholism and human exploitation, the state shall not protect them, let alone attempt to make profit through them.” “Prominence should be given to the enforcement of the sharia provisions relating to the maintenance of social justice in society.” He then lists a number of

concerns and issues with which Christians would also be concerned, such as human welfare, land policy, dignity of labour and more.<sup>25</sup> Sulaiman continued:

*This, then, is the Islamic recipe for human society, as far as the legal system is concerned. Social tensions and upheavals come only when the Islamic injunctions, recognising the rights of religious communities to maintain their laws, and enjoining upon the state to ensure that those rights are strictly observed, are ignored. In the context of Nigeria, these injunctions imply, (i) that the sharia shall enjoy full application in all areas where Muslims predominate, and that it takes precedence over all other legal systems in Nigeria, as the law that governs the majority of her people; (ii) that such other legal systems are accorded recognition in accordance with the extent of the following they command. Equally significant, there must be a definite commitment by Nigeria to abolish all aspects of imposed laws that are inconsistent with our fundamental values, norms and the demands of our faith. In fact, the entire colonial legal enterprise must be abolished and be replaced with our authentic and legitimate laws. This indeed is the irreducible minimum in our quest for genuine self-determination and sovereignty.<sup>26</sup>*

Lateef Adegbite has also insisted on legal pluralism. The federalism enshrined in the Constitution is not just an empty word. It means that “Nigerian laws, institutions and people must respect the cultural diversities intrinsic in the nation. These diversities are not just regional, ethnic or tribal; they also extend to religious beliefs and practices.” It is as “proper to extend recognition and protection to Islamic law” as it is to common and customary law.

*Indeed, Nigeria being a pluralistic society, has opted for a multiple legal system, a kind of tripod. The three must co-exist and receive fair treatment from the authorities. Each state is competent to embrace any of these laws to a degree consonant with its social and cultural structure, in the legitimate exercise of its autonomy. To hold otherwise is to undermine the federal status of Nigeria and to negate the autonomy of the states.*

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<sup>25</sup>I. Sulaiman, 1986, pp. 8-9, 14-16.

<sup>26</sup>I. Sulaiman, May/86.

“In a multi-religious and federal country,” asserted Adegbite, “legal pluralism is a *desideratum*.” Muslims will never abandon sharia. To force them to do so “would be a denial of their freedom of religion, an abomination which the Muslims can never contemplate.” Therefore, the three law systems “have come to stay in Nigeria and should be allowed a healthy cohabitation.” Oh, yes, under legal pluralism one can expect conflicts between the systems. Religious pluralism produces strains. However, there “are well-developed rules and procedures for resolving such conflicts as may arise from time to time.”<sup>27</sup>

This entire section amounts to a strong demand for legal pluralism in which there will be equal space for all three Nigerian systems. The question is whether the demand for a pluralism of equality is to be taken seriously—but that will be discussed in Chapter 6.

There are some good reasons to question the seriousness of the Muslim emphasis on pluralism. In Volume 7 we will hear the Christian complaint that they have not noticed much of Muslim pluralism. During the “innocent” pre-Zamfara days, when people were not as much on their guard, the Kano branch of the Council of Ulama of Nigeria condemned Kano’s Ministry of Education for agreeing to a change of name of the Ahmadiyyah Secondary School to that of “Ahmadiyyah Muslim Secondary School.” Muslims the world over, it must be understood, have rejected the Ahmadiyyah movement as heretical and thus not Muslim. This was a kind of excommunication. The addition of the term “Muslim” to the name was, according to Ibrahim Umar Kabo, spokesman for the Ulama, “particularly annoying as it was sanctioned by a Ministry that ‘was run by Muslims and supposedly to advance and protect the interest of the Muslim community in Kano State.’” The Council reminded the Ministry of the “heretical colonial” nature of Ahmadiyyah that deprives them of the right to the name “Muslim.” The Ministry should gather the courage to withdraw the name change.<sup>28</sup> So, when pluralism is not a public issue, it seems to be flouted very easily and replaced by intolerance. The latter instinct seems to surface naturally in unguarded moments. Pluralism does not seem as instinctive as some of these writers try to picture it.

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<sup>27</sup>L. Adegbite, “The Constitutional and Legal...,” 2000, pp. 4, 13-14; “Sharia in the Context...,” 2000, pp. 70, 76.

<sup>28</sup>S. Durbunde, 7 Apr/89.