

Religion, The Law and Nigeria's Challenge of Preserving Nationhood

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Abstract

This paper examines the meaning and concept of Nationhood and appraises the argument of whether Nigeria is a nation or on the gradual path towards nationhood, and the complicated role of religion in the delicate balance and how the law acts as a pendulum of preponderance in containing the excesses of respective adherents. Concluding the paper by suggesting strategies for the country to surmount the challenges of preserving the Nation in the midst of the extreme and intense tensions of various kinds chief of which is religious intolerance and corruption, and how the law can aid in attaining the goals.

Introduction

The fundamental objective of law is the regulation of social interaction. The law defines the boundaries of human intercourse and limits of rights. The business of the law is to ensure at all times that every being has a right, while recognizing that such a right ceases at the point when the right of another person begins. Religion has dominated the better part of human history as an enigma that has bonded the strangest of bed fellows and has dispersed the closest of affinities. Because religion's grip on Nigeria appears to be firmer and it is increasingly determining their political and cultural choices, the contention for space and opportunity for proselytism pushes the boundaries of rights to the limits, sometimes to breaking point. It is the law that has acted as the guardian of such delicate interrelationship and an umpire in the never ending contest for more "flocks".¹ Nothing has threatened Nigeria's nationhood more than religion, right from the very inception at independence, not even ethnicity.

Religion

Religion is difficult to define. Everyone has a different idea of what it is. Most people simply look in the dictionary or use something else equally simplistic.² But let's look at a few of the definitions and attempt at reconciling a common ground.

Immanuel Kant, "religion is the recognition of all our duties as divine commands."³ Ludwig Feuerbach defines religion as "a dream, in which our own conceptions and emotions appear to us as separate existences, being out of ourselves."⁴ E. B. Tylor defines religion as "Belief in spiritual things".⁵ Emily Durkheim sees religions as "a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden -- beliefs and practices which unite into one single moral community called a Church all those who adhere to them."⁶ James G. Frazer offers that Religion is "a propitiation or conciliation of powers superior to man which are believed to direct and control the course of Nature and of human life."⁷ William James explains that "The very fact that they are so many and so different from one another is enough to prove that the word 'religion' cannot stand for any single principle or essence, but is rather a collective name."⁸ George Bernard Shaw states;

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¹ Nchi S.I., *Religion and Politics in Nigeria; The Constitutional Issues* (Keffi: Greenworld, 2013) pg. 3.

² Cline A., *What is Religion?* Published in atheism.about.com last visited 20-9-14.

³ Kant Immanuel., *The Critique of Practical Reason*. Published in 1788, see the Electronic Classic Series produced by Pennsylvania State University.

⁴ Feuerback Ludwig., *Theory of Religion as Projection of Human Needs*. Published in www.temppaperwarehouse.com. Last visited 20-9-14.

⁵ Edwards Tylor. B., *Religion in Primitive Culture* (Harper 1958).

⁶ Durjhein Emile., *The Elementary Forms of Religious Life*. (London: Tavistock Publications).

⁷ Frazer James., *The Golden Bough*. Published in 1922. For electronic copy see www.bartly.com. Last visited 20-9-14.

⁸ James William., *The Varieties of Religious Experience*. See www.templeofearth.com last visited 20-9-14.

"There is only one religion, though there are hundreds of versions of it."¹ Sigmund Freud proffers that "Religion is comparable to childhood neurosis."² Karl Marx defines religion "as the sigh of the oppressed creature... a protest against real suffering... it is the opium of the people... the illusory sun which revolves around man for as long as he does not evolve around himself."³

It will be a futile exercise to attempt to identify the different meanings of religion by different scholars or sources. Religion is one subject that is devoid of a single meaning or a generally acceptable definition. Different adherents or communities understand religion differently; so also do scholars. Some of the definitions have been considered as controversial by critics while most of the rest are regarded as narrow. But, one common feature about the diverse explanations on the concept of religion is that it is a belief in something supernatural, and this belief can take different forms. For instance, to Nigerians religion is simply understood to be belief in Islam, Christianity or traditional religion, and nothing more. This is because these are the common types of religion in the country; and the laws go a long way in recognizing them.⁴

On Religion, the Law and Plurality

The narrow interpretation of the context of religion in Nigeria as a belief in either Islam or Christianity has created the basis for tension in the struggle and race to assert superiority and dominance in the socio-economic and political space. The law steps in to moderate the excesses by insulating the governmental system from being influenced by any of the religions.

Section 10 of Nigeria's Constitution declares that the Government of the Federation or of a state shall not adopt any religion as state Religion. Many have interpreted this to mean that Nigeria is a secular state, while others conclude that Nigeria is a pluralist state. While some of the scholars and practitioners alike draw their conclusion base on informed scrutiny on the philosophical make up of the respective societies, secular and pluralist as opposed to theocratic, many others only bask in intellectual and sometimes ignorant conjecture. On the concept of secularism, Nchi explains:

The western construct of secularization described the process of decline of the influence of religion on the life of an individual and the values of a community. In this context it is used to refer to the non practice of religion by a community or lack of acknowledged commitment to its values.⁵

While religious plurality entails the recognition of the existence of multiple religions and religious practices within the state. States with multi-religious makeup are classified as plural as against secular especially where the actions, policies and laws of the states lays substantial credence to the values imbued in the respective beliefs.

Unlike most states in the western hemisphere, in Nigeria, modernization rather than resulting in decreasing religion in many places, has actually resulted in increasing religion in many places.⁶ All effort to shrug off religion from the daily lives of Nigerians has being resisted. Unlike in a typical secular state, Nigeria's laws and policies of state recognize religious holidays, religious pilgrimage,⁷ religious laws,⁸ and religious prayers at public occasions. The system effectively identifies the existence of the two dominant religions and to put it mildly, guards them.⁹

Section 38 of the Constitution guarantees all citizens the Right to freedom of thought, conscience and religion. The section states:

38. Right to freedom of thought, conscience and religion

¹ Bernard Shaw., *The Definition of Immorality*; *The Complete Bernard Shaw Prefaces*, Paul Hamlyn, London. See books.google.com. visited on the 20-9-14.

² Freud Sigmund., *The Future of an Illusion*. Published in 1927. See genealogyreligion.net last visited 20-9-14.

³ See D. McLellan., *Marxism and Religion*. (The Macmillan Press Ltd, 1987)pg. 162.

⁴ especially Christianity and Islam.

⁵ Nchi., *op. cit.* pg 6.

⁶ *Ibid.*

⁷ Government sponsorship of religious pilgrimage.

⁸ See section 260 and 275 of the Constitution which create the Shariah Courts of Appeal.

⁹ Places of worship are built with government funds on government premises, and religious instructions thought in public school.

- (1) Every 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.
- (2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion other than his own, or a religion not approved by his parent or guardian.
- (3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

Against these backgrounds, the question begging for answer still remains whether the framers of the Constitution intended that Nigeria should be a secular state or pluralist state. Clearly the provision prohibits the adoption of a state religion hence inoculates the country or any of its component parts from the possibility of embracing theocracy as a model.¹ The inability to clearly understand the mind of the framers of the Constitution continues to create an awry of conflict in the policy framework of the Nigerian state when juxtaposed against the theme in political conversations. The framers of the constitution may have deliberately allowed the ambiguity to stand due to the combustible nature of the topic. Yet, for Nigerian state to continue to exist in peace and harmony the topic must be discussed, the lacuna must be resolved. But the only way is to find out from the older political systems with multicultural background like Nigeria how the thorny issue was resolved or managed.

Philosophy of Religious Belief

The relation between religion and law continues to be an important theme in political philosophy, despite the emergent consensus (both among political theorists and in practical political contexts, such as the United Nations) on the right to freedom of conscience and on the need for some sort of separation between religion and state. One reason for the importance of this topic is that religions often make strong claims on people's allegiance, and universal religions make these claims on all people, rather than just a particular community. For example, Islam has traditionally held that all people owe obedience to Allah's will. Since the medieval era up to middle ages, conflict between church and state, Christianity avoids making such claim out rightly particularly on the political sphere, but it doesn't change such fact. Thus, it is probably inevitable that religious commitments will sometimes come into conflict with the demands of politics.² How the conflicts are resolved determines the strength and sophistication of the political system.

Religion and Pluralism in the Western Hemisphere

As European and American societies faced the growing plurality of religious beliefs, communities, and institutions in the early modern era, one of the paramount social problems was determining whether and to what extent they should be tolerated. One of the hallmark treatises on this topic remains John Locke's *A Letter Concerning Toleration*.³ A political exile himself at the time of its composition, Locke argues (a) that it is futile to attempt to coerce belief because it does not fall to the will to accept or reject propositions, (b) that it is wrong to restrict religious practice so long as it does not interfere with the rights of others, and (c) that allowing a wide range of religious groups will likely prevent any one of them from becoming so powerful as to threaten the peace. Central to his arguments is a Protestant view of a religious body as a voluntary society composed only of those people who choose to join it, a view that is in sharp contrast to the earlier medieval view of the church as having authority over all people within a particular geographic domain. It is perhaps unsurprising, then, that the limits of Locke's toleration are coextensive with Protestantism; atheists and Catholics cannot be trusted to take part in society peacefully because the former do not see themselves as bound by divine law and the latter are beholden to a foreign sovereign (the Pope). Still, Locke's Letter makes an important step forward towards a

¹ See 10 of the Constitution.

² Hans-Martien Th.D. ten Nape! and Florian H. Karim Theissen; [TAKING PLURALISM SERIOUSLY: THE US AND THE EU AS MULTICULTURAL DEMOCRACIES?](#) Published in Religion, Politics and Law edited by Labuschagne B.C and Sonnenschmidt R.W Published by Brill (Leiden: 2009)

³ www.iep.utm.edu/locke-po last visited on the 17th -12-2013.

more tolerant and pluralistic world. In contrast to Locke, Thomas Hobbes¹ sees religion and its divisiveness as a source of political instability, and so he argues that the sovereign has the right to determine which opinions may be publicly espoused and disseminated, a power necessary for maintaining civil peace.²

However, despite this agreement on liberty of belief, modern states nevertheless face challenging questions of toleration and accommodation pertaining to religious practice, and these questions are made more difficult by the fact that they often involve multiple ideals which pull in different directions. Some of these questions concern actions which are inspired by religion and are either obviously or typically unjust. For example, violent fundamentalists feel justified in killing and persecuting “infidels”—how should society respond to them? While no one seriously defends the right to repress other people, it is less clear to what extent, say, religious speech that calls for such actions should be tolerated in the name of a right to free speech.³ Balancing the right to free speech against hate speech appears to be a tricky one. For immature democracies like the type we have in Nigeria, discerning the tin line between free speech and speech capable of escalating tension still remains a lesson to be learned. Yet, the interpretation so far in our courts still tilts in favour of free speech no matter how volatile the contents.

On Neutrality and Liberalism

The assumption that countries in the western hemisphere mainly Europe and north America occasioned by advancement in economic and political spheres, toleration and the entrenched observance of fundamental rights, qualifies as accurate a reference to these nations as liberal. There are however certain crucial outlines to this discussion worthy of mention, particularly of the effect of public policy on religious groups vis a vis the touted neutrality of the western nations. The liberal state is supposed to remain neutral with regard to religion (as well as race, sexual orientation, physical status, age, etc.). However, as Charles Larmore⁴ points out on the western perspective of liberalism and neutrality; that there are different senses of neutrality, and some policies may fare well with respect to one sense and poorly with respect to another. In one sense, neutrality can be understood in terms of a procedure that is justified without appeal to any conception of the human good. In this sense, it is wrong for the state to intend to disadvantage one group of citizens, at least for its own sake and with respect to practices that are not otherwise unjust or politically undesirable. Thus it would be a violation of neutrality in this sense (and therefore wrong) for the state simply to outlaw minority religious groups, or certain religious expressions as wearing of hijab, turban or wearing of a cross.⁵

Alternatively, neutrality can be understood in terms of effect. The state abides by this sense of neutrality by not taking actions whose consequences are such that some individuals or groups in society are disadvantaged in their pursuit of the good. For a state committed to neutrality thus understood, even if it were not explicitly intending to disadvantage a particular group, any such disadvantage that may result is a prima facie reason to revoke the policy that causes it. Thus, if the government requires school attendance on a religious group’s holy days, for example, and doing so makes it harder for them to practice their faith, such a requirement counts as a failure of neutrality. The attendance requirement may nevertheless be unavoidable, but as it stands, it is less than optimal. Obviously, this is a more demanding standard, for it requires the state to consider possible consequences—both short term and long term—on a wide range of social groups and then choose from those policies that do not have bad consequences (or the one that has the fewest and least bad). For most, and arguably all, societies, it is a standard that cannot feasibly be met. Consequently, most liberals argue that the state should be neutral in the first sense, but it need not be neutral in the second sense. Thus, if the institutions and practices of a basically just society make it more challenging for some religious people to preserve their ways of life, it is perhaps regrettable, but not unjust, so long as these institutions and practices are justified impartially.⁶

All may agree that the conclusion drawn on the perspective of western liberalism is itself lopsided, cannot ordinarily pass the test of objectivity. But, is there any way of attaining an absolutely objective order? We think the only approach would be to tolerate and accommodate all the major and sub-majority groups, but not all

¹ www.iep.utm.edu/hobmoral last visited on the 17th -12-2013

² Thomas Hobbes., *Leviathan*. Published in 1651 xviii, 9.

³ Ibid.

⁴ Larmore Charles., *Patterns of Moral Complexity* (1987: 42ff)

⁵ Ibid.

⁶ Ibid.

concerned. It is impossible to cater for all, especially such extremely minor religious groups mainly made of immigrants.

Law as the medium in which conflicts between religions are negotiated

The relationship between religion and law is famously complex. Religious values constitute central elements of societal values that shape the rules, principles and institutions governing society. Institutional policies affect those underlying societal values by reinforcing and entrenching societal beliefs or seeking to change them.¹

“Hardly any legal system is based on politically set, secular norms alone”, said legal historian Prof. Dr. Peter Oestmann, and added that modern legal orders, too, were significantly influenced by religious beliefs. “This applies both to religious legal traditions such as Talmudic and Islamic law, and to Europe as well”, according to Prof. Oestmann. “Today, European law might generally be regarded as secular, that is, as basically independent of religion. Law, however, has always been the medium in which conflicts between religion and politics are negotiated, and with which the boundaries between religion and politics can be drawn.”²

Conversely, scholars argue that it can be observed time and again that religious beliefs and political movements become juridified in institutionalised form. “Thus, law has a particular way of standing between the conflicting interests of politics and religion”, explained legal historian Prof. Dr. Nils Jansen, adding that it claimed its independence and its own rationality at different times, to different degrees.³

“Dogmatic legal practitioners are expected to have a secular self-conception”, according to Prof. Jansen. For a long time, however, legal historians were also turning a blind eye on the influence of religion on law, ignoring the juridification of the religious and institutionalisation processes outside the realm of the state. “Not until the younger generation of legal historians emerged has interdisciplinary cooperation with philologists, historians, theologians and sociologists become a matter of course”.⁴

Analogies on Plurality

With the forceful incursion and luminance of religion on the lives of Nigerians, and the government’s increasing recognition of its influence, coupled with the analogies from the forgoing arguments; on the experience of older democracies-the apparent conclusion drawn is that Nigeria is a plural state, in the sense that both the law and the policies of the Nigerian state tends to lay prominent recognition to two major religions, Islam and Christianity. Contrary to the situation in many of the Western nations, where a single religion gains dominance and in spite of the pretences of neutrality and secular status, the intrusion of the single religion and influence on daily lives of its citizens remains undeniable.

Concept of Nationhood and Nation

Nationhood is defined as the state of being a nation. So it is imperative to briefly understand the meaning of the term Nation. That way we can be able to locate those basic attributes of nationhood in order to situate the status of the Nigerian state.

Nation may refer to a large group of people who share a common language, culture, ethnicity, descent, or history. Nation can refer to “a people, race, or tribe; those having the same descent, language, and history.” Nation is also defined as “a community of people composed of one or more nationalities with its own territory and government” and also as “a tribe or federation of tribes”. Nation carries varying meanings, and the connotation of the term has changed over time.⁵

An ethnic community, or ethnies, shares a common myth of origins and descent, a common history, elements of distinctive culture, a common territorial association, and sense of group solidarity. A nation is much more

¹ Gad Barzilai., *Law and Religion* (Aldershot, England: Ashgate Publishing Ltd, 2007).

² See Religion, Law and Politics; Public Lecture Series on The Influence of Religion on European Law. www.uni-muenster.de last visited on the 17th -12-2013.

³ Ibid.

⁴ Ibid.

⁵ Webster’s New Encyclopedic Dictionary

impersonal, abstract, and overtly political than an ethnic group. It is a cultural-political community that has become conscious of its coherence, unity, and particular interests.¹

The Nigerian Nation

Succinctly, construction of Nigeria's nationhood has long been complete if the understanding of the concept of nationhood is to be taken literally. The project started with the amalgamation of Northern and Southern Protectorates of the Niger in 1914. And the construction was ended with Nigeria's independence in 1960.

Nigeria's challenge therefore is not with constructing nationhood, but sustaining or preserving what already exists, what the founding fathers had long established, a *fait accompli*. Nigeria and all other nations alike possess unique challenges in sustaining nationhood, and it is the solution to these challenges that needs to be identified. Nigeria's daunting challenges are not peculiar, all nations after creation face litmus test, a trial of will and sincerity for coming together to form the nation. Some survive some do not. An example is the United States that had to go through a war of independence, a bloody civil war, suffrage struggles by different racial and gender groups and battle for equality and end to segregation. Countries like India weren't so lucky, after its independence, Pakistan broke away, and then Bangladesh and they still battle to keep Kashmir, another part struggling for independence, and this is just a tip off the iceberg. In Africa, we see what happened to Sudan, and now how South Sudan is fighting bloody battles against itself to survive after struggling arm in arm to secure independence from Sudan. It is one thing to construct and secure a nation; it is another to sustain it.

Nigeria's Complex Religious Interrelationships and Conflicts

With over four hundred (400) ethnic groups, belonging to several religious sects, Nigeria since independence has remained a multi-ethnic nation state, which has been grappling and trying to cope with the problem of ethnicity on the one hand, and the problem of ethno-religious conflicts on the other. This is because over the years the phenomena of ethnicity and religious intolerance have led to incessant recurrence of ethno-religious conflicts, which have given birth to many ethnic militias like the O' dua People Congress (OPC); the Bakassi Boys; the Egbesu Boys; the Ijaw Youth Congress (IYC); and the Igbo People Congress (IPC). Others include the Arewa Peoples Congress (APC) the Movement for the Actualization of the Sovereign State of Biafra (MASSOB); and the Ohanaeze N'digbo.² With the emergence of these ethnic militias and the deep divides between the various ethnic groups, religious intolerance has become more violent and bloody with more devastating results using the ethnic militias as the executors of ethno-religious agenda.³

It is doubtful if there is any accurate record of the ethno religious conflicts that have occurred in Nigeria, but the chief among them has been religious conflicts; Notable among such religious crises are the maitatsine religious disturbances in parts of Kano and Maiduguri in the early 1980s; Jimeta-Y ola religious disturbances (1984), and Zango Kafaf crises in Kaduna State (1992). Others are Kafanchan College of Education Muslim Christian riots; Kaduna Polytechnic Muslim-Christian skirmishes (1981-1982); and the cross vs the crescent conflict at the University of Ibadan (1981-1985). Yet other early ethno-religious conflicts include the Bulumkutu Christian-Muslim riots (1982); Usman Danfodio University Sokoto (1982); and the Muslim-Christian Clash during a Christian procession at Easter in Ilorin, Kwara State (1986).⁴ The serial Jos crisis, the Kaduna "Sharia" riots, the Numan Crisis, the Wukari religious crisis and the recent Boko Haram insurgency etc. Nothing has threatened Nigeria's unity more than these conflicts. Each time they occur, the future glooms, and the mutual confidence degrades.

It is long settled however, that the major motivation behind most of these religious conflicts are economic and political. In the struggle for political power to retain the monopoly of economic control of the commonwealth of all, the political class instigates the ordinary citizens into mutual suspicion resulting in violent conflicts. In the end, the emerging political configuration would favour the politician who has very little of dividends of power to declare. The strategy is simple; the populace is left materially deprived and socially desperate in order to be manipulated and conscripted into an unprofitable war. This scheme has remained so, and a veritable tool in the current dispensations in Nigeria's history leading to increase in religious disharmony.

¹ www.en.wikipedia.com/nationhood. last visited on the 21-9-14.

² See Daily Trust of 20/8/2002! p.; 16

³ Salawu B., Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies. Published in European Journal of Social Sciences Vol. 13, Number 3 (2010).

⁴ Ibid

Conclusion: Overcoming the Challenges

a. The Challenge of History

Nigeria's pre-colonial history reinforced by colonial legacies creates some challenges for unity of the nation. What is today called Nigeria was merely a collection of empires, city states and tribes. Their similarities were few. It was more expedient and administratively more convenient for the colonial masters to unify the various nationalities into one single group and encouraged them to stay together. When it became clear to these groups that they could demand independence from the British, they also realized that it will be easier fought together as a unifying force, as against breaking out into the previous minor grouping to face the formidable foe. At no time during the battle for independence or during the series of conferences that took place did any part of group ask to opt out of the arrangement or presented a dissenting view on the unity of Nigeria as one indivisible country, they all agreed without a single dissent. Issues of dates and timing for independence were subjects of heated debates, but not withdrawal from the grouping. At that moment therefore, regionalism and divisions were replaced with unity in diversity which is what the country must continue to pursue. Emphasis must placed more in the now common history as against the old pre-colonial delineations.¹

b. The Challenge of Socio-Economic Inequalities

Through the development of the economy and equal opportunities for all, or through the development of social welfare schemes, older nations try to establish a base-line of social and economic rights which all members of the national community must enjoy. Not to enjoy these socio-economic rights means that the people involved are marginalized from national life. That is why in many Western European countries, national preservation is about preventing 'social exclusion' or the exclusion of significant segments of the population from enjoying basic social and economic rights.

In Nigeria, however, not only are many of the citizens denied basic rights such as the right to education and health, there is also serious variation in the enjoyment of these rights across the country. As a consequence, the citizen is not motivated to support the state and society, because he or she does not feel that the society is adequately concerned about their welfare.

Poverty and national growth are strange bedfellows, whether the poor are 20% or 85% of the population. A largely marginalized citizenry, increasingly crippled by poverty and the lack of basic needs, can hardly be expected to play its proper role in the development of the nation. Nations are built by healthy and skilled citizens. On grounds of both equity and efficiency, we need to promote the access of the bulk of the Nigerian population to basic education, health, and housing. Nigeria needs a social contract with its citizens as a basis for demanding their loyalty and support.²

c. The Constitutional Challenge

Since its independence, the country has been facing the challenge of crafting a constitutional arrangement that has the backing of an overwhelming majority of Nigerians. In the 1940s and 1950s, the founding fathers battled with this problem. In the end, they arrived at the principle of federalism as a foundation for the nation. But federalism has faced stiff challenges over the years from those wanting a unitary form of government on the one hand, and from those wanting a confederal arrangement, on the other. Related to the problem of federalism is the question of fiscal federalism. What is the appropriate and just basis for sharing revenue? Should the federal government have the right to deduct monies due to states without their permission? Should state governments continue to control local government allocations? These are all fundamental principles on which no clear consensus is reached; or the people have a consensus but the political leadership refuses to bulge. The outcome

¹ Duara S. D. [Nigeria @ 50: Democratic Challenges, Good Governance and National Security](http://www.sulaymandauda.wordpress.com) Published in [sulaymandauda.wordpress.com](http://www.sulaymandauda.wordpress.com) last visited on the 19th -12-13.

² Ibid.

of the recent National Conference did very little to address some of these issues. Even though these issues formed part of the agenda, but the composition of the conference was not such that could have boldly confronted these issues, and addressed them.

Another constitutional challenge relates to the nature of our democracy. While most Nigerians support the principles of democracy such as the forming of government based on the will of the majority, respect for the rule of law, and respect for basic freedoms of citizens, the fact remains that in practice, we have tended to have either military rule or defective civilian governments. Either in terms of accountability, or respect for the rule of law, or the holding of elections, our conduct in the recent past has been far from democratic. Therefore, while most of us now agree that we do not want military rule, our visions and practice of democracy are not uniform, showing a fundamental lack of consensus on this important question as well. Moreover, our political parties should need to become little more than vehicles to deliver power to the highest bidders at local, state and federal levels.¹

d. The Challenge of Building Democratic and Developmental Institutions

One of the greatest challenges of national sustainability is the challenge of institution building. Whether nations are able to manage their political and social disputes peacefully, without lapsing into conflict, or sustain economic growth without creating huge inequalities, critically depend on the quality of the relevant national institutions. First, the law that establishes the institution must conform with basic principles relating to that institution, and the personnel engaged must be thoroughly prepared for the task.

There are three important components to institution building have been identified by scholars: setting the rules; hiring persons with the technical expertise and moral competence to interpret the rules or implement the goals of the organisations; and ensuring that the institutions inspire public confidence by being transparent, fair and consistent. These are also the standards by which the performance of any organisation, in particular, public sector organisations should be measured. This shows that the act of creating the organisation itself is not as important as its proper functioning and overall effectiveness. In this regard, Nigeria needs to create or strengthen institutions that would help achieve the national goals of democratic governance and sustainable development.²

e. Indiscipline and Anti-corruption Challenge

In the words of Hon. Justice M.M.A. Akanbi, the former Chairman of the Nigeria's Independent Corrupt Practices Commission (ICPC):

The dangers posed to the nation as a result of the evils of corruption are there for all of us to see. Its endemic nature and its debilitating effects on cultural, economic, social and political foundation of our society, has been most harrowing and disconcerting. Corruption is indeed the bane of our society. It has been the harbinger of the messy situation in which we found ourselves today. Our economy has been ruined. Our hopes for greater tomorrow have been dashed. Our value system is destroyed so much so, that the world began to see us as men and women without honour and dignity. Sad to say, Nigeria, which in past was the pride of the black race, sank into nadir of degradation in the last few decadesthe devastating effect of the colossal corruption into which the country was plunged destroyed our economy and created an unstable political environment, which unfortunately made us cut a sorry picture in the eyes of the international community.³

This is a reality. The anti-corruption institutions earlier mentioned and all patriotic men and women alike have a task to play in cleaning up Nigeria. The most effective form of anti-corruption is the type that starts from the individual, when the people reach a consensus and say, enough is enough and then take cogent steps by individually conforming with the basic component of morality and discipline. Also, those institutions

¹ **The Challenges Of Nations Building: The Case Of Nigeria** Presentation by PROF. IBRAHIM A. GAMBARI. The Under-Secretary-General and Special Adviser to the United Nations Secretary-General First Year Anniversary Lecture Mustapha Akanbi Foundation Sheraton Hotel Abuja, Nigeria on the 7th February 2008.

² Ibid.

³ Akanbi M. M. A., "Corruption as an Obstacle to Good Governance in Nigeria" Speech delivered at the N.B.A Jos Branch Legal year Lecture, March, 2002.

engendering integrity in the system earlier mentioned must be allowed to gain root and fully perform their functions.

But the worse form of corruption is political corruption where the electoral process is compromised creating cracks in the system for scoundrels of unpopular and incompetent leaders find their way through; infesting the political structure with mediocrity and roughdried personalities. With zero self worth, their view of civilization is limited to vulgar avarice and crude opulence.¹

f. Cultural and Religious Tolerance and Challenge of Pluralism

Just like the founding fathers tolerated each other, Nigerians must also find a way of curbing ethnocentric exuberance and religious bigotry thereby encroaching into the right of the other person. The famous statement of Professor I. I. Gabriel of blessed memory, that “everyone has a right, but ones right stops where another person’s right begins”. There is no need to device cultural or religious practice without a place in the traditions simply to counter that of the other persons, or just to annoy the other party. This is the origin of most crises in our communities. The failure of the state to manage the delicate boundary of free speech and hate speech has created most of the tension in the country. Nigerian must be made to guard each other sensibilities and not to act or speak in manners that could spark tension within communities.

Reference

- Aguda T. A., *The Challenge of the Nigerian Nation: An Examination of its Legal Development 1960-1985* (Lagos: NIALS, 1985).
- Akanbi M. M. A., “Corruption as an Obstacle to Good Governance in Nigeria” Speech delivered at the N.B.A Jos Branch Legal year Lecture, March, 2002.
- Bernard Shaw., *The Definition of Immorality; The Complete Bernard Shaw Prefaces*, Paul Hamlyn, London. See books.google.com. visited on the 20-9-14.
- Callan Eamonn., *Political Education and Liberal Democracy* (Oxford University Press, 1997).
- Cline A., What is Religion? Published in atheism.about.com last visited 20-9-14.
- D. McLellan., *Marxism and Religion*. (The Macmillan Press Ltd, 1987)pg. 162.
- Duara S. D. Nigeria @ 50: Democratic Challenges, Good Governance and National Security Published in sulaymandauda.wordpress.com last visited on the 19th -12-13.
- Durjhein Emile., *The Elementary Forms of Religious Life*. (London: Tavistock Publications).
- Edwards Tylor. B., *Religion in Primitive Culture* (Harper 1958).
- Feuerback Ludwig., *Theory of Religion as Projection of Human Needs*. Published in www.termpaperwarehouse.com. Last visited 20-9-14.
- Frazer James., *The Golden Bough*. Published in 1922. For electronic copy see www.bartly.com. Last visited 20-9-14.
- Freud Sigmund., *The Future of an Illusion*. Published in 1927. See genealogyreligion.net last visited 20-9-14.
- Gad Barzilai., *Law and Religion* (Aldershot, England: Ashgate Publishing Ltd, 2007).
- Hans-Martien Th.D. ten Nape! and Florian H. Karim Theissen; TAKING PLURALISM SERIOUSLY: THE US AND THE EU AS MULTICULTURAL DEMOCRACIES? Published in *Religion, Politics and Law* edited by Labuschagne B.C and Sonnenschmidt R.W Published by Brill (Leiden: 2009)
- James William., The Varieties of Religious Experience. See www.templeofearth.com last visited 20-9-14.
- Kant Immanuel., *The Critique of Practical Reason*. Published in 1788, see the Electronic Classic Series produced by Pennsylvania State University.
- Larmore Charles., *Patterns of Moral Complexity* (1987: 42ff)
- Macedo Stephen., *Civic Education in a Multicultural Democracy* (Harvard University Press, 2000).
- Nchi S.I., *Religion and Politics in Nigeria; The Constitutional Issues* (Keffi: Greenworld, 2013).
- Religion, Law and Politics; Public Lecture Series on The Influence of Religion on European Law*. www.uni-muenster.de last visited on the 17th -12-2013.
- The Challenges For Nation Building In Nigeria by Sam Amadi published in *Weekly Trust Newspaper* 17th -11-12.
- The Challenges Of Nations Building: The Case Of Nigeria Presentation by PROF. IBRAHIM A. GAMBARI. The Under-Secretary-General and Special Adviser to the United Nations Secretary-General First Year Anniversary Lecture Mustapha Akanbi Foundation Sheraton Hotel Abuja, Nigeria on the 7th February 2008.

¹ Ibid.

Thomas Hobbes., Leviathan. Published in 1651 xviii, 9.
Webster's New Encyclopedic Dictionary
www.en.wikipedia.com last visited on the 18th November, 2013.
www.en.wikipedia.com/nationhood. last visited on the 21-9-14.
www.iep.utm.edu last visited 20-9-14.
www.iep.utm.edu/hobmoral last visited on the 17th -12-2013
www.iep.utm.edu/locke-po last visited on the 17th -12-2013.

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