



Common Law and Sharia in Nigeria

B Balewa

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This work was written 1989 and published for the first time in 2002. The author's intention is to inform even-handedly, national and international debates about the misunderstandings surrounding the Sharia and common legal systems in Nigeria. Balewa broadly discusses Western and Islamic philosophical backgrounds of law, relationships between law, politics and religion in society, and concepts of secularism and secularity. He traces the history and schools of Sharia law, and the sources of common law in Nigeria, and its comparative religious and colonial foundations. He further appraises two views of the controversy: namely, whether Sharia law, as a fully-fledged legal system, should be reflected in the Nigerian constitution - or not, given its contentious religious content; and he states the case against Sharia. His conclusion is that in view of the status quo, and the multi-ethnic, multi-religious nature of Nigerian society, there is a need for understanding of the truths of both systems; and to find appropriate means of ensuring their equality and peaceful co-existence.

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