

THE CONSTITUTION: SECULAR OR MULTI-RELIGIOUS?

Does Nigeria's constitution provide for secularism? That is the question of this chapter. It is a hot part of the debate. Christians insist it does and have made it a prominent feature in their campaign against the sharia. I regard giving so much prominence to the constitutional issue a serious mistake. Issues of religion should never be decided primarily on basis of legalities and constitutions. They should be decided on basis of the nature of the religions in question, dialogue, give-and-take, mutual understanding and respect along with the needs of the community. However, since the legal aspect of the controversy has been accorded such prominence, it has become necessary to give it more prominence than it inherently deserves. Or is the constitutional question merely a sideline issue that is promoted to a central position just to bolster arguments for or against secularism and sharia?

At the end of the colonial period, the Sardauna, Ahmadu Bello, described the situation as he saw it: "We have divergence in customs, religions and languages. But we have emerged and progressed out of the stage of life of a people where such differences constitute

a barrier to unity. We have sought for unity, not uniformity.”¹ Clearly, even the Sardauna, a major architect of Northern Nigeria, did not foresee the mayhem that awaited Nigeria. However, his desire for unity was clear, though unity on Muslim terms.

Muslims disagree with the Christian stance on the constitution. They recognize that there is no explicit mention of secularity in the *current* constitution. However, according to some, there *was* mention of it in at least one earlier version, namely that of 1963, which stated that Nigeria “shall remain a secular state.”² In spite of this disagreement, both religions, at least theoretically, agree on religious freedom for all and on the constitutional prohibition against the adoption of a state religion.³ These are frequent themes in Muslim writings and weighty, even though there are differences with respect to the definitions of both the nature of religion itself and of religious freedom.

Another aspect of the discussion is the issue of secularism versus multi-religion. While Christians push “secularism,” Muslims much prefer “multi-religion” for reasons that will become clear in this chapter.

The fact that the term “secular” or “secularism” itself does not occur in the constitution has created confusion, according to a number of writers. Muhammad Danbatta holds the wording of the constitution responsible for this confusion. “If anybody is to be blamed, it is the constitution, because it allows its provisions to be contradicted by people who want to score cheap popularity. Perhaps you regard the constitutional provision of freedom of religion to mean only practicing personal aspects of worship. To a true Muslim, full observance of his religion goes beyond that—it entails all aspects of life.”⁴

The confusion to which Danbatta refers is the direct product of a basic difference in the way the two religions define religion, with a narrow secularized view versus a broader wholistic view, talking at each other with neither hearing the other. Adherents of

both religions agree with Baba Ejiga's statement, "The constitution provides for the practice of one's religion in full,"⁵ but the extent of "religion in full" is seen differently.

K. A. Balogun, whom I believe to be a Muslim sociologist of religion,⁶ quotes the relevant sections of the constitution that deal with the secularity issue, but, unlike most other Muslim writers, does not make an issue of the fact that the term itself is not in the document. He simply assumes that the thrust of these passages calls for secularism. Balogun writes, "If one looks carefully at the two sections of that constitution with regards to secularity, one may conclude that state secularity of Nigeria within the framework of that constitution is faulty and that provision has been the major source of religious disintegration."⁷

Balogun much prefers the designation "multi-religion" to "secularism." Though the government has not accorded special status to any of Nigeria's religions, religion is omnipresent in the country. Developing a "political community" may be "largely a secular activity," a view few Muslims would accept, but "it is not without its religious undertones." Hence, he writes, "a multi-religious society is an ideal state for Nigeria." This means "a state where one religion is not superimposed on the other; a society where people will have freedom of worship, where no government makes a proclamation in favour of one religion to the detriment of other religions; and a society where government does not promote any religion as the official religion."⁸

M. Yahya points out that the 1979 constitution does not use the expressions "secular state" or "secularism." However, "journalists were fast to interpret the [relevant] section of the constitution as meaning that Nigeria has adopted secularism as a policy for religion and that Nigeria is a 'secular state.'" The "issue to discuss is indeed not secularism, but multi-religion."⁹

The interpretation of Section Ten of the constitution to mean "secularism (godlessness or total absence of religions)" is false, declares Shu'aibu Gimi. "Nigerians are actually worlds apart from [that] sav-

agery or madness.” The constitution recognizes that the majority of Nigerians are religious and grants them freedom to practise their religions—“even propagate our respective religious beliefs.”¹⁰

It is the general opinion of Muslims that the constitution calls not for secularism so much as it does for multi-religion. In fact, these are generally regarded as mutually exclusive. Referring to the omnipresence of religion in the country, Abubakar Gumi put it clearly: “Nigeria is a multi-religious state. There is no secularity in Nigeria.”¹¹ Governor Ahmad Sani of Zamfara State similarly describes the country as both “multi-religious and multi-ethnic.”¹² With the exception of “secularists” or Marxist Muslims, that opinion represents everyone.

The highly respected Justice Muhammed B. Sambo strongly rejects the secular interpretation of the constitution. He gives a list of eight reasons for his rejection in a lecture reproduced as Appendix 8. It is a powerful list that renders the secular interpretation completely unreasonable. Instead, it shows that the Nigerian government is thoroughly religious in its orientation. All of these facts amount to a rejection of secularism and to the adoption of religion, though not of a specific religion at the exclusion of others. If Nigeria wants to go secular, it must first of all remove all religious references from the constitution and religious affairs from government programmes, something that is, according to Sambo, “an impossible thing to do.” Even if that one embattled section 10 of the 1999 constitution did support secularism, other constitutional provisions contradict and nullify it.¹³

In his Zamfara lecture, Sambo refers to the issue repeatedly. The constitution means that “Nigeria is a multi-religious nation.” Multi-religion means the adoption of religion. “If the 1999 constitution has adopted religion, how can it prohibit the adoption of religion by governments?” he asks rhetorically. The preamble and other sections of the constitution all make demands that, without necessarily mentioning religion overtly, cannot be met without its involvement. The

constitution also provides for freedom of religion, which, from the Muslim point of view, would prohibit secularism, since the two are mutually exclusive. Section 10 “really means that neither the Federal nor the State Government is allowed to impose one single religion, cater for it alone and impose it on all citizens.” *This prohibition does not constitute exclusion of religion so much as the adoption and even encouragement of religion in general. Here lies a crucial distinction between secularism and multi-religion.* There really “is no viable alternative to Nigeria opting for a multi-religious status.”

Among the constitutional issues that implicitly call for the exercise of religion, if not its establishment, is that the constitution provides funding for three types of courts, all of which have a religious basis: Common Law, Islamic Law and Customary Law. Everybody recognizes that the last two are associated with religion, but the same is not usually recognized for Common Law. However, it, too, has its basis in Christianity. Though Christians think of Common Law as secular, historically it arose out of Christianity. Sambo asserted, “What many of us do not know and we ought to know—is that the Common Law is also inspired by the religion of Christianity. I think it is important that this explanation should be made, so that everybody should realize it, especially the Christians who have grudges when courts having legal systems inspired by the religions of Islam and Custom are funded by the Government.” The claim for the Christian foundation of Common Law is frequently asserted by Muslims and is scheduled to receive more detailed treatment in my discussion of sharia in the sharia monographs.¹⁴ In the present context I merely make you aware of this as an issue that allows Muslims to affirm that the constitution has adopted religion, not secularism. The conclusion some Muslims draw from it is that the constitution has not merely adopted religion, but it has implicitly adopted the three main religions in Nigeria as equal and official. That is proper multi-religion!

But Sambo takes it still one step further. Governments are to cater to all religions but in a particular way, namely according to their own nature. He seems to be inserting a new criterion. The criterion he suggests is not equality, neutrality or fairness so much as the unique nature and needs of each religion. “What is really essential is the government should identify the various religions of its people and cater for them according to their structure and scope. The government should thoroughly identify the peculiarity of different faiths in order to cater for them according to their needs. One cannot see an alternative to this for Nigeria as a united nation.” Sambo does not elaborate further on this suggestion—as if he were not aware that this provision could easily degenerate into a formula for partial treatment of one religion. The suggestion contains the seed of one of the very problems that has bedeviled Nigeria to begin with and that the constitution was supposed to prevent. Honourable Justice, a suggestion directly to you: You need to explain further if your suggestion is to fly. And a serious question: Have you forgotten the acrimonious pilgrimage debates so soon? Or the controversies about building mosques on public properties? Nevertheless, Sambo is touching on a very crucial issue. If the government is to be supportive of all religions in the country, what will be the support criteria?

Finally, Sambo points out that not only does the current constitution reject secularism, but earlier versions always did as well. It was “never accommodated in Nigerian constitution or law,” reads one of his captions. At “no time, constitutionally, was Nigeria ever a secular state.” “If we examine all the Nigerian constitutions of the past and present together with the laws, we cannot find any provisions which say Nigeria is a secular state.” So, neither current nor past provisions for secularism, ever.

Misbahu Rufai argues similarly that in view of the strong religious flavour of Nigeria’s culture, “it is much safer to say that Nigeria is a multi-religious state and not secular, because in a secular state the belief in God has no impact on the life of the people.”

After a long list of the signs of religion and its omnipresence in the life of the nation, he challenges “the proponents of Nigeria’s being a secular society” to “take another look at their definition of secularism.” Since the article constitutes Appendix 9, the list itself can be read there.¹⁵

Lateef Adegbite, upon the death of Mashood Abiola probably the most prominent of Yoruba Muslims,¹⁶ likewise prefers the term “multi-religion” to “secularism.” Relying on that embattled Section 10 of the constitution as the basis for secularism, he writes, is wrong. “Evidence abounds indicating that it is a misnomer to describe Nigeria as a secular state.” Nigeria observes so many religious traditions¹⁷ (he lists six of them) that “the correct characterization of Nigeria is as a liberal multi-religious state, wherein freedom of religion is safeguarded, rather than attributing to the country a nebulous nature called secularism.” He supports this contention by referring to important authorities. The “eminent jurist and erudite judge, the Honourable Justice Niki Tobi of the Court of Appeal,” stressed that the constitution prevents Nigeria from adopting one religion as state religion, “but that is quite different from secularism.” Similarly, the World Inter-Religious Assembly, meeting in Vatican City in 1999, decried “the increasing secular world that dehumanises.” “Islam,” Adegbite assures us, “will certainly continue to reject secularism.”¹⁸ Kabiru Muhammad, during the heat of the sharia era, expressed his gratitude for the opening sentences of the 1979 and the 1999 constitutions that state that they were decided upon “under God.” Office holders swear their allegiance either on the Quran or on the Bible “to be faithful and bear true allegiance....” and

concluding with the very deeply religious statement, “So help me God.” To dispel any false notion of being secular and thus utterly unconcerned with God or religion, in whatever form, the nation recognizes religion, in whatever

form, the nation recognizes all Christian and Muslim holidays. What is more, even the Nigerian Army, a legacy of colonial brigandage, formally recognizes the two religions, while at a more formal level Muslim and Christian Pilgrims Welfare Boards became permanent features of the Nigerian bureaucracy. Can a nation so godly and deeply religious then be said to be secular?

In short, Nigeria is not a secular but a “multi-religious federal state, that recognizes the right to worship whatever the individual Nigerian wishes to worship.”¹⁹

The Second International Conference on Christian-Muslim Mutual Relations in 1995 published a communique in which Christians and Muslims agreed that “secularism is not compatible with the background, upbringing and life style of Nigerians, because religion permeates all facets of Nigerian life.” They also agreed that “the Government should officially recognize the country as a multi-religious rather than a secular state, where no religion should be favoured at the expense of others.”²⁰

Another term popular with Muslims that has a thrust similar to that of “multi-religion” is “pluralism.” Yahya sometimes uses them interchangeably. He uses phrases such as “multi-religion or pluralism of religions” and “ideal pluralistic or multi-religious society.”²¹ Likewise, Adegbite, speaking about secular-cum-sharia issues, refers to the religious crises as straining the country’s “religious pluralism.”²² Ibraheem Sulaiman claims that Islam with its sharia system “has been the only system that respects pluralism in society.” If that were not so, he argues, how do you explain the fact that both the Tiv and the Maguzawa people of northern Nigeria remained non-Muslim even while at least partially under Muslim control?²³ He claims that “it was with the coming of Europeans that tolerance and pluralism were wiped out.” The only way to enable Nigeria’s religions to live together

*is to encourage pluralism and provide alternatives. But the secular elements in this country are, blindly and arrogantly, insisting that everybody must live according to their only way and all must be forced to drink from the same cup. The danger of colonialism and secularism is that everybody is forced and programmed to think and behave in one and the same way, with no tolerance to alternative view points.*²⁴

If it is so clear that the constitution does not provide for secularism, why do so many people insist it does? Yadudu comes to the “irresistible conclusion” that it is not a matter of inconsistency so much as of pragmatism. Whenever Christians find it convenient, they will “sing its song.” However, when it is in their interest, they will simply ignore secularism and act on basis of religious considerations.²⁵ As Ibraheem Sulaiman put it, “Secularism has become a sinister but convenient mechanism to blackmail Muslims and to impede the progress of Islam.”²⁶

The problem, according to Justice Sambo, is with the motives of people, not with the constitution. One reason identified is “ignorance.” Another is “mischief.” People are either “mised” or they are promoting their own interests. There are “selfish Nigerians who imagine that secularism can help their selfish course.” Towards the end of his lecture Sambo lets the real cat out of the bag: “The wrong use of secular status for Nigeria has been constantly used, especially by the Christians, to deny the Muslims their fundamental right of having sharia as an instrument of law to govern their lives. This trick to deny the Muslims their fundamental rights must stop.”²⁷

The next monograph will explain the Christian approach to secularism. It is going to feel as if you are in totally different territory. The question will arise whether Muslims have understood the Christian drive for secularism. We will find a mixed bag. As to sharia issues, well, come on over to Monographs Six (Muslim view)

and Seven (Christian view). Get the *Companion CD-ROM* if you cannot wait for the publication of the hard copies.

▲ NOTES

¹ Quoted by K. Muhammad, 17 Nov/99, p. 5.

² K. Balogun, 1986, pp.58, 65.

³ Ado-Kurawa, "Islam and Non-Muslim Minorities."

⁴ M. Danbatta, 12 Nov/99, p. 5.

⁵ B. Ejiga, 13 Nov/99, p. 12.

⁶ Apologies to Dr. Balogun if I misrepresent him. Uncertainty sometimes comes with the territory of researching Nigerian affairs.

⁷ K. Balogun, "Religious Fanaticism," p. 185.

⁸ K. Balogun, 1986, pp. 62, 65.

⁹ M.Yahya, 1995, pp. 58-59, 64.

¹⁰ S. Gimi, *NN*, 1 Dec/99, p. 20.

¹¹ *Quality*, Oct/87, p. 38.

¹² A. Sani, 27 Oct/99.

¹³ It would take us too far afield to follow Sambo in detail.

¹⁴ Sambo's argument, much like that of others, can be found in Appendix 8.

¹⁵ M. Rufai, 16 Dec/88. Appendix 9.

¹⁶ In 2000, Adegbite held the prestigious positions of "Seriki and Baba-Adinni of Egbaland," a section of the Yoruba people, as well as Secretary General of the Nigerian Supreme Council for Islamic Affairs.

¹⁷ Adegbite lists six official religious activities on the part of the government. Others offer similar lists to support the same argument against secularism. For similar lists or arguments, see M. B. Sambo, *NN*, 3 Nov/99. Appendix 8; K. Muhammad, 17 Nov/99, p. 5.

¹⁸ A. Adegbite, "Sharia in the Context of Nigeria," 2000, pp. 72-73; "The Constitutional and Legal Status," pp. 11-12.

¹⁹ K. Muhammad, *NN*, 17 Nov/99, p. 5.

²⁰ Second International Conference, pp. 137, 138.

²¹ M.Yahya, 1995, pp. 59, 64.

²² L. Adegbite, "Sharia in the Context...", p. 61.

²³ With all the respect I have for Sulaiman's writings, I consider this

a dishonest argument. Unless Sulaiman is totally blind to history, he knows that this line of thought represents a blatant reconstruction of the flow of events. Those who know the history of the Middle Belt and of the Maguzawa, Hausa people who rejected Islam, know that there were various forces at work that had nothing to do with Muslim pluralism and tolerance. During the past few decades, many Maguzawa have become Christians. What they are experiencing can hardly be described as pluralism and tolerance! Just ask Professor Ishaya Audu or Mary Anfani Joe in *The Post Express*, 4 May/2001. See also B. Opeletan, *The Nigerian Tribune*, 26 Nov/94.

²⁴ I. Umar, 2 Nov/99. Some of Sulaiman's arguments are also found in Monograph Two.

²⁵ A. Yadudu, 1989.

²⁶ I. Sulaiman, "Islam, Secularism and Nigeria," p. 4. Appendix 5.

²⁷ M. Sambo, 3 Nov/99. Appendix 8.