

## **CLASH OF CULTURES: THE INTERFACE BETWEEN ISLAM AND THE WEST**

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**ABSTRACT:** *The struggle for cultural supremacy is not only a fact of history but also an observable phenomenon of social existence. Perhaps, the frenzied defence of cultural identity is second only to the expression of territorial nationalism. Contemporary cultures of which Islam is a resilient part are engaged in a ceaseless war of survival. Following the 9/11 attack on the World Trade Centre in New York, Islam has come under intense scrutiny. What has followed is a feverish commitment to the obliteration of Islamic values at home and abroad and the intensification of the scheme to enthrone western culture. This development raises many legal, constitutional and sociological questions as well as questions relating to the place of Islamic culture both on the international arena and within the Nigerian jurisdiction. The paper is dedicated both to defining the place of Islamic culture vis-a-vis freedom of conscience and the constitutional safeguards in place against the prejudices that confront Islamic civilisation.*

**KEYWORDS:** Culture, Civilisation, Democracy, Government, Ideology, Law, Religion.

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### **INTRODUCTION**

Human existence is defined both in terms of war and peace. Since the beginning of recorded history, historians are probably more challenged with giving account of war times than developments during peace times. It is also a fact of history that mankind had a chequered history of wars the most memorable of which is the 1<sup>st</sup> and 2<sup>nd</sup> world wars. However, these wars rather than change the course of humanity along peaceful co-existence, have predisposed mankind to a precarious social existence characterised by more wars. The end of ideological cold war which gave rise to the emergence of a Uni-Polar World marked a turning point in human evolutionary process. What follows in this turning point is the emergence of yet another variant of cold war – the clash of cultures which is essentially rooted in the pursuit of the dictate of conscience and the philosophy of values. In comparative terms, if the ideological rivalry of the post 2<sup>nd</sup> World War ended with the triumph of capitalism, the war of cultures and values may remain a painful experience without respite perhaps till the end of time. Whereas the triumph of capitalism was predicated on the material wellbeing of a rival ideological camp and the failure of the other to address the concrete problems of material existence, the triumph of a culture over the others will depend largely if not entirely on the moral health and spiritual conviction of societies who are protagonists of such culture.

This article draws attention to one of the many challenges that have confronted the Muslim *Ummah*<sup>1</sup> in our contemporary secular society – the head on collision between Islam and the West. The history of mankind is at crossroads. The trajectory of this historic crossroads is the cultural interface between Islam and the west. While the former struggles to insulate its pristine values and identity from secular interference, the latter relentlessly expand the frontiers of its influence through major advantages like the mass media, crass economic and political diplomacy and information and communication technology. However, as Muslims have become aware, through education, of the importance of complying with the mandatory doctrines of their faith, so also non-adherents are increasingly taking exception to this tenacity of faith. The debate over the veil, for instance, is one of such reactions to this expression of cultural identity and has become increasingly intense. Are these doctrinaire consciousness constitutionally protected or are they simply dismissed as religious “extremism” with potentials for highly detrimental security breach?

This article is against the background of the fact that the fundamental human rights provisions in the Nigerian constitution are modelled along the lines of the European Convention on Human Rights<sup>2</sup>, - a fact that is rarely, if ever, taken into account. It is therefore fundamental that Nigerian constitutional provisions regarding the principle of non-discrimination be construed against that background. One of the fundamental principles of the Convention’s non-discrimination clauses is the rule against indirect discrimination i.e. that it amounts to discrimination when the implementation of the general rule would negatively impact on a group disproportionately in relation to other groups of the same class. The abiding concern of the writers is to define the place of Islamic culture vis-a-vis freedom of conscience and the constitutional safeguards in place to protect this right in an era where the Islamic civilisation has come under ceaseless attack. To realise these, the paper is organised into nine sections. Section one which is the introduction provides a brief remark on the subject matter. Section two present some conceptual clarifications. Section three articulates the thesis of the paper. Section four examines the place of Western education in Islamic civilisation. Section five expose some surreptitious attack on Islamic cultural values. Section six extols the primacy of Islamic culture. Section seven attempts a content analysis of some constitutional protection on the freedom of conscience. Section eight provides a blueprint for Islamic cultural renaissance, while section nine made some concluding remarks.

### Definitions

It is imperative, for a clearer understanding of this discourse, to define certain critical concepts. Perhaps the most important question one may ask in relation to the subject is: what is culture and in what way does it differ from identity? To address these questions, let us turn to sociological and jurisprudential literature for some helpful opinions. One international human rights instrument<sup>3</sup> affirms both that culture “should be seen as the totality of unmistakable spiritual, material, intellectual and emotional qualities, which characterise a

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<sup>1</sup> The Arabic expression for “community”.

<sup>2</sup> A. Lester and D. Pannick (eds) (2004) *Human Rights Law and Practice* LexisNexis Butterworths, London, P.8

<sup>3</sup> The Declaration of Cultural Diversity adopted at the 31<sup>st</sup> General Conference of UNESCO on 2 November 2001 in Paris, France.

society or social group” and that culture “includes forms of life, forms of communal living, value systems, traditions and beliefs, in addition to art and literature.”

Culture is sometime seen as a state of mind. An individual becomes cultured when he or she moves toward the idea of perfection, a goal or an inspiration of individual *human emancipation*<sup>4</sup> (emphasis added). To Linton,<sup>5</sup> culture is the whole way of life of a people. He opines; “The culture of a society is the way of life of its members, the collection of ideas and habits which they learn, share and transmit from generation to generation”.<sup>6</sup> This means that culture is multifarious and may vary from class to class and from tribe to tribe. Bearing this in mind, Sandkuhler notes:<sup>7</sup>

*Culture is a relational concept; it implies the difference and multitude of cultures, that is to say, the variety of relationships between different traditions, lifestyles, symbolic forms, attitudes, value preferences and norms.*

On the concept of identity, Jary and Jary<sup>8</sup> submit that “it is a sense of self that develops as the child differentiates from parents and family and takes on a place in society”. It therefore means that the concept of identity is closely related to that of culture and are both inseparable. While the former describes the whole way of life of a people, the latter refers to the sense that a people have of who they are and of what is most important about them.

Having offered some conceptual insights on culture and identity, it may be recalled that the commonest and most frequent way by which the religion of Islam is described is that, it is a way of life. This way of life is in total submission to the will of ALLAH (SWT). This common place definition of Islam is congruent with the secular view of culture and identity. By simple deduction, it can be concluded that Islam is a culture as well as an identity of a people.

The history of mankind is replete with flash points of clash of cultures in which some cultures rise to assimilate or consume others. A new way of life sometimes emerges from the debris of this clash to produce a synthesis of cultural identities as symbolised by the ideology of secularism. In our contemporary world today, there is a conflict of values between the Islamic culture and western civilisation, and the resulting cultural clash is taking its toll on Islamic civilisation and by extension, the singular purpose of a Muslim’s, nay man’s, brief stay on earth – to worship and serve ALLAH (SWT).

## Background to the study

<sup>4</sup> Haralambos, M. and Holborn, M. (2004): *Sociology: Themes and Perspectives*, Harper Collins Publishers Limited, London.

<sup>5</sup> Linton, R. (1945): ‘Present World Condition in Cultural Perspective’ in Linton, R. (ed). *The Science of Man in World Crisis*, Columbia University Press, New York.

<sup>6</sup> Linton, Ibid.

<sup>7</sup> Sandkuhler, H.J.: ‘Pluralism, Cultures of Knowledge, Transculturality, and Fundamental Rights’, p. 82 accessed at [www.unesco-phil.uni-bremen.de/.../Pluralism-Cultures %20of%20Knowledge](http://www.unesco-phil.uni-bremen.de/.../Pluralism-Cultures%20of%20Knowledge) on 17 November 2011.

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<sup>8</sup> Jary, D. and Jary, J. (1991), *Collins Dictionary of Sociology*, Harper Collins, London.

The thesis which holds that the dominant source of cultural conflict in the world today is the interface between Islamic values and western influences is a verifiable fact. In contemporary history, there are two milestones that opened the floodgate to this clash of cultures. The first was the collapse of communism and National Socialism which gave rise to the emergence of a Uni-Polar World. The second was the September 11, 2001 bombardment of the World Trade Centre in the United States and the ideological colourations associated with it – a situation that has fuelled the resolve of the United States and her allies to clamp down on Islam and all that it represents in the name of global war on terrorism. Both historic events have attracted tremendous global attention on a scale perhaps comparable only to the 2<sup>nd</sup> World War. But the academic interest generated by these events was second to none in recorded history.

Francis Fukuyama, an American professor emeritus of History was the first to throw up the proverbial gauntlet in his controversial *End of History and the Last Man*.<sup>9</sup> Fukuyama's argument revolves around the thesis that; after the collapse of communism and national socialism, no serious ideological rivalry to the west was likely to emerge in the future. Therefore, as far as the market place of ideology is concerned, the global triumph of liberal democracy marks the end of human evolutionary process. Since its debut in 1992, Fukuyama's thesis has provoked intense intellectual polemics among scholars of various ideological persuasions. The most notable antithesis came from Samuel Huntington, a respected American Professor of the Science of Government, in his book entitled; *The Clash of Civilisations*.<sup>10</sup> Huntington did not only rebut Fukuyama's desperate thesis, he argues that human evolutionary process is at crossroads, and that the collapse of communism and national socialism, which gave rise to the emergence of a Uni-Polar world, marked the beginning of yet another phase of the evolutionary process – the clash of civilisations. He observed:

*The great divisions among humankind and the dominating source of conflict will be cultural. Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between ... different civilisations.*<sup>11</sup>

On civilisation, Huntington argues that a civilisation is synonymous with cultural identity. Thus, a civilisation is:

*The highest cultural grouping of people and the broadest level of cultural identity people have, short of that which distinguishes humans from other species. It is defined both by common objective elements, such as language, history, religion (emphasis added), customs, institutions, and by the subjective self identification of people.*<sup>12</sup>

<sup>9</sup> Fukuyama, F. (1992): *End of History and the Last Man*; Penguin Books Ltd., London.

<sup>10</sup> Huntington, S. (1996): *The Clash of Civilisations. The Debate*, Council on Foreign Relation, Inc. U.S.A.

<sup>11</sup> Huntington, *ibid*, p. 1.

<sup>12</sup> Huntington, *ibid*, p. 3.

On the September 11, 2001 bombardment of the World Trade Centre in the United States, one is compelled to locate it within the context of “the clash of civilisations” thesis. Put differently; a reaction in concrete terms of other civilisations to the suffocating grip of the west on global economic and political order, and by extension, an agitation for global balance of power. The intellectual reactions to this historic event are also as engaging as they are instructive to the cultural interface between Islam and the west. Notable among these reactions was Abid Ullah Jan’s *The End of Democracy*.<sup>13</sup> Irked by the globalisation of western-style liberal democracy and its corrosive impact on Islamic culture and values, Jan took off from the point of view that liberal democracy as championed by the United States and her allies is nothing but cultural imperialism orchestrated to undermine other civilisations and the stability and continuity of other cultural heritage. He argues that in spite of this ideological war reinforced in most cases by severe clampdown on Islamic fundamentalism, there are:

*... alternative ideologies to liberal democracy within and outside the west that for decades have been steadily, and almost imperceptibly, evolving. The question is not whether democracy, crippled by its own principles and practitioners, will survive in its present form. It is rather: what will ultimately prevail?*<sup>14</sup>

The foregoing argument, like Huntington’s, is another scathing rebuttal of the “End of History” thesis. Contrary to Fukuyama’s fatalistic resignation to the end of human evolutionary process, Ullah-Jan draws attention to the fact that, after the global triumph of democracy which marked the glorious climax of America-centrism, a new political philosophy that is rooted in the values and principles specifically structured to address human frailties is certain to emerge.<sup>15</sup> This new ideological orientation is to be found in the Islamic civilisation divinely inspired by the architect of human creation – ALLAH (SWT).

### **On Islam and Western Education**

Extremist Muslims elements are engaged in a ceaseless campaign to the effect that, western education is evil and as such it should be avoided and despised. If there is any iota of truth in this belief, western educated Muslims should consider themselves beneficiaries of this ‘evil education’ and by extension, victims of western cultural imperialism. But far from that, the belief smacks of ignorance and falsehood. We argue that education without cultural restrictions is imperative for a wholesome human personality development. Thus, Islamic education and western education are compulsory requirements for every Muslim child who hopes to partake meaningfully in today’s knowledge society. Both forms of education are needed not only to produce a balanced personality but also to ensure sufficient supply of intellectual giants that will be in the forefront of the global agitation for Islamic cultural renaissance.

Among contending civilisations in the world today, Islam has a place of pride in the training of the mind and intellectual development through education. The foundation of the Islamic faith is education. It is to be recalled that Prophet Muhammad (SAW) was an illiterate raised

<sup>13</sup> Ullah-Jan, (2003): *The End of Democracy*; Pragmatic Publishing, Canada.

<sup>14</sup> Ullah-Jan, *ibid*, Preface.

<sup>15</sup> Ullah-Jan, *ibid*.

in the period of pre-Islamic *Jahilliyah* (ignorance). At the age of 40, ALLAH (SWT) appointed him as His messenger and bearer of glad tidings to spread the message of Islam. The initial commandment at the cave of Hira was:

*Read in the name of your Lord who created. Created man from a blood clot. Read! And your Lord is the Most Bountiful. Who taught by the pen. Taught man that which he know not.*<sup>16</sup>

In this commandment, ALLAH (SWT) draws attention to the imperative of learning as the first step of knowing Him, of devotion to Him, and of total submission to His will. Thus from the relative obscurity of an unlettered and uninformed Youngman, Prophet Muhammad (SAW) under divine guidance, transformed into the most acknowledged teacher and religious personage, and the most resplendent landmark in human history. He established the first political community under Islam and ruled over men irrespective of tribe, race and religious persuasion, in fairness and justice. Within twenty three years, His prophethood set in motion an Islamic revolution that has:

*Ushered in the age of the press, ensuring the preservation of the Quran for all time. It brought democracy and freedom of speech to the world, removing all artificial barriers that has(sic) obstructed preachers in their call to truth. It made new discoveries possible in the world of science, enabling religious truth to be proved and explained on a rational, intellectual level.*<sup>17</sup>

Thus, ALLAH (SWT) said, “Assuredly there has been an excellent pattern for you in the messenger of ALLAH, for him who hopes in ALLAH and the last day and remember ALLAH much”.<sup>18</sup> From the example of the Prophet, it is a religious duty for every Muslim to seek for and acquire knowledge through education.

In its broadest sense, education is the major instrument of cultural expression and human development which involves the acquisition of knowledge, the learning of skills and the shaping of beliefs and moral values. The Muslim *Ummah* needs western education to acquire knowledge and skills in the pure science, arts and humanities, engineering, social, management and environmental sciences. This form of education will produce professionals in various fields of human endeavour to enable the *Ummah* compete favourably with others in a secular state. For example, western education will swell the rank of Muslim doctors and nurses to discharge health care services to the teeming population of Muslims especially women and children. This progress is of particular significance given the restrictions regarding physical contact between the sexes in Islam and should ensure that there are enough female doctors and nurses to tend to female patients exclusively.

<sup>16</sup> Quran 96:1-5.

<sup>17</sup> Khan, M. W. (2006): *MUHAMMAD: A Prophet for All HUMANITY*; Goodword Books, New Delhi, pp. 23-24.

<sup>18</sup> Quran 33:21.

Beyond the quest for western education to produce professionals, Islamic and western education is a *sine qua non* for sound mind and informed judgement. The glorious Quran and Hadith of Rasulullah (SAW) have spoken eloquently on the importance of knowledge, learning and teaching. Anas Ibn Malik reported the Messenger of ALLAH (SWT) to have said:

*Seeking knowledge is incumbent on every Muslim, he who offers knowledge to those who do not appreciate it, is like the one who decorates pigs with precious stones, pearls and gold.<sup>19</sup>*

Muslim reported on the authority of Abu Hurairah that the Messenger of ALLAH (SWT) said:

*People are of substance like the substance of gold and silver: the best among them in the jahilliyah, are the best in Islam, if they gain knowledge, and the souls are host which are sent around, the similar ones get acquainted, and the different ones depart from each other.<sup>20</sup>*

Having highlighted the benefits of western education to the Muslim *Ummah*, the question of influence suggests the corrosive impact of the values that are consequent upon the knowledge from this form of education. For Muslims is the admission that the mindless aping of western values and life style in the formal school system today has done collateral damage to Islam's cherished culture, tradition and civilisation. Further specific examples of this rather notorious fact of western influence, suffice to say, abound in our homes, institutions of learning, private and public offices and our streets, outlets that speak volumes of the extent of damage that western values have done to our contemporary society.

### **Surreptitious Impositions on Islamic Culture**

Aside from the copycat syndrome that has bedeviled the *Ummah*, there are the attempts to impose alien culture on the *Ummah* while annihilating salient aspects of Islamic culture. This last point may be illustrated with recent alarming events. The Government of Lagos state south-west Nigeria recently placed a ban on the use of the *Hijab*<sup>21</sup> in public educational institutions in the state.<sup>22</sup> In placing the ban, the State Commissioner for Education, herself a legal practitioner, intimated that the Government had consulted with and obtained the agreement of all stakeholders including the representatives of the Muslim students.<sup>23</sup> The Muslim Students Society of Nigeria (MSSN), Lagos State Branch replied that the commissioner had lied and that they had never been invited to any such consultative meeting neither had they attended one nor consented to any ban.<sup>24</sup> The Lagos State Government subsequently denied, through its Commissioner for Information and Strategy that such a ban

<sup>19</sup> Busool, A. N (2002): Forty Hadith on the Importance of Knowledge Learning and Teaching; Goodword Books, New Delhi.

<sup>20</sup> Sahih Muslim (Volumes 1, 2, 3 & 4).

<sup>21</sup> Islamic headscarf prescribed for Muslim women in the Qur'an.

<sup>22</sup> 'Lagos State Wisely Bans Wearing of Hijab by Students in Public Schools' accessed at <http://plus.google.com/app/basic/stream/z12uttu4lt2zt1pwh04cc3q4wpzvdrvacv00k> on 2 June 2013.

<sup>23</sup> 'Lagos State Wisely Bans Wearing of Hijab by Students in Public Schools', *ibid*.

<sup>24</sup> 'Press Release: Hijab Ban, Mrs. Oladunjoye Lied' accessed at [http://www.mssnlagos.net/index.php?option=com\\_content&view=253:press-release-hijab-ban-mrs-oladunjoye-lied&catid=70:press-conference](http://www.mssnlagos.net/index.php?option=com_content&view=253:press-release-hijab-ban-mrs-oladunjoye-lied&catid=70:press-conference) on 2 June 2013.

had been placed and added that the Government was in a process of consultation on the issue.<sup>25</sup> Dissatisfied anyway, the MSSN, Lagos Branch has sued the Lagos State Government.<sup>26</sup>

It seems the aforesaid state government had tried to capitalize on the ignorance and usual inertia of Muslims to make this prohibition without a law passed by the State House of Assembly. The requirement of the Constitution is transparently clear i.e. this kind of ban can only be put in place by the mechanism of a “law that is reasonably justifiable in a *democratic society*”<sup>27</sup> (emphasis added). This aside, it is submitted that the ban is unconstitutional given the provisions of sections 38, 42 and 45 of the Constitution of the Federal Republic of Nigeria 1999 (as amended). This issue will be examined in due course. More important is the glossing over of the fact that the *Hijab* is a legal requirement of a Muslim woman’s life.<sup>28</sup> It is mandatory for a woman to wear it. On the other hand, there is no doctrinal requirement on a Christian, for instance, to wear a cross. This jurisprudential distinction being the case, a cross may be classified as a mere religious symbol.<sup>29</sup> The irony, given the above facts, is however that a person may wear a cross (*strictu sensu*, a mere religious symbol) to school although a person is prohibited from wearing a *Hijab* (a mandatory, doctrinal requirement) to school. Even worse, a person may arrive school perhaps in mini-skirts although a Muslim woman is not permitted to properly cover herself from prying male eyes if she so desires. This would appear to derogate from the constitutional societal goal of “Discipline” counselled by section 17(3)(b) of the Constitution unless, of course, immorality and nudity is the new interpretation of “Discipline”.

Furthermore, it constitutes an attempt to compel a person not only to forcefully dispense with a lifestyle that is otherwise not unlawful but also to abide by rules that make her an unwilling part of a dictated stereotype. This would appear to be group targeting of “genocidal”

<sup>25</sup> [http://ngrguardiannews.com/index.php?option=com\\_content&view=article&id=122940:lagos-seeks-out-of-court-settlement-in-suit-over-hijab-&catid=1:national&Itemid=559](http://ngrguardiannews.com/index.php?option=com_content&view=article&id=122940:lagos-seeks-out-of-court-settlement-in-suit-over-hijab-&catid=1:national&Itemid=559) on 2 June 2013.

<sup>26</sup> At the hearing, the Lagos State Government informed the Court of their intention to explore an out-of-court settlement (see [http://ngrguardiannews.com/index.php?option=com\\_content&view=article&id=122940:lagos-seeks-out-of-court-settlement-in-suit-over-hijab-&catid=1:national&Itemid=559](http://ngrguardiannews.com/index.php?option=com_content&view=article&id=122940:lagos-seeks-out-of-court-settlement-in-suit-over-hijab-&catid=1:national&Itemid=559), *ibid*).

<sup>27</sup> Section 45(1).

<sup>28</sup> According to many verses of the Quran, the supreme doctrinal and divinely revealed guide book on a Muslim’s life, which must be obeyed. These verses, which singularly and cumulatively prescribe the *Hijab* for women, include Qur’an 24.31, 24.60, 33.32 and 33.59. For instance, Qur’an 33.59 states, “O Prophet! Tell thy wives and daughters, and thy believing women, that they should cast their outer garments over their persons (when out of doors): that is most convenient, that they should be known (as such) and not molested. And Allah is Oft-Forgiving, Most Merciful”. Qur’an 24.31 also states, “And say to the believing women that they should lower their gaze and guard their private parts; that they should not display their beauty and ornaments except what (ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband’s fathers, their sons, their husband’s sons, their brothers or their brother’s sons”.

<sup>29</sup> In *Eweida & Ors. United Kingdom* (Applications nos. 48420/10, 59842/10, 51671/10 and 36516/10), the European Court of Human Rights in its decision of 15 January 2013 essentially agreed with the Defendant that the cross was not a doctrinal requirement of the Christian faith although it added that what was required for the act in question to be a manifestation of religious belief was that the act be *intimately linked* to the religion or belief i.e. a sufficiently close and direct nexus must be established and that there was no requirement on the applicant to establish that he or she acted in fulfilment of a duty mandated by the religion in question (see ‘HUDOC Search Page’ at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115881#{"itemid":\["001-115881"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115881#{) accessed on 15 June 2013).

proportions especially given that in much of the European Union where the *Hijab* has been banned, other religious symbols have also been banned.<sup>30</sup>

The recent case of a Christian on national service who refused to wear the pair of trousers,<sup>31</sup> which are *supposedly* a mandatory part of the National Youth Service Corps regalia has been particularly highlighted by the press perhaps because the youth corps member in question was of a religious persuasion other than Islam. This is however a fate that has consistently befallen Muslim women who have merely sought to practise their faith. For instance, Muslim women who have insisted on heeding the doctrinal requirement of their faith have been systematically exempted from employment both in the public and private sectors. A Muslim woman, who insists on wearing the *Hijab* and/or would not wear a pair of trousers or skirts which end up around the knee region, cannot work in such paramilitary organisations as the immigration service, customs service, prisons service or, for that matter, the civil defence corps. In the private sector, many banks for instance insist on tight fitting suits, trousers and mini-skirts. A very firm case of indirect discrimination is established here in that millions of Muslim women are excluded from available employment opportunities while their places are taken up by persons of other religious persuasions. The Muslim women who subject themselves firmly to the rules dictated by ALLAH(SWT) and refrain from working under those circumstances are quickly labelled as “extremists”, “fundamentalists” and recently “*Boko Haram*” because they choose to forbear from worldly materialism in favour of ethereal wellbeing in the Hereafter. Some have seen this as a deliberate policy in a state in which, in spite of constitutional provisions to the contrary, it is very nearly impossible to separate state from religion. Those Muslim women who desperately require the incomes that come from these jobs in order to survive are left with no choice but to capitulate and abandon their religious obligations. This is a breach of enormous proportions as the victimisation of these women is neither in consonance with the letter nor the spirit of the right to freedom from discrimination as enshrined in the Constitution. It is important for the Nigerian State authorities to take immediate steps to redress these imbalances, which threaten, indirectly, to foist state religions upon the State. A good step would be to analyse the decision in *Eweida & Ors. United Kingdom*<sup>32</sup> in order to apprehend the extent to which other states sometimes go towards accommodating manifestations of faith.

The long planned but equally long resisted western culture of homosexuality is sweeping mainly across the Euro-American continents in the form of the legitimating of the same sex marriage doctrine.<sup>33</sup> As at May 2013, thirteen (13) countries<sup>34</sup> had legalized the

<sup>30</sup> See for instance ‘UK Workers Fight Gov’t Ban on Religious Symbols’ accessed at <http://www.cbn.com/cbnnews/world/2012/April/UK-Workers-Fight-Govt-Ban-on-Religious-Symbols-/> on 2 June 2013.

<sup>31</sup> ‘Female NYSC Member asked to leave Orientation Camp for Allegedly Refusing to Wear Trousers at Camp’ accessed at <http://www.nigerianeye.com/2013/03/female-nysc-member-asked-to-leave.html> on 8 June 2013. In that incident, a female youth corps member serving in Ogun State, Miss Titilope Ekundayo was decamped from the Shagamu Orientation Camp on 8 March 2013 because she had refused to wear the pair of trousers, which formed part of the corps uniform. The NYSC, on the other hand claimed that she had voluntarily withdrawn from the service “based on her faith”.

<sup>32</sup> *Supra*, footnote 28.

<sup>33</sup> See Wikipedia online encyclopedia at [http://en.wikipedia.org/Same-sex\\_marriage](http://en.wikipedia.org/Same-sex_marriage) accessed 8 June 2013.

<sup>34</sup> Namely Argentina, Belgium, Brazil, Canada, France, Denmark, Iceland, Netherlands, Norway, Portugal, Spain, South Africa and Sweden while several sub-national jurisdictions (such as parts of the United States and Mexico) have also legalised it (see Wikipedia online encyclopedia, *ibid*).

phenomenon.<sup>35</sup> At least one head of government is married to a same-sex spouse.<sup>36</sup> This development has posed such a clear and present danger to Nigeria's societal mores that the National Assembly recently passed a Bill banning same sex marriages and attached stern penalties to breaches of its provisions.<sup>37</sup> This is in spite of the promises of foreign aid attached to the recognition of the culture by western countries such as the United States of America. There are already questions of how long this resistance will hold in the face of the rather usual, insatiable quest for foreign aid and the desperate willingness to capitulate on questions of principle in exchange for aid.

As important as the importation of alien, immoral culture is the exclusion of rather harmless and unimpeachable "native" culture. Polygamy, which is endorsed by Islam, for instance is one such culture. The institution of polygamy has been ignorantly, but mostly selfishly, maligned<sup>38</sup> to the point that many Muslims, for whom the practice is merely optional and subject to stringent rules,<sup>39</sup> have turned against it. This denigration has also been propagated by international human rights instruments, some of them endorsed as state parties by countries in which Muslims form a substantial part of the population. For instance, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa<sup>40</sup> states that "monogamy is encouraged as the preferred form of marriage".<sup>41</sup> This instrument has been ratified by states such as Nigeria and predominantly Muslim states such as Egypt, Algeria, Guinea, Mali and Chad.

<sup>35</sup> Bills allowing same-sex marriage have been proposed before the legislatures in Andorra, the United Kingdom, Luxembourg, Nepal, Finland, Germany, Ireland, Scotland and Taiwan (see Wikipedia online encyclopedia, *ibid*).

<sup>36</sup> 'Iceland's Prime Minister: First World Leader with Same-Sex Spouse' accessed at <http://mojidanisa2.com/2013/04/120icelands-prime-minister-first-world-leader-with-same-sex-spouse/> on 8 June 8, 2013.

<sup>37</sup> See 'Senate Bans Same Sex Marriage' <http://www.nass.gov.ng/> accessed 09 January 2012 which reports, "The Senate sitting in the Committee of the Whole, on Tuesday, 29th November, 2011, passed the Bill for an Act to Prohibit Marriage or Civil Union entered into between persons of same sex, solemnization of same and for other matters Related Therewith, 2011 ... According to the Bill, only marriages contracted between a man and a woman either under Islamic Law, Customary Law or the Marriage Act is recognised as valid in Nigeria and provides that persons who entered into a same sex marriage contract or civil union commit an offence and are each liable on conviction to a term of 10 years imprisonment. Also, any person who registers, operates or participates in gay clubs, societies and organizations, or directly or indirectly commits the offence shall each be liable on conviction to a term of 5 years imprisonment. Any persons that witness, abet and or aid the solemnization of a same sex marriage and or organizes processions or meetings in support of it in Nigeria, commits an offence and shall be liable on conviction to a term of 5 years imprisonment". The Bill has also been passed by the House of Representatives and now awaits presidential assent (see 'House Passes Same-Sex Marriage Prohibition Bill' accessed at <http://www.thisdaylive.com/articles/house-passes-same-sex-marriage-prohibition-bill/149025/> on 2 June 2013; 'Reps Endorse 14-year Jail Term for Same-sex Marriage' accessed at <http://www.punchng.com/news/rep-endorse-14-yr-jail-term-for-same-sex-marriage/> on 2 June 2013).

<sup>38</sup> Polygamy has been cited as a system in which the woman's subservience to the man is manifest and which is accompanied by several socio-economic difficulties for the woman, according to Odunsi, B, 'Changing Attitudes to Polygamy and Women's Struggle for Equality in Nigeria' (2009) A.L.J. Vol. 1 No. 3, p. 375 at pp. 381-385. Odunsi, *ibid*, adds that polygamy is a threat to the rights of the women and that polygamy contradicts the right to equality and fair treatment in that women do not have the opportunity available to men under certain systems of law to marry multiple husbands if they so wished.

<sup>39</sup> In Qur'an 4: 3, Allah states, "If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two, or three, or four; but if ye fear that ye shall not be able to deal justly (with them). Then only one, or that which your right hands possess. That will be more suitable to prevent you from doing injustice".

<sup>40</sup> Otherwise known as the Maputo Protocol adopted on 11 July 2003 by the African Union.

<sup>41</sup> Article 6(c) thereof.

The foregoing illustrations represent a tiny fraction of Islam's own confrontation with cultural imperialism. This is what the foregoing illustrations suggest – they are representations of intolerance for rich but differing civilisations and the enthronement, imposition and perpetuation of a single culture in the advancement of a uni-cultural world. This view is borne out by recent events in the realm both of international diplomacy and municipal or intra-national politics. In the view of Sandkuhler:<sup>42</sup>

*... essentialized views of culture play a central role in conflicts of power politics; political agents act in the name of a "historical mission" and the supposed right to the globalization of one culture; they use the means of ideological exclusion and economic or military destruction of other cultures. A significant example of this is the breach of International Law the Iraq War constituted (emphasis added).*

These raise the fundamental question of how the Muslim *Ummah* is to protect Islamic values as they confront competing and contrasting values. Given the realities of Nigeria's secular state, it may be impossible to contemplate an Islamic revolution on a scale capable enough to reconstruct our society, but the Muslim *Ummah* can do well by confronting this western offensive through ethical regeneration. It was Woodrow Wilson, a professor of public administration and one time American president who said:

*If I see a murderous fellow sharpening a knife cleverly, I can borrow his business method without borrowing his probable intention to commit murder with it.*<sup>43</sup>

By analogy, the Muslim *Ummah* should separate the grains from the chaff of western education for her short time benefits in this material world, while upholding the superior culture and social etiquette of Islam. ALLAH (SWT) said: "know that the life of the world is only play and amusement, pomp and mutual boasting among you and rivalry".<sup>44</sup>

### **The Primacy of Islamic Culture**

There is need to reflect on the message of the glorious Quran in relation to ALLAH's love for the Muslim *Ummah* in order to appreciate the supremacy and primacy of Islamic culture. There are palpable evidence from the Quran and the Hadith of the prophet (SAW). Before we cite specific injunctions, let us return to Huntington's thesis on "the clash of civilisations". He argues:

*... different civilisations have different views on the relations between God and man, the individual and the group, the citizen and the state, parents and children, husband and wife, as well*

<sup>42</sup> Op. cit, pp. 80-81.

<sup>43</sup> Cited in Beetham, D. (1974): *Max Weber and the Theory of Modern Politics*, George Allen & Unwin Ltd. London.

<sup>44</sup> Quran 5:20.

*as differing views of the relative importance of rights and responsibilities, liberty and authority, equality and hierarchy.*<sup>45</sup>

Indeed no other religious book encompasses codes of conduct and justice for mankind as suggested in the foregoing than the book of ALLAH (SWT). All of the foregoing and more are embodied in the glorious Quran. It is for this reason that:

*The west's "next confrontation" ... "is definitely going to come from the Muslim world. It is the sweep of the Islamic nations from Maghreb to Pakistan that the struggle for a new world order will begin.*<sup>46</sup>

Since creation, no ideology or a synthesis of ideologies articulated by man has been able to address the multiple problems of our precarious social existence. For example, the problem of social inequality and its attendant crimes have remained the albatross of western civilisation in spite of its proclaimed egalitarian values. Communism failed the Soviet Union and its teeming allies; liberal democracy is failing the United States and its adherents, where should mankind turn? The answer lies in the Islamic civilisation. Islam has the best explanation of our material world, of our human frailties and of the link between our temporal stay on earth and our return to ALLAH (SWT). Thus, ALLAH (SWT) said to the Muslim *Ummah*:

*You are the best community ever sent forth to mankind; you enjoined good and forbid evil, and you believe in Allah. Now if the people of the Book have faith, it were better for them; among them some are believers, and most of them are ungodly.*<sup>47</sup>

In his exegesis, Rasulullah (SAW), reported by Hakim Ibn Mu'awiyah Ibn Haydah, said:

*You are the final of seventy Nations, you are the best and most honoured among them to Allah.*<sup>48</sup>

Although the protection of Allah's Faith belongs to Allah, it is necessary to examine into the attempt by Nigeria's constitution makers to protect and preserve faiths and where Islam stands in all the conjecture.

### **Constitutional Protection of the Freedom of Conscience**

The Constitution prohibits the adoption of any religion as State Religion by the Government of the Federation or a State,<sup>49</sup> a provision that governments wittingly or inadvertently have tended to breach and the result of which is that the proclivity for its abuse is tending to spread. Although Chapter II of the Constitution is unenforceable,<sup>50</sup> it nevertheless provides that the State shall direct its policy towards ensuring that there are adequate facilities for

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<sup>45</sup> Huntington, op. cit, p. 5.

<sup>46</sup> Huntington, ibid, p. 11.

<sup>47</sup> Quran 3:110.

<sup>48</sup> Ibn Majah.

<sup>49</sup> Section 10.

<sup>50</sup> Section 6(6)(c).

leisure and for social, *religious* and cultural life and that the national ethics shall be Discipline, Integrity, Dignity of Labour, Social Justice, Religious Tolerance...<sup>51</sup> From a contemporary Muslim's point of view, perhaps the most significant provisions are contained in sections 38, 42 and, unbeknownst to many, section 45. Section 38(1) establishes the right to freedom of religion:

*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 (emphasis added).*

The provisions secure freedom in inter-faith interactions in educational institutions<sup>52</sup> while also securing the right of a religious faith to impart its instructions in a religious institution wholly run by that community.<sup>53</sup> It must be noted that under section 38, the only limitation or qualification is that the right does not entitle anyone to form or take part in the activities or be a member of a secret cult although it is subject to the more general restraints imposed by section 45(1). Section 45(1) provides:

*Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society:*

*(a) in the interest of defence, public safety, public order, public morality or public health; or*

*(b) for the purpose of protecting the rights and freedom of other persons.*

The only time therefore when the right of a Muslim to practice his faith may be circumscribed is when the restriction is:

- (a) Instituted by law; and
- (b) The restriction law is reasonably justifiable in a democratic society; and
- (c) The restriction law is justifiable as being made in the interest of defense, public safety, public order, public morality or public health or for the purpose of protecting the rights and freedom of other persons.

In light of the above requirements, it may immediately be said that the declaration in Lagos State regarding the Hijab in schools is unconstitutional. Firstly, section 38 refers to *manifesting* your faith in *practice* and *observance*. Those are the clear words of the Constitution and the Hijab can doubtless be seen as a Muslim woman's way of manifesting the Islamic faith in practice and observance. The Qur'an<sup>54</sup> specifically requires the *Hijab* of every female Muslim without exception. Secondly, from press reports, there are still questions whether a law was actually passed or not. The requirement of the section is that a restriction *shall*<sup>55</sup> only be derogated from by law, which connotes, in the case of Lagos State,

<sup>51</sup> Section 23.

<sup>52</sup> Section 38(2).

<sup>53</sup> Section 38(3).

<sup>54</sup> Qur'an 24.31, 24.60, 33.32 and 33.59. See further footnote 25.

<sup>55</sup> It has been held severally that the word "shall" generally connotes a mandatory order or a "command ... which must be given a compulsory meaning" (see Karibi-Whyte, J.S.C. in *Bamaiyi v. A-G, Federation & Ors.* (2001) 7 NSCQR. 598, 617) who added, "It has a peremptory meaning which is generally imperative and

a law passed by the House of Assembly of that state and duly assented to by the Governor of the state (unless the requirement of assent shall be excluded by the Constitution).<sup>56</sup>

Assuming though that a law was duly passed, it would still not be reasonably justifiable in Lagos State's democratic society. The logical but unanswerable questions – how would the Lagos State Government *justify*, and this is a requirement, that a school girl wearing a *Hijab* or even a short “headscarf” to school is likely to breach defense?<sup>57</sup> How does the *Hijab* threaten public safety? Does the *Hijab* threaten public order? It is clearly not the intention of the Constitution that bigots of some other religious persuasion should think that the *Hijab* is offensive to them and therefore they would violently react and cause disorder. Similarly, the Constitution does not permit a justification on this ground in respect of a Christian, for instance, who is wearing a cross. Does the *Hijab* threaten public morality? On the contrary, it only *strengthens* public morality, for which reason the Constitution is not only actually sworn to protect it, it also enjoins the State to protect it.<sup>58</sup> It is an irony therefore that a State actually seeks to obliterate it. Does it threaten public health? There is no conceivable reason why it would. Can the ban on the *Hijab* help protect the rights or freedoms of other persons? The answer to that question could come in the form of another question: how does wearing a *Hijab* invade the rights and freedoms of other persons? It does not and cannot unless those other persons are persons who suffer from acute Islamophobia<sup>59</sup> - a condition that, rather than justify the restriction on the use of the *Hijab*, should instead require psychiatric treatment. We conclude, based on the foregoing, that the authorities in Lagos State (headed by a Senior Advocate of Nigeria as it were) and authorities across the nation have to be very careful because the right and power to place restrictions must be justified. It is not a blank cheque to implement hitherto in-built prejudices against despised groups. What is applicable in Borno State during this *Boko Haram* insurgency, for instance, may well be inapplicable in Lagos State, which faces no insurgency. In the Borno State capital city, Maiduguri for instance, it perhaps may be justifiable for the State Government, or even the Government of the Federation given the state of emergency declared there now, to place a ban on the use of the long *Hijab* given the concern that assault weapons may be concealed in them or to ban the *niqab*<sup>60</sup> because security personnel would need advance view of an approaching individual to predetermine his or her sex. It would appear in these circumstances that a law would be reasonably justifiable in Lagos State to preserve public safety.

The provisions relating to the right to freedom from discrimination on account of religion<sup>61</sup> are particularly helpful to a Muslim's cause. This is because the section, from which no derogation is permitted under section 45, provides, amongst others, that no citizen of Nigeria of a particular religion shall, by reason only that he is such a person be subjected either

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mandatory. It has the significance of excluding the idea of discretion to impose a duty”. *See also Udo v. The State* (1988) 6 SCNJ 181, 188 and 189.

<sup>56</sup> See sections 100(1), (2), (3), (4) and (5) of the Constitution.

<sup>57</sup> A subsidiary matter is whether the Lagos State Government can, in any event, properly lay claim to this justification given that defence comes within the exclusive legislative purview of the National Assembly under Item 17 of the Exclusive Legislative List to be found in Part I of the Second Schedule to the Constitution.

<sup>58</sup> Section 21(a) provides, “The State shall - (a) protect, preserve and promote the *Nigerian cultures which enhance human dignity* and are consistent with the fundamental objectives as provided in this Chapter” (emphasis added).

<sup>59</sup> A term used to describe the morbid fear of Islam.

<sup>60</sup> The face veil sometimes worn by some Muslim women.

<sup>61</sup> Section 42.

expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other religions are not made subject<sup>62</sup> neither is he to be selectively accorded any privilege or advantage on the same account.<sup>63</sup> Under the section, the only limitations to the right<sup>64</sup> are irrelevant to the theme of this article. The implication of the provisions i.e. when sections 38(1) and 42(1)(a) and (b) are read together, is that they become exceedingly helpful to Muslims who reside in places where restrictions are placed on them that practitioners of other faiths are not subjected to. For instance, where the *Hijab* is banned in a State where there are no security threats, the argument could be advanced that the ban was put in place because it is looked upon as a religious symbol. This necessitates some comments: firstly, a religious symbol per se does not come within the permissible limitations laid down under section 45(1)(a) and (b). Secondly, a ban on the basis of religious symbolism would make the ban discriminatory and consequently unconstitutional given that a similar ban is not placed on symbols of other faiths. In this context of evenhandedness must the provisions on bans on religious symbols in other jurisdictions,<sup>65</sup> rather than selective, prejudicial bans on the symbols of one faith, be understood. Most of the bans imposed in Europe affect religious symbols, which *include* Islamic symbols although the ulterior motive is *ironically* clear. As a result of this general, unselective ban, there is evidence that practitioners of other religious faiths have also been challenging these bans. In one example in Britain, workers are challenging the validity of a legislation that forbids employees from wearing religious symbols to work including crosses.<sup>66</sup> Although the law in question appeared to breach the right to freely practise one's religion, still the response of the British Government was instructive on the question of discrimination:

*"The equality act makes very clear that people have the right to express their views in a legitimate way as long as they do not discriminate against a particular group or individual"*<sup>67</sup>  
(emphasis added).

The above constitutes clear evidence that the Government had at least had in contemplation that there was a serious question of discrimination involved, something the Lagos State Government, for instance, had appeared to have very little regard for.

We come to the conclusion that the Muslim's culture is *generally* and *largely* well protected under the Constitution. What is lacking, however, is the will to challenge these heinous abuses in court supported with these sophisticated arguments. The further question therefore is what Muslims are doing to preserve and sustain the superior moral culture of Islam, which we project to come under further threat in many guises. Officials who are prejudiced against Islam are likely to continue to look to the innovation of the western world in selectively adopting and adapting hostile and discriminatory policies. The ban on the *Hijab* was a copycat measure only accentuated by the reckless disregard for the appearance of prejudice in that the measure was targeted at the *Hijab* rather than religious symbols. Other threats loom

<sup>62</sup> Section 42(1)(a).

<sup>63</sup> Section 42(1)(b).

<sup>64</sup> Section 42(3) states, "Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria."

<sup>65</sup> France, the United Kingdom and most of the European jurisdictions that have enacted such laws.

<sup>66</sup> 'UK Workers Fight Gov't Ban on Religious', op, cit.

<sup>67</sup> 'UK Workers Fight Government Ban on Religious Symbols', ibid.

in the horizon and this manner of copycatism should continue to rear its head. For instance, at the moment, meat is generally slaughtered for public consumption by *halal*<sup>68</sup> methods in Nigeria. This should not be offensive to other groups given that they have no injunctions regarding the mode of slaughter of the meat they consume. Sometime in March 2013, Muslim and Jewish pupils at a school in France were told that they would no longer be given a substitute meat if they do not eat pork, which is forbidden under Muslim and Jewish dietary codes.<sup>69</sup> Even parents who offered to cook *halal* meals for the children and bring them to school were rebuffed by the town's mayor with the refrain that it would be "logistically hard to implement and ethically shocking".<sup>70</sup> It should come as no shock to anyone if in Nigeria, an agitation for the abrogation of a practice that has become convention is suddenly activated. The foregoing leads back to the imperative question - what are Muslims doing to preserve and sustain the Islamic culture, particularly those founded on Islamic law?

### **Towards Islamic Cultural Renaissance**

In charting a course towards cultural renaissance, the Muslim *Ummah* must re-examine its behaviour and use its intelligence. The ethical challenge faced by the *Ummah* today is as much the consequence of western influences as it is the exercise of her free will to depart from what is right and proper. By the same free will, she can task her conscience to return to etiquette which guides and directs acceptable social conduct and appropriate behaviour in accordance with the dictate of the glorious Quran and tradition of Rasulullah (SAW). This task must go further for Muslims to reconsider their priority in this world. For, ALLAH (SWT) said, "And I have not created the jinn and mankind but that they should worship Me".<sup>71</sup>

Thus, every Muslim is under an obligation to fashion his entire life in accordance with the dictates of Quran and Sunnah. Prophet Muhammad (SAW) was an excellent example of how a growing child should behave, how a young man should conduct himself, and how a parent should manage family affairs. As a teacher of the best and highest conduct and character, he was himself an embodiment of all noble qualities and values.

As a first step towards Islamic cultural renaissance, parents should adopt the Prophet (SAW) as their role model and then employ the family unit as instrument of cultural reawakening. This is in distinct contrast to the Muslim *Ummah*'s present day reality in which Muslims now find role models in homosexuals, drug-drenched rock artists. Since the family is the building block of any society, the kind of Muslim *Ummah* to be aspired to is a reflection of the families that compose it. In structuring the family unit, there must be due consideration of the *corpus juris* of Islam (shari'ah). The shari'ah provides the norms and requirements that legitimise the relationship between a man and a woman before they are admitted into the institution of marriage. If a parent's goal is to nurture a Muslim child conscious of Islamic culture and its unique identity, he/she should carefully choose a Muslim partner with sufficient knowledge and taqwah to nurture children to become good Muslims. Rasulullah

<sup>68</sup> Arabic word for "lawful".

<sup>69</sup> 'Pupils at French School told: "It's Pork or no Meat"' accessed at <http://www.thelocal.fr/20130305/its-pork-or-no-meat-pupils-at-french-school-told> on 2 June 2013.

<sup>70</sup> 'Pupils at French School told: "It's Pork or no Meat"', *ibid*.

<sup>71</sup> Quran 51:56.

(SAW) said, “make a good choice for your sperm (i.e. offspring): marry worthy (women) and marry (your daughters) to worthy men”.<sup>72</sup>

Flowing from the above basic parental responsibility, children in their formative years should be administered with sufficient dose of Islamic moral orientation necessary to prepare them for meaningful adult life. The most critical of the orientation is to link the children to ALLAH (SWT). This is a continuous process that begins with the birth of the child. “The home should resonate with mention of Allah’s name through the various words of remembrance”.<sup>73</sup> Once the child attains the prescribed age to commence *salat*, it is incumbent on parents to watch over them and ensure that regular *salat* becomes a habit.

The Muslim *Ummah* is blessed with men and women who are rich enough to establish formal institutions from primary school to tertiary level. Unfortunately this responsibility has not been taken very seriously, the consequence being that Muslim children are enrolled into private primary and secondary schools that resonate with corrosive western influences. In some schools, for instance, Muslim children mark Valentine’s Day with a certain panache and with the consent of parents. At tertiary level, the situation is appalling. It is a familiar fact that in all of the public universities in Nigeria, Muslim students are at the mercy of western cultural influences which confront them in various guises. For the private universities, it is sad to note that out of the 34 licensed, 17 are owned by various Christian proprietors while only 4 are owned by Islamic foundations and 13 by other descriptions of proprietors.<sup>74</sup>

This is a clarion call for members of the Muslim *Ummah* who are endowed by ALLAH (SWT) to commit part of their wealth to funding education at all levels. The ability of the *Ummah* to promote Islamic culture and assert its unique identity depends largely on the number of primary schools it owns, the number of secondary schools it owns and the number of Islamic universities, polytechnics and colleges of education it owns. The only way the Muslim *Ummah* can hope to be the avant-garde of a new world order is to begin to build institutions of its own. From the family institution to the various levels of educational institutions, the *ummah* can construct a fortress to preserve her cherished values and identity from western cultural onslaught.

The 9/11 attacks on the World Trade Centre in New York had already created a sensitive attitude towards Muslims across the World including Nigeria. The *Boko Haram* insurgency which has entrenched itself in many part of Northern Nigeria has merely served to consummate this hostility towards Muslims in Nigeria, as a result of which more and more questions are being asked regarding the propriety of allowing the free expression of Islamic culture. This has naturally, in addition to the tension created by the insurgency itself, heightened tension, threatened security and consequently become a sensitive issue of the highest national priority. Given the emotion that has attended the subject (as it should be in a multicultural and multi-religious society), it is clear that the few scholarly contributions on either side of the spectrum overwhelmed with emotion, have scarcely turned their attention to the one authority with the capacity to apportion rights and duties to persons and groups in Nigeria – Nigeria’s fundamental law: the 1999 Constitution (as amended).

<sup>72</sup> Ibn Majah – Hadith Collection.

<sup>73</sup> Tarbiyah: “Raising Pious Children” in an-Naseehah, Vol.9 No.3, p.12

<sup>74</sup> See the evolution, growth and proprietors of private universities in Ngeria between 1999&2007 in Obasi, I. N. (2008): Private Higher Education and Public Policy in Africa: A Contrasting Case of Nigeria and Botswana, Cuvillier Verlag, Germany.

By implication, this study has undertaken the unusual step of attempting to dispassionately interpret the relevant provisions of the Constitution with the aim of bridging this particular gap both in knowledge and in literature regarding the subject in Nigeria. The simple scheme of the article is, among others, to ensure a dissemination of knowledge regarding the relevant provisions of the Constitution that should result in a diminishing of the emotional outbursts underlying the tension. This awareness and enlightenment creation should diffuse the tension and consequently form a substantial part of what might prove to be the solutions to this sensitive global challenge.

## CONCLUDING REMARKS

The arguments around the clash of cultures thesis are convincing enough to suggest that mankind is confronted with a present and steady danger. The interface between Islam and the west as Huntington rightly observed, represents the struggle for a new world order. This new world order cannot be determined by economic prosperity or military superiority. Rather, it will unarguably be defined and shaped by unimpeachable ethical values and principles specifically “structured to address human frailties”, to borrow the words of Ullah-Jan. Be that as it may, two fundamental questions beg for answer; (1) which of the two contending cultures possess the moral credentials to dictate these values and principles?, (2) is the Muslim world prepared to give in to the relentless onslaught by the West to atomise her cherished culture and traditions?

Any attempt to tackle the foregoing questions must first take a perceptive look at the tension in the Middle East and other flash points of the clash of cultures. The disastrous consequences of this cold war is a constant reminder that mankind is in urgent need of international code of morality. For the Muslim *Ummah* this pogrom may well be considered as the high point of the last hours.

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