

Religious Particularity, Abuse of Freedom of Religion and Its Attendant Challenges in Ijebu-Ode

By

Adegboyega Ogunsanya PhD,
%c College of education,
Ikire Ekiti, Ekiti State
gboyeoguns@gmail.com
08033711148

Abstract

The tenets of Christianity in Nigeria prevent adherents from changing to other religions but grants them the freedom to convert others to their religion. This intolerance engender religious crisis leading to loss of lives and properties and must be curbed. The objectives of this study are to examine freedom of religion in the Nigerian constitution and in Christianity, how the existence or lack of the freedom is contributing to or curbing religious intolerance. Using Ijebu-Ode as a case study, this paper adopted the empirical method of research. The study found that Nigerian constitution allows a person practice the religion of his choice and to change his religion. Christianity encourages her adherents to convert those of other religions to Christianity but discourages her adherents from changing to another religion, marrying from another religion, attending school belonging to another religion. The government engages in religious practices, gives preference to one religion over others, and does not prosecute abusers of the freedom of religion of others. The paper recommends that individuals should institute court action to enforce their right to freedom of religion; government should prosecute abusers of freedom of religion of others, government should not give preferential treatment to any religion and should obey all laws on freedom of religion.

Keywords: Religious Particularity, Abuse, Freedom of Religion, Challenges, Ijebu-Ode.

1. Introduction

The Constitution of the Federal Republic of Nigeria 1999 contains ample provisions on freedom of religion. The major provision on freedom of religion falls under the ambit of fundamental human rights in the Constitution and is guaranteed and enforceable in the courts. The freedom includes that to choose and have ones religion, to practice it individually or collectively, to change one's religion, the right to propagate it, not to be discriminated against on the ground of one's religion. The Constitution also declares that the government does not have an official or state religion.

The practice of religion in Nigeria has not failed to generate tension because they manifest a particularity which makes it difficult for them to tolerate one another as they are jostling for supremacy. Practicing religion in such atmosphere generates unrest because freedom of religion though guaranteed is violated. People propagating their religion in order to win others have been violently attacked by persons of other religions, sometimes leading to death. Persons carrying out activities they are entitled to under the law such as taking their lunch or trading, have been violently attacked or prevented because such activities occurred during the fasting period of another religion. Women who lost their husbands have been subjected to inhuman treatment contrary to their religion but inherent in the traditional burial rites for the deceased.

In addition to these violations of the right to freedom of religion, the Constitution itself limits the rights of citizens to the enjoyment of this right. The right of another person and the interest of the public curtail this right. The nature of religion itself where one claims superiority over others and practices particularity, makes it difficult for citizens to enjoy freedom of religion since adherents obey the tenets of their faith and in the process deny others belonging to other religions their freedom. This happens because by their religion they are not allowed to change to other religions but can convert others to theirs and this promotes religious intolerance that must be curbed.

2. Nigeria's Religious Landscape.

Religion is a system of beliefs and practices by means of which a group of people struggle with the ultimate problems of human life (Yinger, 1967). It is in the practice of the religion that the people can be termed religious and the freedom of religion they enjoy assessed. Therefore, Odumuyiwa (2001) defines "religious" as following the rules, forms of worship of a religion. There are rules and regulations that the adherents of each religion are taught to follow and it is in doing this that the religions wax stronger in the society. According to Ogundana (2012), Nigerians are religious, the seriousness of their faith and commitment to their religious beliefs cannot be doubted, because they apply religion to their social, emotional, economic, intellectual and spiritual life since they believe that religion is relevant in all these areas of their lives.

Nigeria is a multiethnic and multi-religious nation of over 180 million people in population. She has 36 States and a Federal Capital Territory. The two dominant religions are Christianity and Islam followed by African Traditional Religion. Accurate percentage of population of the various religious groups in Nigeria is not yet determined with certainty as religion is not one of the parameters in the last national census conducted. It is generally believed that Muslims dominate the 19 Northern States comprising mostly

Hausa-Fulani Tribes, while Christians dominate the 17 Southern States comprising mostly Yoruba and Igbo Tribes. However, there are both Christians and Muslims in the Middle Belt and also a large number of Muslims in the South Western States.

One of the big towns in Nigeria is Ijebu-Ode which belongs to the Yoruba Ethnic group and the Ijebu Tribe, located in Southwest Nigeria and is a commercial centre where all the major tribes in Nigeria are resident and has adherents of the major religions being Islam, Christianity and African Traditional Religion interacting with one another with observable consequences.

3. Constitutional Provisions on Freedom of Religion

Nigeria runs a democratic government under her 1999 Constitution. By Section 1 (1), the Constitution is supreme and any law contrary to it is null and void by Section 1(3). As a democracy, the rights of individuals are guaranteed, though for group and individual interest, those rights can be derogated from under Section 45(1). As a federation, the states too can make laws for peace and good government of their territories under Section 4(7). According to Sunga, Walker and Mason (2016), freedom of religion forms part of the fundamental human rights every individual is legally entitled to, when violated, other rights of the individual are also violated and more importantly, when exercised it clashes with the freedom of religion of others.

The provisions on the right to freedom of religion in Sections 38(1), 15(2), 42(1) and 10, are discussed as follows:

(i) Section 38(1) to (4):

(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 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.

(4) Nothing in this section shall entitle any person to form, take part in the activity or be a member of a secret society.

Section 38 guarantees the rights to freedom of religion of both the individual and in community with others. By this provision, people can embrace the religion of their choice and can also change their religion. They can also manifest and propagate their religion in worship, observance, teachings and practice alone or in conjunction with others. This law is in sync with Article 18 of the Universal Declaration of Human Rights, 1948 which Nigeria acceded to.

(ii.) Section 15(2): Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.

This provision encourages people to marry from a religion different from theirs. It also guarantees that no one will be discriminated against on the basis of the religion he or she practices.

(iii.) Section 42(1):

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-

(a) be subjected either 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 communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or

(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not by reason on that he is such a person be subject to disabilities or restrictions which others are not subject to, neither enjoy privilege or advantage that others are not accorded. Sections 15(2) and 42(1) above ensure that nobody is unfairly treated, suffer any disadvantage or denied what others are enjoying on the basis of his religion. People of all religions must be treated equally.

(iv.) Section 10: The Government of the Federation or of a State shall not adopt any religion as State Religion.

This provision is to the effect that no preferential treatment must be accorded to any religion and the government must not interfere in religion. According to Joseph and Rothfuss (2012), Section 10 of the Constitution was intended to provide a safeguard against turning the country into a theocracy. The intention of the Constitution is that Nigeria should not adopt any of the religions as State or Official religion

4. Abuse of the Right to Freedom of Religion

Notwithstanding the provisions of the Constitution on freedom of religion, abuses do occur. According to Onaiyekan (2009), problems are often created in the area of religious freedom by people with fanatical and exclusive views of their own religions, making no room for others to believe differently. The “my religion is the only true religion” mentality practiced by the various religions contradict the wordings of the Constitution, hence the violations of the freedom of religion because adherents are forbidden to change to another religion but mandated to convert others to their own religion. Oduwole and Fadeyi (2013), aver that the adherents’ claim to monopoly of religious truth makes them disbelieve the truth in the other religions and engage in aggressive evangelism to bring in converts to their own religion. Abuses occur as a result of some of the following: (i) Tenets of faith that forbids changing to another religion but mandates proselytizing others. (ii) Claims to exclusivity and supremacy, domination and expansionist tendencies of the religions. (iii) Fanaticism, illiteracy, hero worshipping of religious leaders whose word is taken as law and is not questioned. (iv) Partiality of government or leverage given to dominant religions or religion over others. (v) Failure of government to take decisive action on perpetrators whenever there are infractions of the right to freedom of religion of others. Below are some examples of how the rights to freedom of religion have been abused:

(i) Right to Practice One’s Religion.

(a) In the case of *Jenubu Oyonye Versus Adegbudu* (1983) 4 NCLR 492, the appellant refused to buy a goat for the burial sacrifice of her deceased husband according to Adoka custom, because that was against her Christian faith. The Court of Appeal held that she cannot be compelled to go against her religion which the Constitution guarantees her freedom to practice. That Adoka custom violates her right and is null and void.

(b) In *Medical and Dental Practitioners Disciplinary Tribunal Versus Okonkwo* (2001) FWLR (pt 44) 542, a Jehovah Witness member objected to a blood transfusion on the ground that it contravened his religion and that the doctor had no right to overrule the

patient's refusal of the blood transfusion on the ground of public interest. The Supreme Court upheld the right to freedom of religion and said "a person cannot be coerced into acting contrary to his belief."

(c) On Christmas day in 2011 during Church service at St. Theresa's Catholic Church in Madala, about 40 kilometers from Abuja, Islamic Militants detonated bombs which destroyed the Church and killed 44 people and 127 were injured.

(d) A recent case in point is that of Leah Sharibu, a Christian schoolgirl captured on 19th February, 2018 at Dapchi by the Boko Haram group along with other 109 girls. Five died, 104 were returned to their parents. Leah Sharibu continues to be in their captivity because she refused to renounce her faith and convert to Islam.

(ii) Right to Proselytize or Propagate One's Religion.

(a) Adepegba (2016) narrates how a female Redeemed Christian Church of God preacher was allegedly killed by Muslim fanatics during early morning evangelism. She was Mrs. Eunice Elisha and mother of seven. She went on "morning cry" at about 5am on Saturday 9th July 2016 around Gbazango-West area of Kubwa, a satellite town in the Federal Capital Territory. She was stabbed in the stomach and also had a cut in her neck. She was found dead in a pool of her blood with a copy of the Bible, a megaphone and a mobile phone.

(b) Fatokun (2005), avers that in Kano State in December 2002, six Christians were burnt to death in a single family as Muslim militants poured out vengeance on one Pastor Sunday Madumere as a reaction to his proselytizing role which had allegedly led to the conversion of many Muslims in the city of Kano to Christianity.

(c) Government restriction that forbids preaching on government premises in order to prevent people being converted from their religion to another.

(iii) Right to Change One's Religion.

Okenu (2002) posits that the freedom to change one's religion goes contrary to some religions, especially Islam which does not permit its members to leave the religion. Under Shariah, it is considered apostasy which is a capital offence. In Christianity too, believers are advised not to be joined with unbelievers or infidels but to be separated from them otherwise they will spend eternity in hell fire. Hence this right to change one's religion runs contrary to the dictates of many religions and adherents are not willing to explore it because of the consequences.

(iv) Right to be Free from Discrimination on the Ground of One's Religion.

(a) A case of violation of religious freedom through discrimination was established in *Adamu and Others Versus Attorney General of Borno State and Others* (1996) 8NNLR (pt 465) 203 where the Plaintiffs/ Appellants claimed that both Christian and Muslim pupils in primary school in Gwoza Local Government Area of Borno State were entitled to equal treatment in both education and religion, that it was unconstitutional for Christian parents to pay for teachers so that their children can learn Christianity while the Local Government paid Islamic teachers and that pupils should not be taught Islamic religion and Arabic language against their will and wishes of their parents. The court granted them the reliefs sought.

(b) Another example of discrimination is where some States under Section 4(7) of the Constitution which permits them to make laws for peace and good government of their territories have introduced Shariah law. In year 2000, the jurisdiction of Shariah Courts was extended from civil to criminal matters in Zamfara State and eleven other Muslim majority States followed suit. Technically, the law does not apply to non-Muslims, but objection has been raised by non-Muslims that their rights to practice their own religion are infringed when penalized for acts not tolerated by Shariah but acceptable in their own religion.

(v) Government interfering with and Giving Prominence to One Religion or Religions above others

The dominant religions in Nigeria are Christianity and Islam. Nwauche (2008), surmises that the failure of government to discharge her duties of equality and non-discrimination toward all religions, promote intolerance. The Government both covertly and overtly sponsor and promote the two religions in the following ways:

(a) Establishing Pilgrims Boards for and sponsoring Christians and Muslims on Pilgrimages. (b) Co-funding the National Mosque and the Ecumenical Centre in Abuja. (c) Commencing the New Legal Year for the State Judiciaries with services in Mosques and Churches only. (d) National holidays on religious grounds are for Christians and Muslims only. (e) Acquiring land and procuring certificate of occupancy for a place of worship in a State dominated by another religion is made very problematic. (f) Promulgating law to license religious preachers yearly as was done in Kaduna State which met stiff resistance. (g) Commencing and closing official programmes with either Christian or Muslim prayers or both.

5. Challenges of the Abuse of Freedom of Religion

A major challenge is that the abuse of the right to freedom of religion continues unabated. The adherents of religion have the mentality that their particular religion is the best and the tenets discourage them from changing their religion contrary to the constitutional right that guarantees them the right to change their religion. In addition, the tenets of their religion that does not permit them to change, permits them to propagate it and convert others to their own religion which they understand to be the best thereby violating the right to freedom of religion of others. Other challenges are that the violations of the right to freedom of religion promote unrest and are inimical to the progress of the country. They engender miss-trust among the religious and ethnic groups. Wide-scale destruction of lives and properties has occurred, particularly places of worship and government establishments. Large number of internally displaced people have emerged living in squalid ill-equipped camps established for them. Of particular note is the extensive damage the Boko Haram group (translated Western education is sin) has caused particularly in North Eastern Nigeria in the quest to convert people to Islam. On the effect on the economy, Jegede (2019), avers that sources of livelihood of people are destroyed and investors relocate to safer places and unemployment increases.

6. Data Analysis and Results

To gather data for this paper, copies of questionnaire were administered to Christians in Ijebu-Ode, 288 in all. In order to have an even spread, Ijebu-Ode was divided into four zones; Northwest, Southwest, Northeast and Southeast using Arigbabu Roundabout as centre point, Folagbade Road/Ibadan Road for North and South delineation and Abeokuta Road/New Road for West and East delineation. Respondents that received the questionnaire are from four groups of churches in the four zones respectively namely; (i) Mainline (Anglican, Methodist and Catholic Churches) (ii) Pentecostal (Assemblies of God Church, Redeemed Christian Church of God and Foursquare Gospel Church) (iii) African Indigenous (Cherubim and Seraphim Church, Celestial Church of Christ and Aladura Church) (iv) Evangelical (Baptist Church, Evangelical Church Winning All and Seventh Day Adventist Church). Each of the twelve churches in each zone received six copies of questionnaire making seventy two copies in each zone and two hundred and eighty in the four zones. Only two hundred and seventy four copies of those retrieved were used for this study.

Biographical data of the respondents: Males were 56.20% and female 43.80%, Clergy 18.61%, Self-employed 33.58%, Office workers 34.31% and Students 13.50%. With respect to ages, 20-40 years were 40.51%, 41-60years were 41.97% and 61years and above 17.52%. The responses to the research questions are as follows:

(i) What are the perceptions of Nigerians on freedom of religion? A total of 98.54% responded positively to the statement that “the Nigerian constitution provides that citizens shall enjoy freedom of religion.” On whether they can practice their religion without adherents of other religions disturbing them, 98.18% responded positively. A total of 95.26% agreed that they are free to invite adherents of other religions to join theirs. The statement that “freedom of religion means I should allow others to practice their religion without disturbing them” received 97.08% positive responses. The positive responses show that Christians in Ijebu-Ode are aware that the Nigerian constitution provides that citizens enjoy freedom of religion and what it entails.

(ii)

(iii) How is Freedom of religion enjoyed in Nigeria? The statement that “my religion is better than the other religions in Nigeria” received 91.24% positive responses. A total of 78.47% responded positively to the statement that “my religion does not allow me change to another religion.” The statement that “my religion does not encourage me to marry from another religion” received 85.04% positive responses. A total of 62.78% responded positively to the statement that “my religion does not encourage me to attend a school belonging to another religion.” The positive responses to the above statements confirm that the actual practice of religion is at variance with the provisions of the constitution on freedom of religion. The exclusivity of religion where an adherent believes his religion is better than others leads to intolerance and such an adherent cannot change his religion according to the freedom guaranteed by the constitution. The constitution encourages intermarriage amongst the citizens, but religion discourages it. The constitution allows a school totally funded by any particular religion to teach her tenets of faith to the students, but religion discourages adherents of other religion attending such school. The constitutional provisions on freedom of religion are at variance with the tenets and actual practice of Christianity.

(iv) How are Nigerians prevented from enjoying freedom of religion? A total of 97.08% positive responses were received to the statement that “my religion teaches that I should convert adherents of other religions.” The statement that “adherents of my religion must not see me listening to people of other religions trying to convert me” received 57.3% positive responses. A total of 65.33% positive responses were received to the statement that “Nigerian laws do not permit me to propagate my religion in the premises of government establishments.” The positive responses received to these statements confirm that religious tenets are responsible for religious intolerance because an adherent can convert others to his religion while he cannot be seen being converted by adherents of another religion. The government making laws to prevent religion being propagated on her premises is a way

of preventing religious crisis while tenet of religion that encourages adherents to convert others produces a contrary result.

(v) What are the consequences of failure to enforce freedom of religion in Nigeria? A total of 97.05% responded positively to the statement that “people have been killed while practicing their religion in their places of worship.” The statement that “people have been harmed for trying to convert others to their own religion” received 96.35% positive responses. The statement that “loss of lives and destruction of properties result from failure to enforce freedom of religion” received 96.36% positive responses. These positive responses confirm that contrary to the constitutional provisions, freedom of religion is yet to be enjoyed as lives and properties are being destroyed because of religious intolerance.

(vi) What steps can be taken to ensure Nigerians enjoy freedom of religion? A total of 60.59% positive responses were received to the statement that “I will sue to court whosoever violates my freedom of religion.” The statement that “government funds religious pilgrimages of selected persons to Israel and Saudi Arabia” received 97.44% responses. A total of 84.67% positive responses were received to the statement that “government does give preferential treatment to one religion over another.” The statement that “those that attacked people in their places of worship are yet to be prosecuted” received 98.54% positive responses. These positive responses confirm that individuals and government need to take some positive steps to curb religious intolerance and enforce the freedom of religion guaranteed by the constitution. Hacker (2018), avers that when the freedom of religion of the individual is violated, the government must intervene and secure his or her right.

7. Conclusion and Recommendations

The Nigerian society is very religious and adherents of the various religions conform to the tenets of their faith. In as much as this is the norm, violations of freedom of religion will continue unabated. Freedom of religion is difficult to attain in such environment where various religions practice particularity and forbid their adherents changing to other religions. In their attempt to maintain dominance, they vehemently resist incursion from other religions into their domain, such that propagation and proselytizing often lead to unrest and destruction of lives and properties. This paper concludes that the tenets of faith of Christianity makes it a particular religion and brings it in direct conflict with the provisions on freedom of religion in the Nigerian constitution, as long as this persist, it is difficult to curb religious intolerance leading to unending religious crisis.

It is recommended that (i) Aggrieved persons whose rights have been abused must always approach the court that in turn must be alive to their responsibility of dispensing justice according to the law if the right to freedom of religion is to be enjoyed. (ii) The Government at all levels must not give preferential treatment to any religion and must enforce the legal framework on freedom of religion without partiality such that abusers of freedom of religion of others are dully punished. (iii) The Government must comply with the various laws on freedom of religion both local and international.

References

- Adamu and Others Versus Attorney General of Borno State and Others (1996) 8NWLR (pt 465) 203.
- Adepegba, A. (2016). "How Female Redeemed Preacher was Killed During Morning Evangelism" retrieved from <https://punch.ng.com/female-redeem-preacher-killed-morning-evangelism/> on 31/8/19.
- Constitution of the Federal Republic of Nigeria, 1999.
- Fatokun, S. (2005). "Christian-Muslim Relations in Nigeria: Cooperation and Conflicts". *Insight: Journal of Religious Studies*, 2:60-69, Ilishan Remo: Babcock University Religious Studies Department.
- Hacker, H. (2018). "The Right to Religious Freedom: A Theological Comment." *Loyola University Chicago Law Journal*, 50 (107-136).
- Jegede, P. (2019), "Implications of religious conflicts on peace, national security and development in Nigeria." *Ilorin Journal of Religious Studies*, (IJOURELS), 9: (1) 53-70.
- Jenubu Oyonye Versus Adegbudu (1983) 4NCLR 492
- Joseph, Y. & Rothfuss, R. (2012) "Threats to Religions Freedom in Nigeria" retrieved from <https://www.researchgate.net/publication/259029651> on 25/8/19.
- Medical and Dental Practitioners Disciplinary Tribunal Versus Okonkwo (2001) FWLR (pt 44) 542.
- Nwauche, E. (2008) "Law, religion and human rights in Nigeria." *African Human Rights Law Journal*, 8 (568-595).
- Odumuyiwa, E, (2001) "A Religious but Criminal Society: Any Remedy? An inaugural Lecture delivered at the Olabisi Onabanjo Univeristy, Ago Iwoye, 2001, Ago-Iwoye: Olabisi Onabanjo Press.
- Oduwole, T. & Fadeyi, A. (2013), "Religious Fanaticism and National Security in Nigeria." *Journal of Sociological Research*, 4(1) 49-60.
- Ogundana, R. (2012). "Religion as a Tool for Rebranding Nigeria" in Akintunde, D. (2012) (ed), *Biblical Studies and Rebranding Nigeria Campaign*, Ibadan: Nigerian Association for Biblical Studies Western Zone, 99-104.

- Okenu, B. (2002). "The Right to Freedom of Religion vis a vis Religious Intolerance in the New Millennium." (2002). LLM Theses and Essay 37, retrieved from https://digitalcomms.law.uga.edu/stu_llm/37_on_25/8/19/
- Onaiyekan, J. (2009). "Freedom of Religion in Nigeria" A Paper Delivered at a Meeting Organized by the United States Commission on International Religious Freedom, USCIRF. Capitol Hill, Washington DC, April 22nd 2009.
- Sunga, L. Walker, N. & Mason, H. (2016). "Freedom of Religion or Belief and the Law: Current Dilemmas and Lessons Learned." *International Development Law Organization (IDLO)*, Rome (1-43).
- Yinger, M. (1967). *Religion, Society and the Individual*, New York: Macmillan Press.