USING COGNITIVE RESTRUCTURING TO ENHANCE ACADEMIC SELF-EFFICACY OF LOW-ACHIEVING STUDENTS IN ONDO STATE, NIGERIA

J. O. FALOYE (Ph.D)

Dept. of Educational Psychology, College of Education
Ikere – Ekiti, Ekiti – State, Nigeria
08038537314, email: jofaloye@gmail.com

ABSTRACT

Low academic achievement appears to be the bane of education in Nigeria. Results released by external examination bodies over the years reveal that the percentage of candidates who could use their results for University admission have always been less than 40. This study therefore experimented on how cognitive restructuring (CR) could be used to enhance the academic self-efficacy of low–achieving students in Ondo State, Nigeria. Pre-test, post-test, control group quasi experimental design was adopted for the study. Stratified random sampling technique was used to select participants into treatment and control groups. Students' Perceived Academic Self–Efficacy Scale (SPASES) (r=0.77) was used for data collection. Two null hypotheses were tested at 0.05 level of significance. Data were analysed using analysis of covariance and t-test statistics. Result of analysis showed that there was significant difference between the academic self-efficacy (F(1,76) = 3.57;<.05) of the participants exposed to CR and the control. CR was more effective (X = 106.006) than control (X =94.803) in enhancing academic self-efficacy of the participants. The t-test showed no significant difference in the academic self – efficacy of male and female participants exposed to CR (t(38) = 0.657,P >0.05) implying that there was no contribution of gender to academic self-efficacy among participants. CR is recommended for training learners, to have belief in their ability to achieve high academically.

Key words: Cognitive restructuring, self-efficacy.

INTRODUCTION

Low academic achievement appears to be the bane of education in Nigeria. Judging from the results released by external examination bodies like the West African Examination Council (WAEC) and National Examination Council (NECO) over the years, the percentage of candidates who could use their result to gain admission into the university has always been less than 40. If majority of candidates perform below expectation, year in, year out, certainly something is wrong which probably has not been identified or addressed.

Researchers in the field have tried to come up with various reasons why students achieve low academically. Bakare (1994) cited factors resident in the school, in the society, in the family and in the child. Aremu (2001) cited factors resident in government. Of all these factors, the ones resident in the child or the learner deserves greater attention in view of the fact that if all other factors are taken care of without an in-depth attention on the learner, efforts may amount to leading the horse to the stream without the ability to make it drink. Therefore the time is now for educational psychologists to focus attention on the learner and rid the nation of the mantra of academic underachievement.

Psychologists distinguish between mastery-oriented learners and those who are victims of learned-helplessness. The former would attribute failure to factors about themselves and take an industrious, persistent and enthusiastic approach to overcome the challenge (Berk,

1997). Whereas the latter believe that ability is a fixed characteristic of the self that cannot be changed – they do not think competence can be improved by trying hard, so when a task is difficult, these learners experience an anxious loss of control. They quickly give up saying "I can't do this" before they really tried (Elliot and Dweck, 1988).

A statement such as "I can't do this" takes the attention of cognitive restructuring psychologists who believe that the way people think affects how they respond. Cognitive therapies all suggest that negative or unhelpful thoughts and beliefs are significant factor in the development or exacerbation of depression, anxiety, low self-esteem, self-defeating behaviours and difficulty with coping. Thus to Ellis (1991b), a student who utters the statement "I can't do this" is "awfulising" and "damning himself". To Beck (1976) such a statement derives from "cognitive frailty" which leads to cognitive "distortions" that result in automatic thoughts which operate "to help stay off course". And to Miechenbaum (1977), such a statement is an outgrowth of the individual's "self-defeating internal monologues". Thus cognitive restructuring focuses on addressing learners who have negative distortions about themselves.

In a bid to make learners achieve high in the educational setting, psychologists further stress the role of self-efficacy which pertains to beliefs that individuals create, develop and hold to be true about themselves which form the very foundation of human agency and are vital forces in their success or failure in all (school) endeavours (Pajares 2003, 2007). Faloye (2015) posited that self-efficacy, if well fostered among learners, could be a path to quality assurance. Individuals naturally attain success in what they believe they are capable of doing. Therefore self-belief in capability to achieve must be fostered in the learner.

Quoting the Roman poet, Virgil, who observed that "they are able who think they are able" and the French novelist, Alexander Dumas, who wrote that when people doubt themselves, they make their own failure certain by themselves being the first to be convinced of it, Stajkovic and Luthans (1998), claim that researchers have been very successful in demonstrating that individuals' self-efficacy beliefs powerfully influence their attainments in diverse fields.

Therefore a careful manipulation of cognitive restructuring and academic self-efficacy can make a significant turn-around in learners' academic attainment.

Statement of the Problem

A lot of effort has been expended on how to make students improve on their academic performance. However, perhaps because the efforts have concentrated on factors external to the students, it appears not much has been achieved. This might be the reason behind students' poor performance in external examinations such as WAEC and NECO. It is high time attention is turned on reshaping factors resident in the student such as cognitive restructuring and academic self-efficacy.

Purpose of the Study

In view of the fact that cognitive restructuring is very apt in addressing learners who have negative distortions about learning, this study is interested in using it to enhance academic self-efficacy of low-achieving secondary school students in Akure, Ondo State, Nigeria with the sole aim of making them have confidence in themselves as well as encouraging them to develop "I – can – do – it" belief.

Variables of the Study

The two variables in the study are cognitive restructuring and academic self-efficacy. Psychologists describe cognitive restructuring as the way people interpret events, perceive themselves and judge their own abilities. Self-efficacy pertains to an individual's beliefs about personal capabilities to exercise control over their own level of functioning and over events that affect their lives (Bandura, 1993)

Hypotheses

(i) There is no significant difference in the academic self-efficacy of participants exposed to cognitive restructuring and the control group.

(ii) There is no significant difference in the academic self-efficacy of male and female participants exposed to cognitive restructuring.

METHODOLOGY

Design: The study employed a pre-test – post-test control group quasi experimental design using a 2 x 2 matrix. The first (2) denoted the treatment condition comparing the experimental group and the control group. The other (2) denoted gender of the participants varying at two levels of male and female. The sample for the study comprised 80 senior secondary school II (SSS II) students (i.e students who are in their fifth year of secondary education) drawn from two randomly selected schools out of the 25 public secondary schools in Akure. The schools were

(a) Akure Secondary Commercial School, Akure (experimental school)

(b) African Church Comprehensive High School, Akure (control school)

Final selection of participants was preceded by a preliminary investigation to select low achievers from the two secondary schools used for the experiment.

The selection of participants was through stratified random sampling technique, based on academic performance of the students. Their results in promotion examinations (made up by the cumulated average of six continuous assessment scores and three terminal examinations) were used to select low achievers. Promotion in the schools was based on a number of credit passes and ordinary passes thus:

(a) Four credit passes and above – promoted to the next class.

(b) Three credit passes and a minimum of two ordinary passes – promoted on trial

(c) Two credit passes and below – to repeat the class.

Participants for this study were selected from categories (b) and (c) which comprised low achievers thus:

School (a) (experimental) – 50 participants

School (b) (control) – 53 participants

At the end of the experiment, 40 consistent participants were utilized in each school.

Instrumentation

The instrument used for the study was Students' Perceived Academic Self-Efficacy Scale (SPASES) adapted from Jinks and Morgan's (1999) Children's Perceived Academic Self-efficacy: An inventory scale. The version adapted by the researcher was tailored for use in the Nigerian secondary schools on adolescents aged between 14 and 19. It spans such areas as commitment to school work; perception about education and study habits; perception about external sources of failure; perception about self-effort, etc. The scale comprised 40 items spread over two sections A and B, with A containing personal information and B containing items on Academic self-efficacy. The 40 items were scored on a 4 – point scale of: True – 4 points, Mostly True – 3 points; Slightly True – 2 points; Not True – I point. The test – retest reliability coefficient of the adapted instrument was 0.77. Two psychometric experts corrected the instrument and adjudged it as possessing both face and content validity.

Procedure

The research experiment spanned a period of nine weeks during which time there were researcher – participants' interactions. There were four main phases: recruitment, pre-test, treatment and post treatment evaluations. The control group was met only twice i.e during pretest and post-test.

The cognitive restructuring package was designed to last for nine weeks of psychological talk aimed at addressing participants distortions. Sub-headings included explanation of cognitive distortion with an illustration titled: "As you think, so you act"; identifying cognitive distortions; combating cognitive distortions; activity rescheduling, forming rational responses etc. The instruction sessions ended with a summary, post-test and refreshment.

RESULTS

Hypothesis I

There is no significant difference in the academic self-efficacy of the participants exposed to cognitive restructuring and the control group.

This hypothesis was tested using analysis of covariance (ANCOVA) because it could take correlation between pre and post-test measures into account and control extraneous variables. The result of the findings was summarized in two tables – ANCOVA of the adjusted Y-Means and Pair wise comparison table as presented below.

Table I: ANCOVA of adjusted Y-Means of the experimental group and control

Source of Variation	**Sum of Squares**	**DF**	**Mean squares**	**F**	**Sig**	**P**
Treatment	12.740	1	12.740	3.57	0.000	<0.05
Groups	9.060	1	9.060	0.37	0.891	>0.05
Interaction	58.274	1	58.274	2.38	0.097	>0.05
Residual	31369.937	76	24.508	-	-	
Total	31450.011	79	104.582	-	-	

Table II: Pair Wise Comparison of the Adjusted Y-Means on the Treatment Effects

1	Cognitive Restructuring	(a) 106.006 n = 16	(b) 99.427 n = 24
2	Control	(c) 94.803 n = 27	(d) 95.362 n = 13

Tables I and II depict the results of the treatment and non-treatment hypotheses. The treatment group (cognitive restructuring) was compared with the control. The result of the findings in table I reveals a significant treatment effect in the academic self-efficacy of the participants exposed to cognitive restructuring and the control group, $F(1.76) = 3.57$, $P<.05$. This implies that the treatment alone was effective in enhancing academic self-efficacy of the participants compared with the control group.

Table II shows the result of the pair comparison of the adjusted Y-Means of the treatment group and non-treatment group. The result of the finding shows that the treatment was superior to control group in enhancing academic self-efficacy of the participants.

Hypothesis II

There is no significant difference in the academic self-efficacy of male and female participants exposed to cognitive restructuring.

This hypothesis was tested using t-test for independent samples. The result of the findings was summarized in the table below.

Table III: T- test summary table showing significant difference in the academic self-efficacy of male and female participants in cognitive restructuring experiment.

Cognitive Restructuring	Sex of participants	N	Means	SD	t	Df	Sig	p
Academic Self-Efficacy	Male	16	79.47	19.91	0.657	38	0.876	>0.05
	Female	24	79.51	19.75				

The table above shows that there was no significant difference in the academic self-efficacy of male and female participants exposed to cognitive restructuring, $t(38) = 0.657$, $p>.05$. This implies that there is no contribution of gender to academic self-efficacy among the participants of this study. The null hypothesis was therefore accepted.

DISCUSSION

The first hypothesis stated that there was no significant difference in the academic self-efficacy of the participants exposed to cognitive restructuring and the control group. However there was significant difference in the academic self-efficacy of the participants after being exposed to cognitive restructuring as indicated in table I. Apparently exposing the participants to cognitive restructuring has enhanced their academic self-efficacy. It can thus be inferred that this study has shown that participants exposed to cognitive restructuring demonstrated tremendous improvement in academic self-efficacy than those in the control group. The finding is a further affirmation of prior studies (Rosenshine 1997; Halpern, 2004) which reported the effectiveness of cognitive restructuring as effective for a variety of learners, but particularly students with learning disabilities.

Prior to their exposure, the participants probably doubted their abilities and viewed accomplishable tasks as threats and difficult issues. According to Bandura (1994) people who doubt their capabilities shy away from difficult tasks which they view as personal threats. They have low aspirations and weak commitment to goals they choose to pursue. When faced with difficult tasks, they will encounter all kinds of adverse outcomes rather than concentrate on how to perform successfully.

The participants have become academically self-efficacious having been persuaded verbally through cognitive restructuring. Bandura (1997) posited that people who are persuaded verbally that they possess capabilities to master given activities are likely to mobilize greater effort and sustain it than when they harbour self-doubts and dwell on personal deficiencies when problems arise.

Cognitive restructuring had been used to help students achieve academically to transform, organize, elaborate and recover information (Montalvo and Gonzalez-Torres, 2004). At the end of the therapy, students showed greater efforts to participate in the control and regulation of academic tasks, classroom climate etc. In a similar manner, Faloye (2010) in a study found that cognitive restructuring enhanced the attributional behaviour of participants exposed to it when compared with the control group.

CONCLUSON AND RECOMMENDATION

The study investigated the effectiveness of using cognitive restructuring to enhance the academic self-efficacy of low achieving students – findings reveal that cognitive restructuring achieved the desired effect of enhancing academic self-efficacy of the participants in the treatment group as results show they were superior to the control group. By implication, academic low achievers may not necessarily lack the ability to achieve, but may just believe that they don't have the ability. Wrongful beliefs in ability may not be helpful in any life

endeavour. Individuals as this, according to Beck (1976) are victims of "cognitive frailty" which leads to "cognitive distortions" that result in automatic thoughts which operate to help stay off course". In the light of this the following recommendations are made:

1. Cognitive restructuring must be used to train clients to overcome their deficiencies.
2. Teachers and counsellors need be oriented in cognitive restructuring strategies which they, in turn, can use to enhance students' academic self-efficacy.
3. All stakeholders in education need to work on learners to jettison their perceived learned helplessness and develop a strong belief in their ability to achieve.
4. Since the study has revealed that factors resident in learners are significant to their school success, researchers are now availed a new area of focus.

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HIGHLIGHTED MATTERS CONCERNING THE FOUR MAIN SCHOOLS OF ISLAMIC CRIMINAL LAW

Hajed Abdulhadi S Alotaibi

Hajed Alotaibi, PHD student, school of philosophy and religion,
Bangor University, Bangor, Gwynedd, UK.
Elp43b@bangor.ac.uk

ABSTRACT

Despite the fact that the resources of Islamic criminal law have been determined, there is an obvious need to investigate to what extent scholars can consider them in the statutory law and on which perspective or common standard scholars can base and judge their deduced/extracted rulings? Moreover, from the lifetime of the Prophet to this day, Islamic jurisprudence schools have gone through some developments, yet many orientations and probably somewhat cancelations which might greatly affect the legislation in any direction (i.e. to the better situation or otherwise). Hence, by using a historical methodology approach, this paper is able to investigate those stages in which Islamic jurisprudence schools have grown, oriented or, maybe sometimes, cancelled in order to competitively supply some crucial highlighted points on those schools for legislators to consider.

Keywords: Islamic thought, schools of Islamic criminal law.

INTRODUCTION

It has been mentioned that Islamic legislation has sources, which can basically be divided into two groups, the basics and the branches. However, both of these groups pertain to God's rights, even if they are deduced by the human mind (analogy or Ijtihad) because God asked us to make a connection between results and causes (Elwan, 2015: www.abdullahelwan.net). As a result, these sources have faced some stages in terms of their considerations in statutory law as well as the scholars' perspectives towards them. In addition, some scholars (Qattan, no date), for example, divided these times into five: the Prophet's time from 610 till 632, the companions (four caliphs) from 11 to 40 in the Hijrah calendar, the small companions and the successors, from 139 till 172 in the Hijrah calendar, the four schools and the present day, whereas others like Khallaf (2015: http://google.co.uk/books?id=bXTemiaN_r0C) considered four phases, which are the Prophet's time from 610 till 632, the companions from 11 till about the end of the first Hijrah calendar (i.e. the year 95 approximately), the era of legislating and Ijtihad from 100 to 350 in the Hijrah calendar, and eventually the stage of imitating from about the middle of the fourth Hijrah century till now.

Notwithstanding the division of Qattan, it seems to be obvious, yet not accurate as he argued, that the era of the small companions and the successors would start from 139 till 172 in the Hijrah calendar, while the last companions died in about the year 93 in the Hijrah calendar, such as Anas Ibn Malik (Ibn Alathir, 1998), so it is contradicted. Therefore, it would appear that the most appropriate division is Kallaf's. However, the last stage, which is the phase of

imitating, might not be included here as it seems to be more relevant and appropriate in the last subchapter, which is legislating Islamic criminal law. Thus, herein will briefly be discussed the first three time spans in order to pave the route to the four main Islamic jurisprudence schools.

METHODOLOGY

Historical methodology is mostly followed in this paper as it seems the appropriate approach for searching likewise vital topic. Moreover, despite the situation that this methodology is widely used by researchers, it seems sometimes less likely to be accurate in application. One reason for this is that some researchers just list the events without analysing them or without correlating between them in order to deduce and extract important evidence and scientific indictments ( ). Meanwhile, some vital points are discussed here, before we get started critically investigating the phases of Islamic jurisprudence schools, and these matters are as follows (most of which are adapted from …… and …….):

1- The historical approach might lead to social change as well as to making new researchable matters because it draws our attention to the importance of the change and distinguishes between the levels of change across time. Thus, this is one goals of this paper.
2- We should grasp the past according to its conditions. However, this does not mean that we cannot critique the past in order to develop, benefit or even learn from hard lessons.
3- The objectives of historical methodology might be numerous, so we should be aware that this necessitates applying the historical approach to historical sides, whereas other sides that are not historical necessitate appropriate methodology.
4- One of the most crucial procedures in the historical methodology approach is that of determining research resources, either basic or branch references, in which we can find reliable responses to the research inquiries. After that, we should examine these references in order to check their contents, relevance and the original resources. Finally, we need to analyse all the information gathered throughout the research process in order to produce facts and evidence, correlating them in a scientific manner.

3- Phases of creation and development of Islamic heritage

3.1 The Prophetic era from 610 to 632: this phase was the time of establishing and constructing Islamic law generally. Furthermore, this Prophetic time was divided into two stages, which were when the Prophet was in Makkah and, after that, when he was in Medinah. Moreover, the former was for 12 years approximately and the role of the Prophet was to reform the faith in order to worship God, yet he encountered lots of difficulties and challenges from not only his relatives and tribe, but also from most of the Arab people around Makkah at that time. Therefore, this was not a suitable time for legislating criminal, civil and other types of law, whereas the latter was for about 11 years and this was the perfect chance for the Prophet to spread his message. Consequently, many of the people at that time believed him, so a lot of legislation was passed in order to arrange and schedule the various needs of life (Alsaioty, 1996).

On the one hand, the Prophet legislated the Sharia either by divine revelation or by employing his personal reasoning till the divine revelation confirmed or reformed this. However, some scholars argued that during this time some companions employed their personal reasoning, such as Ali Ibn Abu Talib and Muath Ibn Jabal, when the Prophet nominated them to be judges (Alsana'n, 2013), yet the scholars answered this by stating that, yes, it happened during the Prophet's lifetime, but these were not considered as rulings unless the Prophet gave his consent either explicitly or tacitly. Therefore, no other authority legislated Sharia during that time apart from the Prophet (Alzarqa, 2004).

On the other hand, the sources of legislation during the Prophet's lifetime may be divided into two clusters, either from divine revelation or from his (the Prophet's) personal reasoning. What is more, the role of the Prophet in the former is calling, explaining and implementing them, whereas in the latter, God will not leave him (the Prophet) in a wrong way (i.e. if there were any wrongs, then God would inform the Prophet about them in order to reform them). Therefore, it appears that both of the sources of legislation during the Prophet's lifetime were subject to God. In addition, the plan (style) of the legislation during the Prophet's lifetime has two forms, firstly, when something such as a query or incident happened, then the Prophet basically waited for divine revelation and if there was not any then, secondly, the Prophet knew that Allah might leave this for his personal reasoning in order to deduce and extract from the rest of the Quran (4: 105). Otherwise, if there were any faults God would not leave them till they were corrected or alternatively replaced.

Lastly, it should be mentioned here that the basic concepts of the Islamic law rulings were built upon during the Prophet's time, which are four main concepts as follows,

1- Gradual legislating of Islamic law during the number of 22 years and the reason behind this was to make the statute easy to understand and learn as well as to give Muslim scholars a sense of wisdom in their preaching (i.e. no rush in inviting people) as the Quran (16:125) says "Invite to the way of your Lord with wisdom and good advice …".
2- Minimising the legislation. Therefore, the rulings of Islamic jurisprudence are not numerous (i.e. it was legislated just for the temporary needs during the Prophet's time). So, we shall illuminate the manner of texts at that time after a while. Moreover, the reasons behind this idea might be summarised as it is in favour of people (i.e. mercy) rather than imposing upon them many things, so in this case people might not understand or disobey because it is hard for them to follow every single matter as they are various. In addition, the other cause is that the principle ruling of anything in Islam is permission unless there is evidence. The Quran (5:101) stated "O you who believe! Do not ask about things that would trouble you if disclosed to you…" (Alzarqa, 2004).

The manner of texts during the Prophet's era might be varied depending on the situation. For example, when a text wanted to prohibit something, then the text might have some forms like "do not…" or by intimidating the person who would do it with punishment (i.e. this means this action or saying is banned by Islam) as well as by stating that this is prohibited by God. Therefore, all of these forms are located in the Quran, such as in verse (2:195) which says "And spend in the cause of God, and do not throw yourselves with your own hands into ruin, and be

charitable…" Other verses state (5:38) "As for the thief, whether male or female, cut their hands as a penalty for what they have reaped—a deterrent from God…", and verse (7:33) stated “Say, ‘My Lord has forbidden immoralities—both open and secret—and sin, and unjustified aggression…’ ”.

Another important point is that, due to the fluent tongue literature that people had at that time, the Quran somewhat challenged them so that they were unable to create it, as in verse (17:88). In addition, another manner (style) of texts is that some of them are justified in order to grab people's attention for personal reasoning (i.e. analogy) for incidences that do not have rulings in the texts, while some of these texts are not justified (i.e. their reasons or wisdom are not mentioned) such as, why is the punishment for fornication 100 lashes (i.e. no more than 100 lashes nor less than this amount)?

The manner of the Sunnah texts, however, may be slightly different because they are divided into three groups: the rulings that belong to faith, morals or actions. In addition, the first two types are directed to people before the Prophet migrated to Medinah, whereas the last type is directed to the people after that (i.e. after Hijrah to the present day) (Alzarqa, 2004).

3- Following public interest and people’s needs. In addition, this would be perfectly illuminated by some rulings in Islam being abrogated due to the needs of the people; for example, the Prophet initially used to ask his people not to go to a cemetery, then after a while visiting a cemetery was allowed because people needed to visit their relatives, and graves also reminded people of the hereafter (Almubarakfouri, 2001). Moreover, this idea might be supported by some texts indicating the wisdom behind the ruling, for instance, the Quran (4:26 –27) says "God intends to make things clear to you, and to guide you in the ways of those before you, and to redeem you. God is Most Knowing, Most Wise. God intends to redeem you, but those who follow their desires want you to turn away utterly".
4- Making Islamic rulings easier in terms of necessary stances. For instance, when a person is about to die due to thirst where there is no liquid around them except a glass of wine, so in this case Islamic law allows him/her to drink the amount that keeps him/her alive. Verse (6:119) says "And why should you not eat of that over which the Name of God is pronounced, when He has detailed for you what is prohibited for you, unless you are compelled by necessity?"

3.2 The time of the companions from year 11 till about the end of the first century of the Hijrah calendar (i.e. the year of 95 approximately). In addition, this era was the time of interpretation and explanation of Islamic law generally. One reason for this is that most Islamic rulings were not published or generalised for all Muslims at that time. Also, many of them were legislated for special stances. Yet, it happened that they developed many considerations that affected them and made the companions aware of the texts' rationales, such as the matter of writing the Quran, arguing about writing the Sunnah, the appearance of apostasy in paying charitable rights for the needy and the appearance of the attractions after the demise of the third caliph, who was Othman, and some other matters (Alzarqa, 2004).

As a result, scholars of the companions agreed that these reasons were good enough to illustrate what Muslims needed to learn, spreading the texts widely and answering people's queries. What is more, some scholars of the companions, who were nominated according to their abilities and knowledge, immigrated to other cities in order to fulfil previous targets mentioned earlier. For instance, at Medinah were the four successors Abu Baker, Omar, Othman and Ali, at Makkah was Abdullah Ibn Abbas, at Kufa was Abdullah Ibn Masoud, and then Ali Ibn Abu Talib. One thing to bear in mind here is that when the companions were together at Medinah, their agreements upon matters were considered as a plural Ijtihad (consensus), yet when they scattered through different cities, their consensus was on an individual basis. Thus, herein we shall discuss the sources of the companions in order to make a context for the four main Islamic jurisprudence schools.

The sources of the companions were primarily three: the Quran, the Sunnah and their personal reasoning (analogy or Ijtihad). Furthermore, when they faced a problem, they would immediately look at the Quran. Then, if they could not find any rulings, they referred to the Sunnah, and after that to their Ijtihad. In addition, the evidence that might support them in their ways was as follows,

1- The Quran (4:59) says "O you who believe! Obey God and obey the Messenger and those in authority among you. And if you dispute over anything, refer it to God and the Messenger, if you believe in God and the Last Day. That is best, and a most excellent determination".
2- The Prophet supported Muath when he was sent to Yemen as a judge, when Muath answered the Prophetic inquiry that Muath would firstly refer to the Quran, then the Sunnah, then if he could not find anything inside the Quran and the Sunnah, then he would make a personal reasoning (Ijtihad) in order to gain the Islamic ruling on a certain matter.

However, these three sources have been affected by some factors. Moreover, the Quran was written on separate panels, on wood and so on, and things were scattered throughout some companions' houses in Medinah. Furthermore, after the demise of the Prophet and the appearance of apostasy amongst some Muslims, the caliph Abu Baker sent his military to collect the charitable duty from those people and unfortunately they did not obey. Then there was a huge battle and many men who had memorised the Quran died. and this was the main reason for writing the Quran as one copy at that time. What is more, this copy was at Abu Bakr’s house till he died, then at Omer’s house, then at Hafsa’s house. In addition, the third caliph Othman asked Hafsa to give this edition to him in order to make some extra copies of it in order to make referring to the Quran easier for people and cut out a road for the differences in term of Arabic accents that seemed to appear at that time, then Othman made six copies. Moreover, Othman distributed one copy each to Medinah, Makkah, Kufa, Basrah and Damascus, and he preserved one copy for himself. One great impact of this collecting and writing down of the Quran was to make it decisive in its words (subject matter) (Alsarkhashi, 1970).

On the other hand, the Sunnah faced some difficulties in terms of its writing. Therefore, the acceptance of the Sunnah requires some conditions till now because there was no agreement among the companions upon this matter till the time of the successors. However, the caliph Omar several times thought of writing the Sunnah in the same way as the Quran, so he consulted some of the other companions; he was afraid of mixing the Quran with the Sunnah (i.e. if he wrote the Sunnah, people may not distinguish between it and the Quran). Therefore, Omar left this idea behind. Consequently, some of the companions were rigorous in terms of accepting the Sunnah because the Sunnah was not written, therefore, forgery would appear to be realised at that time, so Abu Bakr required one witness to accept the Sunnah. Ali requested an oath in order to accept the Sunnah and Ali also required any evidence that proved that this was the Sunnah. What is more, this led to arguments among scholars in terms of the Sunnah's reliability and its method of proof and deduction (Alnauawi, 2000).

With regard to the companions' analogy (Ijtihad), it was also unwritten, because they considered their opinion as individual (i.e. if it was right, then this was from God, whereas if it was wrong, then this was from themselves and the devil). Therefore, no one obliged the other companions to follow his/her opinions and sometimes one of them could differ from another in this regard (Ibn Badran, 2011). Moreover, the companions were following the basic concepts that the Islamic law rulings were built upon during the Prophet's time, which are the four main concepts mentioned earlier[1].

To sum up the effects of the companions' rulings, it has been mentioned that this era left for us a great amount of legal interpretations of texts from the companions when they employed their juristic abilities and they were very close to the divine revelation and the Prophet. Secondly, many Fatawa (personal reasoning, Ijtihad or analogies) from the companions were left for us on different issues, some of which were mixed with the Sunnah. Finally, we can see that at the time of the third caliph, Othman, attractions and adversities were noticed amongst the Muslim community. Consequently, the Muslims divided into three groups: Sunni, Shi'a and fighters.

3.3 The era of legislating and Ijtihad from 100 to 350 in the Hijrah calendar. Islamic law rulings flourished at this time because during the Sunnah was written in the same way as the Quran in addition to writing the Fatawa (Ijtihad) of the companions and some great books upon the principles of jurisprudence, Quranic interpretations and the Sunnah. What is more, some reasons behind this extension of Islamic law rulings might be brought here and these may be four causes, as follows:

1- Many different people, from various cultures and backgrounds, followed Islam. Therefore, they were in absolute need of legislation that fulfilled their requirements and lives, so no legislation existed unless referring to the main resources of Islamic law, although some people could not benefit from them for many reasons, like language. Consequently, this stimulated scholars to prepare legislation that was based upon these sources, yet was easy to understand (Qattan, no date).

[1] - see page

2- These easy books and sources assisted students at that time in terms of studying and learning as well as clearing different methodologies for them. For example, the Quran was written and spread throughout Muslim countries and the Sunnah had just started to be gathered in addition to the Fatawa of the companions, as we will soon see.
3- Some great scholars existed who were eager to learn and teach Islamic law in conjunction with their good environment, which assisted them in studying and sharing their knowledge. In addition, this situation helped scholars to specialise in some good students in order to take their scholars' positions into different cities after those scholars died. Although these scholarly positions were initially unpaid (i.e. voluntary), they eventually became paid because it was considered a job, and if not some scholars might not have been able to survive and give continued teaching (Alqurtubi, no date).

CRITICAL EVALUATION OF THIS PARTICULAR CREATIVE STAGE

The sources of this era of legislating and Ijtihad were primarily four: the Quran, the Sunnah, consensus and personal reasoning (analogy or Ijtihad). However, these sources have faced some extra considerations. For instance, the Quran's words did not contain vowels and dots upon letters. Also it was written in the Kofi style, yet Abu Alaswad Aldoualy (a famous Arabic language scholar) innovated vowels following a command from the Imam at that time, who was Prince Zayad Ibn Abu Abeeh. In addition, Alkhalil Ibn Ahmad (another scholar in the Arabic language) extended these vowels. Although another problem that appeared was dots, Nasr Ibn A'sim innovated these dots so we see them nowadays upon the Arabic words, and he did so as a fulfilment to Prince Alhajjaj Ibn Yousif at that time (Alsarkhashi,1970).

Another consideration that happened in this era was starting to write the Sunnah. Moreover, Prince Omar Ibn Abdulaziz asked some scholars in his time, Muhammad Ibn Shihab Alzuhry and Muhammad Ibn Hazm, to write any existing Sunnah in order to collect it and make it accessible to everyone. What is more, some other scholars started to write what they had memorised of the Prophetic traditions; for instance, Malik Ibn Anas wrote his book called "Muatta'a", Then different books appeared, such as Bukhary, Muslim, Ahmad Ibn Hanbal and some others who wrote their books on the Sunnah. Yet this collecting of the Sunnah did not assist in unifying Muslims because there were many differences in these Hadiths (i.e. due to the spreading of scholars throughout Muslims countries, some scholars could not afford to learn more about this Sunnah, while others who were close to Medinah might have learnt more). Therefore, there appeared variant arguments and polemics amongst scholars at that time and scholars might, as a result, have been divided into two groups.

Firstly, scholars of opinions who generally existed in Iraq. In addition, these scholars depended mostly on the lawgiver's aims and objectives as well as some texts. Secondly, people of tradition, who generally lived in Medinah. Moreover, scholars of the Sunnah relied mostly upon texts and sometimes the purposes of the lawgiver. Some reasons for this division were that not as many Sunnah traditions existed in Iraq as in Medinah, where the other scholars of traditions existed. Also the Prophet lived there, so they sometimes applied their Ijtihad when they could not find any texts. Another reason is that many different problems were raised throughout Iraq, therefore, some forgeries escaped to the Sunnah and, consequently, scholars

of opinions were rigorous in this respect and required many conditions to accept the Sunnah, while Medinah, on the other hand, did not face many problems after the demise of the Prophet. Finally, there were environmental differences between these two places, so in Iraq there were many mixed cultural backgrounds from Iran and other nationalities, therefore, many different matters required various solutions, whereas Medinah looked rather introverted (i.e. not many different issues were faced in Medinah after the demise of the Prophet and his companions) (Alzarqa, 2004).

One key point to take away from this context is that those arguments were continuing till the four main jurisprudence schools were specialised, which were the Hanafi, Maliki, Shafie and Hanbaly schools respectively. Furthermore, it would appear that each one of these four schools had its own scholars, students and followers. In addition, the main distinctions between all of them can be summarised as follows:

Firstly, they had differences with some Islamic sources such as the Sunnah, especially the solitary and mursal hadiths, and consensus of Medinah's people as well as the existing differences on companions' Fatawa and analogy. Moreover, Hanafi generally did not accept solitary hadiths as they seemed suspicious, while other scholars required some conditions in order to employ them. With regard to mursal hadiths, the majority of scholars did not apply them as they were very weak unless there were extra indictments which supported them, whereas the Hanbaly school would accept them if they could not find any other explicit texts, in view of the fact that this was a Prophetic tradition, therefore it should be taken into consideration (Alshawkani, 1992). What is more, the Maliki school made prioritised the consensus of the people of Medinah, because they were very close to the Prophet at that time and, as a result, had many features. However, the majority of scholars did not agree with this as texts did not require specific places to establish consensus.

In addition, while Abu Hanifa did not leave the Fatawa of the companions, Alshafie did not agree with this, claiming that the companions were human the same as us, therefore, we could not be different from them (Alghazali, 1992). Moreover, some scholars like Alzahry did not agree that analogy was proof in Islamic law, whereas the majority of scholars were unanimous in this regard, as discussed before.

Secondly, there was the impact of the two schools of opinion and tradition upon these four main juristic schools. Furthermore, it has been mentioned that the school of opinion tends to regard the aims and objectives of the lawgiver as either explicit or tacit within texts, whereas the school of tradition tends to pay great attention to texts and, therefore, does not apply the effective causes of texts unless there is a need (i.e. no explicit texts in certain matters). The main reasons for these existing differences have also been mentioned earlier. Consequently, these four juristic schools have been affected somewhat by those tendencies because it was a logical span of those schools.

Finally, they had differences with some linguistic concepts within the Arabic language. For instance, the Hanafi school argued that the general meaning of a text must be decisive, while the majority claimed that it was speculative. In addition, some scholars argued that the

command was obligatory, whereas others claimed that the command was just for requiring, therefore, it was not obligatory unless there were circumstances that indicated this (Bukhari, 1997).

This era of legislating and Ijtihad, however, resulted in some great points and these results can be deduced as follows. Firstly, recording authentic Sunnah (traditions) such as Bukhary (1987), Muslim (no date), and the four Sunnah books (Alnasai'e, 2001; Altirmizy, no date; Abu Dawod, no date; Ibn Majah, 1998), meant these were scheduled according to juristic topics as well as other books according to the names of the companions, such as Almusnad (2003).

Secondly, recording the jurisprudence of Islamic law as well as collecting and including similar matters in the same topic in conjunction with its reasons and indictments. For instance, the Hanafi books of "narrative explication" that were written by Muhammad Ibn Alhasan Alshaibani, the book of "Almuatta'a" which was narrated by Suhnoun via Ibn Alqasim from Malik (the establisher of the Maliki school), the book of "Al'um" created and taught by Akshafie and, lastly, the book of "Almugny" by Ibn Qudamah from the Hanbaly school.

Thirdly, recording the principles of Islamic jurisprudence. Furthermore, due to this diversity, yet with disagreements among scholars, Alshafie started to think about it, then he looked throughout Islamic resources in order to gain the principles of Islamic jurisprudence. Moreover, after a while, when he could afford to do so, then he began to legislate and record the principles of Islamic jurisprudence. Although Alshafie merely arranged these principles (i.e. he did not primarily create them), because these principles were spread throughout the texts and applied by the companions, but were not collected in a book, so Alshafie gathered them. Thus, in this regard, brief details on the four juristic scholars (i.e. the four establishers of the Islamic jurisprudence schools) should be brought, including their methods, famous students and books.

DESCRIPTIVE INSIGHT INTO ISLAMIC CLASSICAL JURISPRUDENCE SCHOOLS

5.1 Abu Hanifa:

The leader of the Hanifa school was called Abu Hanifa, according to the Arab tradition of naming a person after his father, yet his real name was Alnuma'an Ibn Thabit. He was born in Kofa in 150H and died in >>>>. He was famous for his attributes, such as honesty in trade, but when he learnt Islamic jurisprudence he attained an advanced level and high motivation, thus he was also famous for his methodology of jurisprudence. I shall therefore supply a brief description of him.

Abu Hanifa's method in this regard might be summarised as looking firstly at the Quran, then the Sunnah, and after that the companions' sayings or actions without preferring one or another. Then finally, he would employ his personal reasoning (analogy) because it seemed to be rather opinions that depended upon the Sharia purposes, therefore, people might be the same in terms of their satisfaction of using their mental abilities (Alshirazy, no date). Furthermore, Abu Hanifa was interested in using analogy usually and, as a result, the Hanafi school was famous

for using Istihsan (preferring or equity). This helped the juristic scholars to bring coherence between topics and their parts when a logical sense existed.

Abu Hanifa also had many friends and students, but the most famous were Abu Yousif, Yaqoub Ibn Abraham Alansari and Muhammad Ibn Alhasan Alshaibani. In addition, these students truly revived this school in terms of its basic books (i.e. narrated them directly from Abu Hanifa) and these books might be divided into three clusters: narrative explications (six books in number), uncommon books and books of incidences (Khallaf: 2015: http://google.co.uk/books?id=bXTemiaN_r0C).

5.2 Malik

The establisher of the second Islamic juristic school was Malik Ibn Anas Alasbahi. He was born in 93H and died in Medinah in 173H (Abu Alfarag, 1979). His method was based on the hadiths and jurisprudence simultaneously. In addition, firstly, he depended on the Quran, then the Sunnah, yet he prioritised the people of Medinah's consensus on solitary hadiths, as discussed previously. Thereafter, he relied on analogy. With regard to analogy, there is no doubt that he utilised personal reasoning, especially in terms of the public interest, as shown already.

Due to Malik's location in Medinah, this made him more supportive of Prophetic narrations, the agreements of the people of Medinah as well as blocking the means which led to deviations. As a result, he gave preference to mursal hadiths over the rest of the sources rather than the Quran and the Sunnah, yet he stipulated that the narrators of the mursal hadiths must be trustworthy. In addition, he did so with solitary hadiths (Qattan, no date).

Malik had many students who distributed his traditions to other places and people, for instance, Abdullah Ibn Wahb, Abdurahman Ibn Alqasim, Asad Ibn Alfurat and Ashhab Ibn Abdulaziz. Moreover, the Maliki school has some great books, such as Almutta, which was written by Malik himself, yet this book has had a special story because when caliph Abu Ja'far Almansour felt that many different and paradoxical issues may have existed due to the lack of recorded narrations, he appealed to Malik in order to unify Islamic law rulings in one book with its indictments. Another book from this school is "Mudawanah" written by Asad Ibn Alfurat and this book contains about 36,000 juristic matters (Alsherasi, no date).

5.3 Alshafie

The leader of the Shafie school was named Muhammad Ibn Edries Alshafie. He was born in Gaza in 150H, yet died in Egypt in 204H. After his father’s demise, he and his mother migrated to Makkah in order to settle down with their relatives who lived there. He was employed in Najran (a small city located in the southern part of present day Saudi Arabia), yet he encountered a huge problem with Najran's prince who wrote a complaint to the caliph at Iraq. Fortunately, Alshafie was lucky, due to the position of his former teacher Muhammad Alshaibani, who defended Alshafie in front of the caliph, then Alshafie returned to Makkah. He also used to be a student at the Malik sessions of teaching (Qattan, no date).

After Alshafie entered Makkah, he started to think about unifying the different methods existing in jurisprudence at that time. Finally, he produced his book Alrisalah which faced some discussions and, consequently, mostly agreed with different scholars. In addition, Alshafie's sources were basically the Quran, the Sunnah, consensus and analogy, yet he criticised "preferrings" by mere opinion (i.e. not proved by texts or its purposes). In addition, he paid extra attention to the companions' sayings and actions, especially if they agreed upon certain matters, whereas if there were any disagreements amongst them, then he would choose the most appropriate one which was very close to the texts (Alsufdi, 2000).

Finally, Alshafie had many friends (students) and wrote a number of great books. His students included Abu Bakr Ibn Alhumaidi, Alkarabisi, Almuzani and Albwaiti. On the other hand, this school of Alshafie produced a number of books, like "Alu'm" and "Alrisalah", written by Alshafie himself, as well as "Almagmou'" written by Alnawayi (Abu Alfarag, 1979).

5.4 Ahmad Ibn Hanbal

The builder of the Hanbali school was called Ahmad Ibn Hanbal Alshaibani. He was born in Marou, a small village located in present day Iran, in 164H and died in Baghdad in 241H. During Ahmad Ibn Hanbal's lifetime there appeared many philosophical and logical polemics amongst Muslim scholars, which might be the reason why Ahmad was considered a hadith scholar (i.e. not a juristic scholar), because he hated anything that took him away from texts and their meaning. Moreover, Ahmad used to be a student of the Alshafie school (Alqurtubi, no date).

The resources of the Hanbali school basically seemed to be similar to the Maliki ones, so Ahmad relied upon texts (the Quran and the Sunnah), then the Fatawa of the companions, the mursal and weak hadiths and, finally, analogy. By the way, in terms of the Fatawa of the companions, if they were unanimous, then there were no worries. However, if disagreements were supposed to exist, then Ahmad would choose the more appropriate one according to the texts.

Ahmad had many students (friends) as well as writing a number of books. For example, his students were his sons Salih and Abdullah, in conjunction with other students like Ibn Hany Alathram, Abu Bakr Almarwathi. What is more, the Hanbali books that might be listed here included "Almusnad", which was a great effort by Ahmad himself to collect the Prophetic traditions and put them in order according to the names of the companions. Further examples are "Almughni", "Alkafi" and "Almuqni'e" all of which belonged to Ibn Qudama.

CONCLUSION

It has been shown that the four main schools of Islamic criminal law have undergone some developments and, maybe, orientations from the lifetime of the Prophet throughout the Islamic phases afterwards. It is important, however, to notice that the Quran is the only source which was written during the lifetime of the Prophet, whereas the other resources of extraction appeared after the demise of the Prophet and, sometimes, his companions. Finally, Islamic jurisprudence schools differ from each other in that each single school has chosen its own path in deducing and extracting juristic rules. Thus, here lies in the secret beyond the idea of investigating those schools in order to revise, develop and, maybe, cancel where appropriate.

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THE NATIONAL QUESTION: A RE-ASSESSMENT OF NIGERIA'S CONSTITUTIONAL AND POLITICAL ISSUES

Samuel Segun Ojo

Department of History and Diplomatic Studies
Olabisi Onabanjo University, Ago-Iwoye, Nigeria
ojo.samuel@oouagoiwoye.edu.ng
+2348186738600

ABSTRACT

Between 1861 and 1914, the British subdued the different nationalities in the Nigerian region and brought them into one fold through a combination of forces. Nigerians were not consulted on the terms of the amalgamation of the parts of the country in 1914. The discussions and arguments were between the colonial officials in the protectorates and the colony of Lagos with Lord Lugard prevailing over everybody else. The political leaders and the British negotiated all the constitutional developments that took place prior to independence. On no occasion were the people consulted. At least, framers of every constitution naturally should draw from the unique experience of their people in framing or amending their constitutions. Considering the ethnic diversities of the country and the circumstances through which the country was brought together as one, Nigeria's constitutional development had experienced significant changes from 1922 to 1960 when independence was achieved. During these periods, many controversial constitutional and political issues were raised and not settled. The lack of consensus on such very critical issues are undoubtedly an extension of contradictions in the country's federal system, even in the post-independence era. The effect of this was the subsequent political conflicts and instability which have hindered Nigeria's quest for sustainable corporate existence. The paper deals extensively with the thematic issues upon which the plank of the agitation for National Question rested. The objective of this paper is to expatiate on those contentious constitutional and political issues which remained unresolved at various levels of Nigeria's constitutional developments and the subsequent perusal of how these issues have hindered the sustainability of the National Question. The paper concludes that although, there is a general notion that there cannot be a perfect constitution, this cannot be sufficient justification for disallowing a thorough discussion on how the people wish to be governed, if at all their corporate existence is to be sustained. There should be a resolve, determination and commitment on the part of Nigerian leadership to establish a system in which justice and equity would be the watchword.

Keywords: Constitution, Politics, The National Question

INTRODUCTION

The gradual emergence of Nigeria as an independent nation was accompanied by various constitutions which governed the people since the amalgamation of 1914. Considering the ethnic diversities of the country and the circumstance through which the country was brought together as one, Nigeria's constitutional development has experienced significant changes from 1922 to 1960 when independence was achieved. During these periods, many controversial constitutional and political issues were raised and not settled. The effect of this was the subsequent political conflict and instability which have hindered Nigeria's quest for sustainable corporate existence.

The purpose of this paper is to analyse those contentious constitutional and political issues, which remained unresolved during Nigeria's constitutional development prior to independence and the subsequent examination of how these issues have hindered the sustainability of the National Question and by extension, harmonious existence. However, before this is done, it is significant to start with a clarification of concepts, since these will form the premise around which the paper shall be discussed. A constitution as a term can be defined as the mode in which a state is constituted or organised; the system or body of fundamental principles according to which a nation, state or body is governed. Every state has a constitution written or unwritten which dictates the form of government, establishes its various organs and assigns to them their respective powers. It also regulate the relationship of the organs with one another and with the sovereign and provide the sanctions necessary for the preservation of itself and of the body politics.[1]

Thus defined, the constitution is the supreme law of the land and the norm by reference to which all other laws, actions and dispositions of the organs of the state are judge. It is the edict of the sovereign and this principle is not affected by the fact that the sovereign is a person, a group of persons or the entire people of the state. The process by which a constitution is made largely depends on the political set up of the state at the time. A dictator who rules by force, merely impose, with or without consultations. In a democratic republic, the people themselves through constituent assemblies, conventions of conference formulate a constitution to be adopted by the people in a referendum or other form of popular acclamation[2]. Constitutional advance depends on the political development of the country concerned. At the same time too frequent constitutional changes are to be avoided. If changes are made too often, they are bound to have an unsettling effect on the political and economic life of the country.

That being the case, when does an issue remain unresolved constitutionally? An issue becomes unresolved constitutionally if it is not properly or directly addressed, rather recommendations are made or silence is kept on the matter. On the other hand, an issue becomes resolved constitutionally if it is directly addressed bound by law and incorporated into the cosntution[3]. Those issues which remained unresolved constitutionally at Nigeria's independence, and thus hindered the unity of the country shall now be examined.

Ethnicisation and Regionalisation of Nigerian Politics:

A major and devastating issue that had remained unresolved at Nigeria's independence was the ethnicisation and regionalisation of Nigerian politics. As the British proceeded to create districts, provinces and regions for administrative purpose, they sowed the seeds for the growth of regional and provisional affiliations. The division of the country in 1945 (under the Richards constitution) into three regions-northern region, western region and eastern region- and the subsequent emergent political parties followed the pattern of the regions. In other words, each political party had its base, its leader and vast majority of its followers in one region. The Action Group (AG) under the leadership of Chief Obafemi Awolowo was in the West; the Northern People Congress (NPC) under the leadership of the Sardauna, Alhaji Ahmadu Bello, was based in the North; while the National Council of Nigerian Citizens (NCNC) had its leadership in the person of Dr. Nnamdi Azikwe and was located in the East. What this arrangement meant was that all the regions were controlled by the three major ethnic groups in the country - the Yoruba in the West, the Igbo in the East and the Hausa-Fulani in the North.

In the decolonisation process of the country, there were constitutional developments that prepared Nigeria for independence the constitutions provided for the creation of legislatures, formation of political parties, and the elective principle. However, instead of forming parties along national loyalty, ethnic and regional animosities prevailed. One of the political organisations that were formed the early part of the decolonisation period was the Nigerian Youth Movement (NYM), which was composed of young intellectuals. In 1941, the party suffered an internal crisis of "ethnic prejudice".[4] This crisis led to the resignation of the Igbo members and the subsequent formation of the NCNC in 1944 with Herbet Macaulay as President and Nnamdi Azikiwe as General Secretary. The objective was to form a body consisting of representatives of all political parties, the press, ethnic group various trading bodies, market women etc[5].

The Macpherson Constitution which came into operation in 1951 called for the election of members to the regional legislatures. As a result, two new political parties were formed, the Action Group (AG) and the Northern People Congress (NPC). Unlike the NCNC, the newly formed, political parties were regional and ethnic based. While the AG was based on the *Egbe Omo Oduduwa* the NPC was formed from the *Jamiyar Mutanem Arewa*, both ethno-cultural organisations. In the 1951 elections, each of the three parties won in their respective regions- the NPC in the North, the AG in the West and the NCNC in the East. Following this was the elections into the Federal House of Representatives in 1952. Nnamdi Azikiwe who had earlier won a seat to the Western House was prevented from being elected to the Federal House by the Yoruba dominated legislature. As a result, Azikiwe went to the East and displaced Eyo Ita, an Efik leader of the Eastern House of Assembly. Eyo Ita and his supporters were dismissed. This development soured the relationship between Igbo and Efik and led to the formation of the United National Independence Party (UNIP) by the latter.

This party ultimately became anti-NCNC, anti-Igbo and hightened ethnic tensions. Ikime points out here that

> *Since the Zik episode, few Nigerian politicians have dared contest elections outside their region, their state, their local government area. Even when a man has lived his entire life outside his local government area, it is to that local government area he goes when he decides to run election.*[6]

Another aspect of the ethnic and regional politics was the politics of winner-take-all, which imposed virtual anarchy until the opposition had been completely annihilated. While the major groups engaged in bitter struggle for political power, the smaller groups were neglected and oppressed in the various regions. Such has been the case with Nigerian politics that political parties neglect national loyalty but seek ethnic and regional affiliations. This pattern led the nation into the First Republic, with the NPC, AG, and NCNC domination in the North, West and East respectively. The politics of the Secon Republic was not different; the National Party of Nigeria (NPN) in the North, the Unity Party of Nigeria (UPN) in the West and the Nigerian Peoples Party (NPP) in the East. Indeed these new parties just changed their respective nomenclatures; they were actually the same with the dominating parties of the First Republic.

From the above, one does not have to look deep to state the implications of ethnic politics on the country's corporate entity. Since political parties were not nationally oriented and represented, the consequence was that it snowballed into intra-ethnic distrust, bitterness

and hatred and also the neglect and oppression of the minority groups. Until attempts are made at establishing national-oriented political parties, the unity of the country remains at stake.

The North-South Dichotomy:

Today, in Nigerian politics, the division between the North and the South is a much-heated and volatile issue. This division was evident prior to independence and manifested itself greatly in the constitutional development of Nigeria and largely remained unresolved. The North-South dichotomy is the ideological division between the Northern part of Nigerian comprising of the Hausa, Fulani and the Middle belt minorities; and the Southern part consisting of the Yoruba, Igbo, Ijaw and many other minority groups.

Prior to the colonial period in Nigeria, the area consisted of various groups distinguished by difference in history, culture, political development and religion. The major differences among these pre-colonial groups pertained to their socio-political organisations; they were either centralised (states) or non-centralised (states). To the former category belonged the Sokoto Caliphate and the emirates of the north, together with the Kanem-Borno Empire, which were advanced Islamic theocracies.

Also included in this category were the Benin, Oyo, other western kingdoms and the Igala kingdom in the middle belt. In these centralised systems, there were clear divisions between the ruler and the ruled. Of all the centralised systems, the Sokoto Caliphate with its vassal emirates had the most advanced political institutions with taxation systems. Not surprisingly, it provided the model for the British colonial policy of indirect rule. On the other hand, in the non-centralised systems such as those of the Igbo and other eastern and middle belt groups, there was a diffusion of political, economic and religious institutions and practices. Also to be found was a large measure of egalitarianism, democracy and decentralised authority. Under the colonial policy of indirect rule, traditional rulers known as warrant chiefs were imposed on these decentralised societies.

In the immediate pre-colonial period, a religious gulf had separated the northern and southern peoples Islam had been introduced to the Hausa states and other northern parts in the fifteenth century, but did not dominate until the Jihad of 1804. By contrast, the southern people who were devoted to traditional religions were later exposed to Europeans and consequently Christianity and western influences and education. The conquest and colonisation of Nigeria by the British took place between 1861 (when Lagos was bombarded) and the early decades of the twentieth century when the northern area was captured.

In 1906, the colony of Lagos and the protectorate of southern Nigeria (which included the former Niger coast protectorate) were joined together to become the colony and protectorate of southern Nigeria. In 1914, the northern and southern protectorates were amalgamated to become the colony and protectorate of Nigeria. Form the period 1914 to 1960, Nigeria had four major constitutions and in each of these, the divisions between the north and south became apparent. With Nigeria becoming one nation now, what should have occurred was the togetherness and unity of the country, however this was not the case and could be attributed to the following reasons.

Taken as one region, the British created an imbalance by keeping the Christian missionaries out of the Muslim north for respect for the Muslim faith as well as out of British self-interest. Having kept out the missionaries who were the pioneers of education, the British

took no steps to develop western education in the Sokoto Caliphate. Indeed, the impression was created that Islam and western education were incompatible. The much talked educational imbalance between the north and the south was owed to this aspect of the British colonial policy. That imbalance has been at the centre of the North-South dichotomy in Nigerian politics since the period of decolonisation[7]. This has had the negative effect of competition for office between the various groups in the country. The north has since independence feared southern domination. This is borne out of the fact that, in terms of trained man-power, the north was far behind to the south, and this could be credited to their backwardness in European western education.

Another area where the British created a gap between the north and the south was the failure by Lugard to break the country into smaller and more equal units during the 1914 amalgamation. He despised all advice to this effect and this has remained a problem. In his bid at amalgamating the country, Lugard ended up creating a country that was geographically lopsided, ethnically incongruous, and administratively absurd"[8]. He rejected the amalgamation suggestions given by Bell, Temple and Morel which advocated a unified central administration over several provinces partly because they would have reduced the area of Fulani control[9]. In 1939, Governor Bourdillon divided Southern Nigeria which was smaller in area than the north into two on the grounds that the south was too heterogeneous to remain one unit and that there were communication problems between Enugu, the headquarters of the southern provinces and its component parts.

By contrast, the same Bourdillon argued that the north was culturally homogeneous and that the centrality of Kaduna, the capital reduced communication difficulties to the minimum. This claim is however faulted on the grounds that, there existed myriads of peoples and cultures in the middle-belt. This arrangement of leaving the North untouched ensured that the region developed into a meaningful political entity dominated by the Hausa-Fulani; the south by contrast, has never developed into this meaningful political entity.

The mode of administering the two protectorates even after amalgamation was another area where the British further divided the north and the south. The Clifford constitution of 1922 established a new legislative council whose jurisdiction covered the whole of southern Nigerian protectorates. The north, on the other hand, was governed by proclamations form the governor. Why were there two separate systems of administration within the same country? Clifford justified this when he argued that he had to limit the legislative council to the south because he was faced with the practical problems posed by the sheer size of the country, poor communication facilities, the ethnic diversity, and to a very minor extent, the theoretical distinction between a colony and a protectorate. He further asserted that, he did not consider that a council sitting at Lagos could be properly entrusted with the responsibility of legislating for the Muslim emirates which were self-contained Native states, "the de-facto governments of which were their respective Native Administration"[10]

Olusanya has punctured Clifford's arguments as unconvincing. First he claims that "though the country was very large and facilities for communication poor, these were not insurmountable difficulties"[11]. Also, the argument about ethnic diversity has been regarded as pointless since the north itself had the largest ethnic groups in the country. On the issue of theoretical distinction between a colony and a protectorate, the argument is not valid since it was only Lagos that was colony, and all the other areas were protected areas like Northern

Nigeria. Further, his argument that the Muslim emirates were self-contained states, the *de facto* government of which were their respective Native Administration also applied to indigenous states in the south such as Benin and the Yoruba states"[12]

Lastly, the argument that the emirs would resent even nominal representation was not convincing, since if they were shown the value of it would not resent it and certainly, it was the duty of the British administration to demonstrate the need if they believed in it. The failure to provide a common legislature for the north and the south meant that it was not until the Richard's constitution came into effect in 1947, that the leaders of both areas had the opportunity of working together.

It was during the 1951 General conference that the north-south division was most glaring. During this conference, representative of the three regions brought recommendations that were to affect the political future of the country. The three regions agreed to a federal system of administration. The northern region, in addition to this, demanded for fifty percent regional representation at the centre. This claim was clearly entrenched when the emirs of Zaria and Katsina announced to the conference that unless the northern region was allocated fifty percent of the seats in the central legislature, it would ask for separation from the rest of Nigeria and revert back to the arrangement existing before 1914. The conference concluded by carrying proposal to increase the representation at the centre to forty-five for the northern region; and thirty-three each for the western and eastern region. The usual explanation for that arrangement is that the seats were distributed in accordance with population.

However, Ikime has argued, if indeed population was the guiding principle, why were the`east and west granted equal representation? Were they equal in population? It is difficult not to reach the conclusion that the British who were the umpires at the constitutional conferences had some stake in ensuring that the then more conservative north dominated the central legislature. Yet, it is obvious that a situation in which the constitution itself guaranteed the dominance of central government by a particular region could only be productive of strife. That arrangement and other development since independence have created a political culture in which a particular group considers that control of Nigeria's central government as its birthright. Naturally, other groups thoroughly resent this situation, which is clearly one of the factors that bedevil our search for true unity.[13]

A further act by the colonialist, which accelerated the north-south division, was the northernisation policy proclaimed by the Public Service Commission of the region in 1951. In 1948, a commission appointed to study and "make recommendations about the recruitment and training of Nigerians for senior posts in the government service of Nigeria recommended among other things, that no non-Nigerian should be recruited for any government post except where no suitable and qualified Nigerian is available"[14]. But under the northernisation policy of 1951, "…if a qualified northerner is available, an expatriate may be recruited or a non-northerner, on contract term".[15]

In the 1954 constitution, one of the provisions was the regionalisation of the civil service. What the NPC government did was to seize the opportunity to embark on the northernisation policy aimed at replacing southern civil servants in the north with northerners irrespective of the differences in qualification and experience. By 1959, the staff list of the administrative class of the northern civil service eloquently bespoke the effectiveness of the

northernisation policy; it included 161 expatriates, 59 northern Nigerians and 1 southern Nigerian"[16].

From a political standpoint, there was tension between the north and south when after 1948, the northern peoples were shocked into a terrifying awareness of the great divide that separated them from the south. They saw a political advance leading rapidly to a self-governing Nigeria at a date that they never imagined. In 1953, Chief Anthony Enahoro an AG member of the House of Representatives moved a motion that the house should work toward the attainment of self-government in 1956. Consequently, Sir Ahmadu Bello suggested the phrase "as soon as practiceable"[17] to substitute 1956. This disagreement led to a sharp division in the house, further deepening the north south dichotomy .The north was afraid of the domination of their region by the more educationally and economically advanced south .The AG leaders tour of the north in 1953 to canvass for support for the call for self-government by 1956 led to the Kano riots in which many people were wounded and killed.

Culturally, the British also adopted the House language as the language of Native Administration. This aided the spread of the Hausa language through the length and breadth of the old north. The end result was a greater degree of cultural homogeneity in the north. However, in the south, no language was given due recognition as such.

In view of the above, it is evident that the north-south dichotomy that exists in Nigerian politics had gradually evolved from their differences in political and religious spheres. The British colonialists who favoured the north over the south complicated this. The end result of this is the struggle for power between the two divisions with bitter enmity. The implication this has on Nigeria's corporate existence is the fact that, as one country, unity within this dichotomisation seems illusive.

The Marginalisation of the Minority Nationalities:

One of the unresolved constitutional and political issues has been the inability of the Nigerian federal structure to carry its minority nationalities along. The operation of a federal system has been ironical in its failure to carry its minority nationalities along. The minority issue could be situated within the colonial setting when southern Nigerian was divided into eastern, western and northern regions. These divisions "heralded the beginning of the balkanisation of the territorially contagious and culturally homogenous people into political and administrative units much to their disadvantages"[18]. From all available evidence, it is clear that the decision by the colonial authorities to tailor a federal structure for Nigeria in 1954 was not dictated by the interest of the country as a whole but the desire to balance the varying needs and interest of the major ethnic nationalities which occupied and controlled the then three regions that made up the country structurally".[19]

According to Tyoden, the colonial administrator could not have feigned ignorance of the existence of multiplicity of the minority nationalities, especially as these minorities area had served as staging bases for Britain's eventual occupation of what later became Nigeria. For instance, Lokoja was the headquarters of the Royal Niger Company whose territory later constituted much of the protectorate of northern Nigerian while Calabar was the capital of the Oil River Protectorate. Indeed, it is ironical that these springboards of the colonial occupation of Nigeria and the initial foundation stone for the building of Nigeria were to be relegated to the background as the process unfolded over the years with Calabar waiting till 1967 and

Lokoja till 1991 before they could emerge into the political limelight again as state capitals in the continuous process of the restructuring of the Nigeria federation.[20]

Indeed, the constitution making process between 1946 and 1953 was to work out a stable federal balance between the three ethnic groups. However, the wrong start gave rise to two far-reaching developments. First, the realisation by the minority, that they were being marginalised in the political modeling of the country. Second, the mobilisation by the minority groups for a vigorous demand for their own regions and the resultant conflict and confrontation it generated between them and the major ethnic groups punctured the myth of homogeneity that the colonial authorities had created. These two compelled the colonial government to set up the Willink Commission of Iniquity into the Fears of Minorities and the Means of Allaying Them in 1957.

The commission, instead of solving the problems of the minority, made recommendations leaving a genuine body of fears and a future that was regarded with real apprehension. Despite the commission's findings, it refused to recommend the creation of more regions for the minorities. Instead, it recommended, "a Bill of Human Rights which could not be enforced and in platitudinous exhortations for good government which no one took seriously"[21]. One cannot but therefore agree with the view that the Report of the Commission was an exercise in hypocrisy and ostrich- posturism"[22]. The critique here is, how would one reconcile group agitation with the individual provision of human rights provided by the commission. According to Coleman, two reasons accounted for the unfortunate missed opportunity at creating more state; first the major ethnic groups were anxious to defend and preserve their regions. On the other side, the British were committed to upholding the triangular structure they had created"[23].

The implication of this missed opportunity has been clearly emphasised in the problem of political exclusion of the northern minorities and southern minorities in their membership of the Nigerian federation. However, in the subsequent dynamics of Nigerian politics states were created for these minorities in 1967, the Benue-Plateau State and Kwara State were created in the north; in the south, southeastern state and Rivers state were created. In 1975, a nineteen-state structure emerged with the northern minorities having Benue and Plateau states separately, Gongola state, Kwara state, and Niger state for the mid-West, Bendel state was created; in the South, Cross-Rivers was added to Rivers state. This exercise continued in the subsequent administrations. Out of thirty six state composition in Nigeria, the southern minorities have six states namely: Bayelsa, Rivers, Akwa-Ibom, Cross-Rivers, Edo and Delta. In the north, in minority include Adamawa, Taraba, Niger, Nassarawa, Benue, Plateau, Kwara and Kogi making it eight. It is important to note that the creation of states has not solved the problems of the minorities. For instance, in the north, there has been the struggle for ecological rehabilitation, self-determination and cultural identity by non-Hausa-Fulani communities. This has resulted in various conflict such as the *Kasuwar Magani* conflict in Kaduna State (1980), the Maitatsine uprising, Kano City in December (1980), the conflicts in Kafanchan, Kaduna (Zaria in March 1987), the conflict in Zango-Kataf and other parts of Kaduna state in February and May 1992.[24]

In the south, the story is not different, however this is more complex because the states have not only been marginalised politically but also stripped of their economic resources by the centre. Instead of states controlling their resources, the centre appropriates them to itself.

Moreso, this is happening at a time the minorities are producers of the national wealth via crude oil that is in their domain. The economic deprivation alienation and disempowerment of the people can be evaluated from many angles. First, it emanates from the repressive state legislations promulgated by the Federal Government over the years since independence. This has manifested in many forms. Some of them include: the Petroleum Decree (Act) No. 5 1969[25], "the Land Use Decree, 1978"[26], "the Land Title Vesting Decree No. 52 1993"[27], and the National Inland Waterways Authority Decree No. 13, 1997"[28].

In addition to these decrees, is the Revenue Allocation formula adopted by the Federal Government over the years, which has further led to the economic impoverishment of the people. The impoverishment revolves round four inter-related issues:

i. The de-emphasis on derivation as a principle for revenue allocation in the country, which has consequently reduced the amount of national resources going to the oil producing areas as of right;

ii. The lack of infrastructural development in the oil producing areas;

iii. The absence of social amenities and the consequent poor standard of living of the people in the oil producing states; and

iv. the systematic destruction of the environment and ecosystem in the oil producing areas resulting from oil exploration activities."[29]

In addition to ecological rehabilitation and economic deprivation, the minorities have also learnt to contend with the language policy. Government's policy has been to impose the language of the three dominant ethnic groups-Hausa, Igbo, Yoruba- as the national languages for the country. The National Policy on Education of 1977 mandated each child in the country to learn one of the three major languages other than his own mother tongue[30]. Politically, the 1979 and 1989 constitutions provided that the business of the National Assembly shall be conducted in English, Hausa, Igbo and Yoruba, when adequate arrangement had been made therefore[31]. Furthermore, vernacular translators of Federal Government documents where the need arises are only officially limited to the three indigenous languages. Culturally, the three major languages are the only officially recognised indigenous modes of communication on the federal mass media.

It is clear the government's policies at fostering the three major languages aimed at suppressing the minority languages. The implication that the marginalisation of the minority groups has on the corporate existence of Nigeria is the continuous violent agitation by these groups that may eventually degenerate into anarchy. The fact is that all ethnic groups of the country have a right to a just and fair share of the nation's resources and entitlements and these must be addressed.

There is already, widely peddled, the view that all these disputes can only be solved at a Sovereign National Conference, where the ethnic groups which are said to be constituent

units of the Nigerian federation would send their delegates to deliberate upon the terms and conditions on which they would continue to live together in the Federal Republic of Nigeria; or the procedure to follow, to break up this federation and allow each ethnic group to establish its own Sovereign Nation State or with others[32]. A National Political Reform Conference (NPRC) was inaugurated on February 21, 2005 where major political stakeholders were represented. Nothing came out of the conference because it could not draw a new constitution whereby all minority groups would have a fair treatment and reparations paid to them for their neglect over the years.

Asymmetric Central-Regional Relationship (lopsided Federal Structure):

The inclusion of the issue of federalism in this paper is reflected in the changing structure and contradictions evidenced in the system since its adoption in Nigeria. At the end of the first national conference in 1950 held by the representative of the three regions in Nigeria, the delegates opted unanimously for federalism. The reason is illustrated, by the multiplicity of ethnic groups in the country. Federalism according to A.V Dicey, "is a political invention which is intended to reconcile national unity and power with the maintenance of the rights of the separate members-states". In his words, "whatever concerns us as a whole should be placed under the control of the national government and all matters which are not primarily of common interest should remain in the hands of the several states."[33]

Furthermore, federalism is an arrangement whereby powers within a multi-national country are shared between a federal or central authority and a number of regionalised governments in such a way that each unit, including the central authority, exists as a government separately and independently from the others, operating directly on persons and property with its territorial area, with a will on its own and its own apparatus for the conduct of affairs and with an authority in some matters exclusive of others. In a federation, each unit enjoys autonomy, a separate existence and independence of the control of any other government. Each government exist not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its own will on the conduct of its affairs free from direction by any government. Thus, the central government on one hand and the state governments on the other hand are autonomous in their respective spheres"[34]

As Wheare puts it, "the fundamental and distinguishing characteristics of a federal system is that neither the central nor the regional government are subordinate to each other, but rather, the two are coordinate and independent". In short, in a federal system, there is no hierarchy of authorities, with the central government sitting on top of the others; all governments have a horizontal relationship with each other. Nwabueze identifies as an additional characteristics of a federal system that " the power sharing arrangement should not place such a preponderance of power in the hands of either the national or regional government to make it so powerful that it is able to bend the will of the others to its own"[35]. Therefore federalism presuppose that the national and regional governments should stand to each other in a relation of meaningful independence resting upon a balanced division of powers and resources. Each must have powers and resources sufficient to support the structure of a functioning government able to stand on its own against the other.

In view of the above, the 1960 constitution represented a true federal structure, extensive powers was granted the regions making the effectively autonomous entities and the revenue arrangements which ensured that the regions had the resources to carry out the

immense responsibilities. The following features emphasised the existence of a true federal system composed of powerful and autonomous regions and a centre with limited powers. Each region had its own separate constitution; each region had its own separate Coat of Arms and Motto; each region established its own separate semi-independent mission in the UK headed by Agents-General. The regional governments had residual power i.e. where any matter was not allocated to the regions or the federal government, it automatically became a matter for regional jurisdiction.

Thus, apart from items like aviation, external borrowings, control of capital issues, copyrights, deportation, external affairs extraction, immigration maritime shipping, mines and minerals, military affairs, posts and telegraphs, railways (which were all in the exclusive list), all other important items were in the concurrent list i.e. under the control of the regions, thus permitting the regions equal rights to legislate and operate in those areas. The most significant included arms and ammunition, bankruptcy and insolvency, census, commercial and industrial monopolies, higher education, industrial development, the regulation of professions, maintaining and securing of public safety and public order, registration of business names and statistics.

Given this initial thrust at independence, a deviation has however occurred with the federal government becoming more powerful than the regions; thus making other units bend to its will. Though there is no such thing as an ideal model of federal society, Nigeria as a federal state has departed from all the fundamentals of federalism. As a multi-ethnic state, it has not succeeded in uniting and integrating the constituent units hence the marginalisation of the minority groups. Furthermore, the 1960 constitution described each region as a self-governing. This was clearly demonstrated in the allocation of revenue which was strictly derivative.

To buttress the self-governing status of each region, adequate provisions were made to guarantee economic independence of the regions. A federal government, nonetheless, hijacked this position. While federalism was adopted, the question became its imperfection. In the case with most disaggregate federations, the federating units have not been representative of the ethnic nationalities, thereby resulting into an assertion to the right to self-determination by groups without states of their own. The major groups which controlled the erstwhile regions continue to have district (ethnic) states and have been the only fortunate groups in this respect. They were the major participants in the constitutional bargains of the 1950s, which produced the original federal constitution that was based on the principle of regional autonomy and have had pride of place in all subsequent phases of federalism"[37]. Although national integration and cohesion had hardly been achieved with the federal system that was foisted on the nation at the behest of first military intervention in 1966, the elongation of military incursion into the political foray no doubt compounded the process of constitution making but also created deep-seated fears and suspicions among the diverse ethnic nationalities in the country. The minorities have been subjugated and have not been treated fairly. As a result, they have to struggle to make their voices heard. Therefore, the task of restructuring the corporate entity of Nigeria still remains as important as blood to life.

Citizenship Question:

The question on citizenship is another prominent issue that was not addressed at independence. The matter becomes important when one considers the general structure of the country. A country like Nigeria made up of different ethnic groups with a federal structure; is

it possible for an individual to be solely restricted to his locality? Can an individual acquire opportunities, that is, political rights, job, and educational rights- in a state other than his? This is a problem that was not addressed at independence. Citizenship and the issues associated with it are at the core of any nation. It is citizenship rights that determines an individual's belonging to his/her respective state.

The word citizenship refers to the status of being an inhabitant of a city or town; a member of a country, native or naturalised, having rights and owing allegiance. Gaventa conceptualised citizenship along three main trends namely liberal, communication and civic republican. The liberal theories define citizenship as a status which entitles individuals to a specific set of universal rights granted by the state. The civic republican approach addresses the right and obligation of the citizens to participate in political affairs; while the communitarian theories centre on the notion of the socially embedded citizen and community belonging. They argue that the individual's realisation of interests and identity can only be defined in relation to the community he/she belongs.[38]

The current debate on citizenship in Nigeria has paid little attention to the above concepts and rather emphasises indigeneity. The word indigene, which is a Nigeria coinage, is used to define natives of a particular place as against other citizens of Nigeria found in that locality. It is not discussed in the constitution, but it has assumed political connotation in virtually all parts of Nigeria as various communities and political units seek to protect themselves against 'newcomers'. It is largely a product of Nigeria's multi-ethnic and heterogeneous status. It is used to confer special privileges on the natives that are beyond the reach of non-natives. At independence, all the former regions sought to use it to offer their people's special protections in an environment. Given the ethnic and regional politics of the country, the regions were suspicious of each other. This could be recalled in Azikiwe's bid to contest for election in Lagos, but through ethnic chauvism was out-maneuvered. As Momoh has argued on the issue of citizenship and its problems, he submits that "Nigeria lacks state citizenship rather national citizenship is the only provision"[39]

It was not coincident, therefore, that the popular struggle for democracy was hinged on these issues which approximate the agitation for the convocation of national conference aimed at addressing the inadequacies in the federal structure which essentially requires reforms in the constitutional framework and the devolution of powers to conform with the ideals of the federalism.

The issue of being an indigene has become a key issue in the citizenship debate. If a person has lived in a certain place other than his native place for most of his/her life, worked, married and had children there, he/she is still considered a non-indigene, a foreigner, a settler. That person has to go to refer to his/her state of origin to claim citizenship rights. This definition of citizenship does not permit the exercise of universal rights and entitlements since they have been restricted by a code"[40]. Individuals who are not indigenes experience discrimination in terms of placing their children in school, employment opportunities and access to resources such as land and political rights.

There is a consensus that this way of defining citizenship in Nigeria has led to the emergence of a dysfunctional citizenship as Momoh calls it, meaning there is a lack, even an absence of a primary identification with the national-state level. To further complicate the lack of a state citizenship is the role of religion that has made the issue of citizenship more difficult.

Given the domination of Moslems in the north and Christians in the south, identity and citizenship have shape each other. These factors have strongly determined people's entitlements and access to resources.

The situation has posed a great challenge to Nigeria's corporate existence, plunging the country into a vortex of communal disputes; there is constant dichotomisation between indigenes and settlers. In the current circumstances, it is important that this issue of citizenship be addressed in the constitution, thereby making provisions that would be constitutionally protected so that the status of any citizen shall not be determined by his place of birth or his religion."[41]

Christian and Islamic Laws in Nigeria:

The emergence of a dual legal system in Nigeria based on the existence of two prominent religions is another issue that remained unresolved constitutionally at Nigeria's independence and has thus resulted in tremendous tensions in the country. As has been indicated earlier, prior to the political division of the African continent, Nigeria was a non-political entity consisting of tribes and ethnic groups with varying religious beliefs and systems of government.

However, in 1900, the British colonial administration, which succeeded in carving out Nigeria for herself, forcefully brought all these independent nations together under one rule. When the British colonialists took over northern Nigeria in 1900, they created Sharia courts for the Muslim ethnic groups and customary courts for the minority ethnic groups. These courts were to administer native law and customs prevailing in the area of jurisdiction and might award any type of punishment recognised thereby except mutilation, torture, or any other which is repugnant to natural justice and humanity"[42]. By 1914, Nigeria as a political entity was created through the amalgamation of the northern and southern parts of the country. The bringing together of these nationalities created problems because of differences in systems of government and religious beliefs, so the British adopted different processes for the administration of justice.

In the northern part of the country, indirect rule was introduced where the British ruled through the leaders of the area. Muslim rulers from the Hausa and Fulani ethnic groups were given some responsibility to administer their people. However, this posed a problem when the colonial administrators in northern Nigeria forcefully subjugated minority ethnic groups to the rule of these Hausa and Fulani Muslim rulers. Before the colonisation of Nigeria, these northern Nigerian ethnic minorities had existed as independent nations and embrace. Christianity and traditional religions; while the Hausa, Fulani and the Kanuri embraced Islam. The subjugation of these northern minority ethnic groups to the leadership of Muslim leaders with differences in religious beliefs, customs and traditions, was to become a stubborn political problem that has remained unresolved in Nigeria's political history.[43]

By Nigeria's independence in 1960, the British colonialists had already created a *de facto* ruling class out of the Hausa and Fulani Muslim group. Muslim leaders carried out judicial reforms to entrench more Islamic values in the lives of northern Nigerians, with Christians inclusive. The Sardauna established a legal system that combined Islamic law with some aspects of the English Common Law. The Islamic aspect of the penal code was derived from Maliki law (an Islamic School of thought). It was also based on the code then being used

in the Republics of Sudan and Pakistan. This brand of Sharia law provided for the administration of justice on issue of personal matter; such as marriage, divorce, paternity, guardianship, gifts, wills and succession.

However all criminal cases were still vested in the hands of the state. The result of the Sharia implementation has been disastrous. Between the last three and four decades, over thirty major religious conflicts have been recorded between Christian and Muslims in northern Nigeria. During these conflicts, thousands of Christians and Muslims had been killed and hundreds of church buildings had been destroyed. This penal code of criminal procedure was in operation until 1999, when Muslim political leaders moved to implement Islamic law over both civil and criminal aspects of daily life.

The declaration of Sharia law in several northern Nigerian states have increased Muslim-Christian tensions. Christian leaders in northern Nigeria have consistently warned that adopting and implementing Sharia are marginalising Christians politically and religiously. In spite of provisions for the establishment of Sharia courts in Nigeria's constitution, there is no article that permits a state government to adopt Sharia as a law neither must any government adopt any religion as a state religion. However, this same constitution provided for the establishment of Sharia Courts by a state and this has given opportunity for northern leaders to adopt Islam as the state religion.

Unfortunately, the Nigerian government appears to be helpless in addressing the issue. Thus, its inability to address this problem is the result of increasing tensions and conflicts, which hinders national integration. The debate on Sharia courts is a very passionate one in Nigeria. Although they are only implemented in the north, conflicts still arise because of the Christians living there. Of course, the Muslim and Christian views on the issues are totally opposite to each other. For Moslems, Sharia is a right and not a privilege. For Christians, it is a deliberate disobedience to the constitution. The only way this issue can be solved is to make provision within the constitution that Sharia should be purely restricted to Moslems and where Christians are affected there must be constitutional provisions that should protect them. Attempts must be made by the government to include this in the constitution thus resulting in the country's unity.

CONCLUSION

This paper has examined the unresolved constitutional and political issues at independence. These issues have been studied from their roots to their implications on the prospects of Nigeria's corporate existence. It is noted that, prior to 1914, the country we call Nigeria today were two separate entities operating different systems of administration. The amalgamation of 1914 changed the destiny of these entities as the British government imposed what they felt was the most ideal system of government

The development of constitution making of Nigeria culminated in controversial issues because of differences between the two protectorates. However, as the country had a common enemy in the colonial government, and inspired independence, most of the issues raised during the constitutional development periods were overlooked. When the excitement of independence was over these unresolved issues in the form of North-South dichotomy, ethnic politics, marginalisation of the minority, and Revenue Allocation - began to resurface. But this time, not in the form of dialogues or debate but as conflict, distrust and bitter enmity between

the ethnic nationalities in the country. The questions we should then ask ourselves are these: Are there solutions to these problems? Will it ever be a mirage that those aforementioned constitutional and political issues are resolved? As historians, it is our duty to apply our training and knowledge in the task of helping the government resolve the issues that have been impeding Nigeria's stability and fanning the ember of ethnic cleavages.

The constitution must not only address extant constitutional and political problems but appreciate the foreseeable and even some of the improbable issues. There is general agreement that there cannot be a perfect constitution but that cannot be sufficient justification for disallowing a thoroughly robust discussion on how the people wish to be governed.

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