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&
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Vol. 5, No.2, December 2022

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2. The front page should include the FULL names of the author[s], affiliations and contact (address, phone, and email).
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6. The full paper, of block paragraphing feature, should not be more than 15 pages long, including the references.

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An Assessment of the Impacts of *Madāris* (Qur'anic/Arabic Schools) in Mainland Local Government of Lagos State

Uthman, Sidiq Okanlawon, PhD

Abstract

Mainland LGA is one of the 20 LGAs in Lagos State and indeed one of the oldest LGs in Nigeria, carved out of the defunct Lagos City Council. It is a municipal town in metropolitan Lagos located about 6 kilometers north of Lagos City. With the indispensable activities of itinerant scholars and Muslim organizations and institutions, Mainland LGA has become one of the centres of Islamic learning in Nigeria today. The pivotal role played by Muslim scholars who doubled as qur'anic teachers and imams in this local county had positive impacts on the inhabitants of this area as well as Lagos state at large. These scholars are proprietors of qur'anic schools—madāris—who consistently produced graduates from these schools. These graduates sometime establish their own madrasa within the same area or nearby streets, thereby propagating Islam further in the area. This paper therefore assesses the impacts of these Islamic learning centers on the socioeconomic and religious development of this local government. It is descriptive and partially historical in its approach as it concisely discusses the importance of education in Islam, historical background of the local government as well as the advent of Islam in the area.

Keywords: impacts, madāris, qur'anic schools, Mainland LGA, Lagos State

Introduction

OUR PRIMARY ASSIGNMENT IN THIS LIFE AS HUMAN BEINGS IS NOT BASED ON MERIT or mutual rivalry over materialism, rather it is based on monotheism, which emphasizes that worship and adoration should be given to Allah, the only God who has no associates. This great objective cannot be achieved except through acquisition of Islamic education. The impacts and significance of Islamic education cannot be overemphasized because it is friendly to the possessor in solitude, the companion when bereft of friend and indeed the impetus that will allow man to know about his creator as well as ways to worship him. Through the acquisition of Islamic knowledge mankind knows his duty to Allah, rights of others and indeed how he can be successful in this life and the hereafter.

No one can pray as a Muslim without knowing how to read certain portion in the Qur'an. Qur'an is formally written in Arabic, a foreign language to the people of Mainland local government, hence, there is a need for Arabic school known as *ma-*

drasah where Muslims will be taught how to read and explain the Qur'an, traditions of the prophet and other literatures that enhance their knowledge of Islam. This paper x-rays the impacts of these *madāris* on the socioeconomic and religious lives of Muslims in Mainland Local Government of Lagos State.

Historical Background of Lagos Mainland LGA

Lagos Mainland local government is one of the twenty Local Governments, which invariably could be said to be among the oldest in the State.¹ It was carved out of the defunct Lagos City Council, which hitherto had been administered by the Lagos Metropolitan Authority.² Initially it was made up of 11 wards but with the creation of three LGAs on August 27, 1991, and the local community development areas (LCDAs), the local government was reconstituted into nine wards while Surulere and Yaba LGAs were carved out.³ According to Akingbade, Lagos Mainland came to be in September 1976 due to the nationwide local government reforms pursuant to section 1 (2) of the Local Government Edict, No. 16 of 1976.⁴

Geographically, Lagos Mainland is a municipal town in metropolitan Lagos located about 6 kilometers north of Lagos City. It maintains a northern boundary with Somolu from Shiro Street to Morocco road to Abule-Oja and southern edge is fringed by the Lagos Island of Iddo and the Lagos Lagoon.⁵ The Local Government maintains western boundary by the stretch of Western avenue which runs from Costain roundabout in the Eastern part of Lagos Lagoon.⁶ There are nine constituencies in Mainland LGA (ward A-I) with about 409 under those constituencies.⁷ The local government is a coastal town located within the geographical region of Lagos State in southwest Nigeria; the town is inundated within the numerous water bodies which invariably contribute immensely to the temperature of the environment to be relatively cool throughout rainy season.⁸

The local government is a commercial nerve center for all Nigerians, and it is domiciled predominantly by Nigerians of diverse culture and background. For instance, the original early settlers are the Awori, who settled at the Iddo and Otto in the late 15th century,⁹ repatriated and freed Egba slaves who were settled by the colonial government before Nigeria's independence on October 1, 1960. It is imperative to note that life in Lagos Mainland is largely influenced by most religious faiths which include: African traditional religion, Islam and Christianity. Ceremonies such as marriage, naming, funeral and birthday are celebrated in line with the practice of people's respective affiliation.¹⁰

Sequel to the fact that mantle of societal and cultural values is always being upheld by the traditional rulers, the local government equally can boast of first grade traditional rulers, prominent among them are Oloto of Otto, Igboji/Sabe settlement and the Opeoluwa Onido of Lagos in charge of Ilogbo settlement.¹¹ Interestingly, the National Theatre at Iganmu remains one of the tourist attractions in the local government.

Advent of Islam in Lagos Mainland Local Government

There is no gainsaying to the fact that, the advent of Islam and its development in Eko as Lagos is traditionally called, is to the credit and pivotal role played by Oba Kosoko and other Muslim scholars from far and wide. It was reported that Islam was introduced into Oke-odo now Ebute-Meta towards the tail ends of 18th century and early 19th century around 1906 by Qasim Olokodana, an itinerant scholar from Ilorin.¹² Another Islamic scholar who joined Olokodana was Bukhari. The first mosque then was at Oyingbo busstop, opposite the tax office, behind Leventis Stores, was said to have been built by Bukhari.¹³ Later the mosque finally moved to Kadara Street, then named Kadara Mosque the same year.

Islam was then growing gradually in the area without any hindrance, not until the 1953 chaos and confusion which occurred between the Muslim scholars and members of secret cults of the area as a result of the assassination of Alfa Bisiriyu Apalara during his night public lecture at Okobaba. Indeed, Apalara was said have contributed immensely to the growth of Islam in the area, in view of his various night preachings in the Ebute-Meta area.¹⁴

Alufa Bisiriyu Apalara Ashe was popularly called was said to be the first Islamic scholar that organized open night preaching in Ebute-meta at that time. The main theme of his sermon always centered on the superiority of Islam over idol worship.¹⁵ He never ceased to condemn paganism. He had been warned and threatened several occasions by the cult over the main theme of his lecture which was devastating to their faith and, destabilization of their cult.¹⁶ The cult members' threat and warning only served energize Apalara further. When Shaykh showed resistance to all threats and intimidation he was eventually kidnapped by the cult members at the venue of his lecture No 9 Tapa street, Oko-Baba, Ebute-meta in the midst of his audience and later killed in an unknown place.¹⁷

With Apalara's assassination, all Islamic scholars, *madāris* proprietors and preachers in Nigeria as a whole and in Yoruba land in particular felt slighted, insulted and insecure. Prominent among them are; Shaykh Ahmad Tijjani Awelenje popularly known as Alfa Eko, Shaykh Kamalu-Din al-Adabiy, Shaykh 'Adam °Abdullah al-Ilori, Shaykh 'Ahmad Nda Salati, Shaykh Nasir Kabara (from Kano), Shaykh Abubakar Siddiq (Imam Kadara Mosque, Ebute-meta), Shaykh Salahud-Din Baba Ile-Ila, Shaykh Bello Anifowose (Epetedo Lagos Island), Alufa Adamu Aworawo and a lot of others.¹⁸ They jointly resolved on taking vengeance on the death of their colleague in Da°wah. The situation was tensed both in Lagos Island and Mainland. The government banned public preaching. When government had difficulty in imposing the ban on the aggressive Muslim preachers in Lagos Island and Mainland, Shaykh Ahmad Tijjani Awelenje Shaki, the leader of the '*ulama*' in Lagos and its environs was consulted by the government for possible strategy for maintaining peace and order among the Muslims. The consultation resulted in constituting board of control of Muslim preachers to which Shaykh-Shaki Awelenje was made the chairman. The board had succeeded in placing preaching permit, for complete one year (1953-

1954). During the period, permit had to be given by the board before any preacher could preach publicly, whether in daylight or in the night.¹⁹

However, consequent to the ordeal of the murder committed by the cult members, twenty one people were arrested and later eleven of them were persecuted, convicted and sentenced to death through hanging. Among the convicted one are Lasisi Oluwa, Hashimiyu Musendiku, Joseph Ogundipe, Yunusa Kosegbe, Mustapha Oteka, Rahim Oteka, among others. Indeed the case was said to be the first brutal murder case in Nigeria,²⁰ which was met with mass execution under the colonial administration.

After the case, Islam continued to develop in high rate as the case opened way for a lot of Islamic scholars to establish Islamiyyah schools, organize public lectures in the morning, afternoon and night, inside the mosques, streets and in all other areas with a lot of people denouncing their former faith and embracing Islam as their religion and way of life.

The significance of Kadara mosque towards the growth of Islam in Ebute-meta cannot be over emphasized being the first mosque in the area and major centre for general public lectures then up to recent time. In the same case, Islamic organizations and societies found their ways into Ebute-meta with *asalatu* sessions, public lectures and establishment of Islamic learning schools (*madāris*).

In recent time various Islamic organization have also been contributing immensely to the growth of Islam in the area with series of public lectures, weekly *Asalatu* session and celebration of *walimat-ul-qur'an*, *mawlid-in-nabiy*, and *idayn* to mention but a few. Prominent among these organizations are; al-Jama'atul-Qadiriyyah and Tijjaniyyah, Nasfat, Quareeb, Istijaba, Aislaaf, *inter alia*. With the activities of all these Muslim organizations and institutions, Ebute-meta has become one of the centres of Islamic learning in Lagos today.

Significance of *madāris*

Islamic learning can be defined as a process or culture, which transmits the revealed and acquired knowledge to the generality of Muslims in order to prepare them for the life and enable them to discharged their duties as vicegerent of Allah on earth, with the sole aim of achieving success in this world and here after. The significance of traditional Qur'anic schools also famously known by the Hausa as; *Ilmiiyyah*, *MakarantaAlo* or *Islamiyyah* schools (*madāris*) towards the preservation of Islam, its knowledge and ethical values cannot be over-emphasized. It is the learning environments which facilitated the spread and preservation of Islam. According to Sidiq, it predated the western education in Nigeria that was brought by the Christian missionaries who brought Christianity in to the country in 1840 CE.

The *madāris* are so significant because they serve as a place where Muslims are taught how to read and understand Qur'an as well as adequate rudimentary aspect of Islam.²¹ It is also a learning place aimed at producing capable and conscious Muslims who will be able to impact Islamic education on others, proselytization, leading

daily and weekly prayers and conducting ceremonies in line with the dictates of Allah and traditions of Prophet Muhammad.

Islam and education on the other hand, are twin words, which are inter-related. Given the high position which Islam places learning, it can be seen as necessary requirement for successful accomplishment of both spiritual and mundane mission in human life. Indeed in the spirit of Islam, knowledge enables its possessors to distinguish what is forbidden from what is not; it lights the way to paradise because as a Muslim one is duty bound to know about Allah and purpose of one's creation ; it is a friend in the desert, society in solitude, companion when bereft of friends, it guides to happiness, sustain one in misery; it is ornament in the company of friends; it serves as an armour against one's enemies. With knowledge, the servant of Allah rises to light of goodness and to a noble position, associates with sovereigns in the world and attains perfection of happiness in the next.

Nevertheless, Islamic education is not restricted to rituals alone; it is extended to secular aspect of human life. It is a combination of spiritual and secular learning for the development of human faculty and his environment. Unlike western education that only emphasizes secular aspect of life, Islamic education stresses both spiritual and mundane aspect of human life.

Moreover, the circumstances surrounding the first revelation in the Qur'an which was revealed to the Prophet in the cave of Hira shed more light on the significance of learning in Islam. The injunction read as follows:

Read in the name of thy lord who created. He created man, out of a leech like-clot. Read and thy lord is most beautiful. He who taught [the use of] the pen – taught man that which he knew not. [96:1-5]

The commandment above was to the Prophet to read, shows the importance of learning and literacy in the success of any endeavours and accomplishment of any mission in human life. The verses are significant because it postulated the significance of knowledge and literacy, and by implication it shows that, the age of physical magic and temporary miracle had gone. Without learning no one can accomplish any mission either spiritual or mundane. Hence, acquisition of Islamic learning is important as it stimulates positive force in human endeavours. It liberates and emancipates man from darkness of ignorance to the light of knowledge and guidance; it develops man's image personality, integrity, intellect and faculty.

Generally speaking, Islamic education is conceived as the process by which an individual acquires knowledge [both religious and secular] to develop attitude and skills within the spectrum of *Shari'ah* and general knowledge in humanities and science. This is the more reason Allah places those that are knowledgeable and educated over other people: "It is only those among His servants who have knowledge that fear Allah" (Q. 35:28) and "And those who have been given knowledge see that what is revealed to you from your Lord is the truth, and it guides to the path of Exalted in might, Owner of all praise" (Q. 34:6).

The Impacts of Islamic Learning in Mainland Local Government

Religious Impact

In his work titled “Unethical behaviours among Muslim youths in Mainland local government,” Sidiq (2010), identified immoralities such as: gambling, prostitution, consumption of intoxicant substances as well as drug to mention but few as, major unethical behaviours common among Muslim youths in Ebute-Meta. While there were few *madāris* in the early 1980’s in the area, it could be said here that, no one could be able now, to give accurate numbers of these local traditional Arabic schools. The reason is not far fetch, and this is as a result of the proliferation of more *Katātib*(traditional Arabic schools) and relocation of more Muslims to the area.

Although, immoralities and unethical behaviors are still very rampant in the area; nevertheless, the impacts of this discipline on the Muslims of the area cannot be over emphasized.²² The impacts of the learning is noticed among the Muslims in the area as it direct their interest to their salvation in the life to come and above all reconstructing their entire fabric of human life religiously. It was observed in the area that almost every street in the area have mosque and *madrasa*. Sometimes, mosques have its own *madrasah*, while at times some muslim landlord provides a space in their building for *madrasah*.

The acquisition of Islamic learning by the Muslims of the area makes them to realize the fact that, Islamic learning as they conceived, is a process by which an individual acquires religious knowledge which often affect their mundane affairs positively, because, it develops their attitude and skills within the spectrum of Islamic provisions. There arising presently, the establishment and building of *madāris* and mosques in major streets in the area with the sole aim of increasing Muslims places of worship and Muslim children centers of Islamic learning.

Interestingly, Islamic learning in recent times in the area makes most of Muslim pupils conscious of Islamic dressing code; as it motivates majority of them to the use of Hijab as their outer wear, while others partially comply with Islamic code of dressing. Since, Islamic learning guides mankind towards attaining bliss, in this world and the Hereafter. The impact of these *madāris* can be seen in the level of devotion of the Muslims of the area to Allah. For instance; the five daily prayers are regularly and consistently observed by the pupils who attended *madāris* in the area.²³

Islamic learning inculcates the spirit of total submission to Allah on the minds of Muslims in the area, this was noticed with the introduction of night classes among *madāris* in the area. The essence of this is to serves as a hindrance and curb Muslim children against involving in the delinquent activities common among youths of the area and to bridge the gap for Muslim children coming home late from western schools. By the time the Muslim children are receiving sound knowledge of Islamic learning, others will be seen roaming along the streets associating with bad gangs.²⁴ In conspectus, the *madāris* help tremendously in propagating Islam in the area with various night sermons by the proprietors of various *madāris* in the area.

Social Impact

There are innumerable night clubs, Lotto shops, ber parlors, Hotels and Gambling houses in Ebute-Meta. Several social vices and moral decadence were very rampant among the youths in Mainland Local Government, because of spiritual deprivation, social alienation, absence of good role model and model *madāris* before²⁵ and still rampant in the area, but still the impact of Islamic learning on all these cannot be over-emphasized. Since, Islamic learning brings up Muslim youths under the real principles of Islam and dissociates them from all social-vices and juvenile delinquency.

Ironically, Muslims in some areas in Mainland Local Government, who lack Islamic ethics cannot bring-up children in an Islamic way, this is because you cannot give what you don't have. Invariably, parents who do not imbibe the spirit of Islam can never instill any meaningful Islamic ideals to their children.²⁶ Certainly, cultivation of these values into the Muslim youths enable them to curb and abhor moral decadence.

Other impacts of *madāris* on the generality of the Muslims in Mainland Local Government is in the creation of mutual social interaction which often leads to intra-marriage among Muslims of different cultural background, this by implication leads to the formation of solid and an ideal Muslim family whose members fashion their lives according to the dictates and frame work of Islam.

Parents are more conscious of their responsibilities towards the training of their children to be good citizen and responsible compatriots, who will later form units of a disciplined and responsible society. The children too are more responsive, upright and diligent in their duties towards Allah, their state and fellow beings. Their minds imbued with the spirit of Islam and its culture, it made them live above the sophisticated society in which they found themselves.²⁷ These children form an ideal Islamic home and they are distinct from their counterpart in respect of decency in their dressing and general approach to issues in life.

The impacts of *madāris* in Mainland local government on the economic life of the Muslims in the area can be traced to the ability of the Muslims of the area to establish a society where justice and peace reign and exploitation and fraud respectively are considerably reduced. Indeed, all these vices are the evils used by some quarters to destabilize the economic set-up of the area and the state at large.

Various kinds of injustice, deceit, bar restaurant and other fraudulent business transactions are not much, compared to other local government in the Lagos state. This is because of the impact of the knowledge of Islam gained in the *madāris* is influencing the Muslims positively. While other youths use to collect all various kinds of unjust levies from commercial vehicles in the area, Muslim youths with knowledge acquired in *madāris* try to establish a clean business or decent acts as a sales representative in a lawful venture. This is very common mostly among the pupils that have finished *ʿidadiyyah* in the *madāris*, and this is attributed to some of the immense contributions to the economic development of the area.

On the other hand, a literate person of western education without Islamic learning is usually tilled with pride, pomposity and arrogance. This class of people cannot be of good behavior because of their conscientious service to the public.²⁸ Indeed the impact of Islamic learning to the economic life of the Muslims in the area can be overstressed; since it ensures integration of secular and mundane aspects of their life, thereby, such Muslims are seen as functional organs of the society which promote the economic growth and development in the area.

The establishment of Islamic book shops and enterprises, in which Islamic books and materials are bought and sold in accordance with the economic principles of Islam, also amount to the economic impact of *madāris* in the area. Muslims are forbidden from partaking in hoarding, cheating, fraud, oppression and exploitation, fiction of skyscraping prices and fluctuation of prices with unjust cause. Nowadays, with the acquired knowledge of Islam by the Muslim they also partake in fishing and trading business, as they also engage in lawful cottage industries and production of good and services in accordance with the dictate of Allah and His Apostle.²⁹

Intellectual Impacts

The impacts *madāris* in intellectual aspect, is that it gives sound, moral, ethical and Islamic learning to the Muslims children and prepares them to face the challenges of the modern world in accordance with the dictates of Allah. Majority of the *madāris* always preferred to give their students a sound solid foundation of Islamic learning which will make them to cope with any situation they find themselves. This class of students can be found particularly among the students who have flair for academic pursuit and intend to further their education up to university level, after their *‘idadiyyah* certificate.³⁰

Some of them who have no opportunity to go further in their educational pursuit because of one thing or the other, usually establish their individual *madrasah*, while others who are exceptionally good will be appointed to teach private schools as a teacher of Arabic and Islamic studies.³¹

On the pertinent note, some well-to-do Muslim parents who are conscious of the significance of Islamic learning prefer to invite this set of students to come mostly in the evening to teach their children precisely Qur’anic lesson. This development can also be considered as intellectual impact of this *madāris* on the Muslims of the area.

Effects of Western Education on *Madāris* in Lagos Mainland

When colonial administrators with their irresistible power invaded Nigeria in the late 1800 CE, they saw Islam as a rural force and set out to control or subvert it. Western style schools were perceived as a prime instrument of this policy and came to be considered as seed beds of heresy in Nigeria and all other West African countries as a whole.

At this juncture, it is undisputable fact however, that western system of educa-

tion introduced to Nigeria by the Christian missionaries in the colonial era is having a lot of effect on the Islamic learning and teaching both in traditional *madāris* and the so-called western schools, either in the primary, secondary or even the tertiary institution. Western education is a social process by which an individual achieves competence and growth in an institutionalized pattern,³² as it was introduced by the Christian missionary during the colonial era to the traditional and informal system of education of Nigerians.

Nevertheless, when one takes a critical and objective look to our society to-day particularly Mainland Local Government, it will reveal to us, that some Muslims generally has nonchalant attitude toward Islamic learning. They hardly pay stipend the proprietors of *madāris* as for their service. Islam is seen by some as, just a religion which could be practiced according to one's conveniences whereas, Islam is a complete way of the life which should be a regulatory system for one's life, right from cradle to the grave.³³ This complacent and nonchalant attitudes of Muslims to Islamic learning is as a result of effect of western education to which preference is given by them. More also, many objective minds are living witness to the countless havoc caused to the trends of Islamic learning by the Christian missionary, conventional or western schools.

Western education and civilization are based on the principles of separating religion and state. It is pertinent, that line is mostly drawn in every western school, between spiritualism and secularism. Thus, this indeed is a great effect of western education on Islamic learning. Parts of the effect of western education on *madāris*, is what led to the introduction of evening and night classes in almost every *madāris*, since no pupil or Muslim children will have the opportunity of attending *madāris* in the afternoon, since they now closed in schools around 4-5pm with gargantuan homework. As such, most *madāris* deem it fit to introduce evening and night classes to accommodate more Muslims pupils.³⁴

Consequently, Muslims find it difficult to reconcile their expected values with the realities of a disordered society. One can justify this on the basis, that most parents who give no room for Islamic learning in upbringing their children, will find it at the end that any youths produced though the westernized education are bound to be selfish and corruption oriented individual.

It is unfortunate that, parents pay exorbitant fees in western schools on their children and when it is the turn of the *madāris* they will not only refused in paying the money but also stop their children to go further in Islamic learning.³⁵ From all indications, we can submit that, the remiss by the parent to the Islamic learning is as a result of challenges they encountered in the western schools.

Furthermore, all work without play make jacks to be a dull boy. On the side of the children they become absentees or truants, one day on, one day off in the *madāris*. This indeed is because of the overcrowded programmes they have undergone in the western school in the day time, and by the time they are in the *madāris* they become very tired to the extent that they will be unable to cope with *madāris* programme.³⁶

Pivotal role played by the government to the development of western schools, serves as another veil and barrier to the development of *madāris*. For instance, there are ninety-four (96) government owned public schools in Education District IV of the Lagos State Ministry of Education. The district comprises of three zones namely; Apapa, Surulere and Mainland. On monthly basis, the state government often disburses what is call “running cost” to the head of these schools. Ironically, the proprietors of *madāris* cannot benefit from this largesse by the government. Instead for the government to treat *madāris* and western schools equally, they rather *madāris* and concentrate on development of western-oriented schools.

However, the use of modern equipment likes chair, desk, chalkboard, printed text books, biros and exercise, etc., for learning in *madāris* in Nigeria in general and in Lagos Mainland particularly is a positive impact of western Education on Islamic learning. This is because, proprietors of *madāris* often allow pupils to seat on mosque floor or praying mat hitherto.

Conclusion & Recommendation

An attempt had been made in this paper to critically assess the evolution and impact of *madāris* on the socioreligious and economic lives of Muslims in Mainland. This paper equally x-rayed the historical background of the local government and indeed exposed the evolution of Islam in the area. The significance of Islamic learning which is the main aim of *madāris* cannot be overemphasized, this paper appraises this importance and the effects of western education on *madāris* in the local government. Due to the challenges facing Islamic learning and local Qur’anic schools in the area, the paper recommends for the progress of *madāris* in the area and the state in general that:

- i. In view of the clamor of many parents to see their children acquired western education and at the same time to ensure quick and effective learning of the Qur’an, it is imperative to design a programme such as: “Arabic literacy class” in Muslim nursery & primary schools, this will make the realization of these objectives very possible within a period of three to four years.
- ii. There should be constant motivation and financial support for the *madāris*, since it is not a retrogressive venture, rather it is progressive. It even contributes to the development of the state and the nation in general, on the area of morality and human development. Parents themselves must strive hard to improve their religious knowledge. They should be ready to learn what they are ignorant of as regard the knowledge of Islamic learning. They should not pay lip service to Islamic learning which centers on the knowledge of the Qur’an and the tradition of the prophet.

In other to have standard and uniform school’s fees in various Arabic and Islamic schools (*madāris*) which hitherto varies from one school to the other, there should be an association or organization of *madāris* proprietors particularly in each LCDA. With this organization, the proprietors of the schools will be able to fix a standard and uniform school fees Student should be arranged according to their sexes, classes

and age-wise. Unnecessary mingling between the opposite sexes is prohibited in Islam and so it must be avoided.

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Oppressing A Muslim Minority Group: A Case Study of Shiite Movement in Nigeria

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Abstract

The population of the Muslims in the world as at today is averagely two billion, of which the Shia sect has the second highest number of membership after Ahlus-Sunnah wal-Jamā'ah. Its members cut across Arab and non-Arab nations. In spite of its enormous membership and their spread across the globe, Shiite Islamic sect was not accepted as true adherent of Islamic religion. Using conceptual analytical approach, this paper intends to examine some of the inaccuracies and erroneous judgment which surround the historical accounts of the Shiite Movement. Findings indicate that some of their political and religious theories are contradictory to those of other Muslims. In Nigeria, where Muslims are predominantly Ahlus-Sunnah wal-Jamā'ah (Sunni Muslims), members of Shiite Movement are at one time or the other in face off with the Law enforcement agents or with other Muslim organizations. This paper examines the causes of the rifts and attempt to suggest practical solutions which could make members of Shiite live in peace with other people in their environment.

Keywords: religion, Shiite, Sunni, doctrines, khalīfah

Introduction

SHI'AH IS ONE OF THE MAJOR ISLAMIC SECTS IN THE WORLD TODAY. IT IS CONSIDERED as having the second largest followers after Ahlus-Sunnah wal-Jamā'ah otherwise called the Sunni group. The concept of *Shi'ah* largely predominates in three major countries where more than half of their inhabitants adhere to the doctrine of the sect; they are: Islamic Republic of Iran with 90% of their population as Shiite, Iraq having 57% of their population as members of Shiite and Bahrain where 54% of their citizen are members of Shiite.¹ Other countries having significant percentage of Shiite members are: Lebanon 30%, Kuwait 19%, Pakistan 14%, Afghanistan 6%, Turkey 3%, and India/Saudi Arabia 2%.² Their members are estimated to be about fifteen percent (15%) of the Muslims in the world.³

Origin of Shiite

Shiism (Shiite) is said to have started from some leading companions of the Prophet who created special interest in 'Ali ibn Abi Tālib due to some exceptional qualities seen in him. Among these companions were: Salmān Al-Fārisi, Abū Dhari

Al-Ghifāri and Miqdād ibn Al-Aswad². They noticed that the Prophet did not clearly appoint anyone to succeed him; he rather left the matter to the congregation to appoint who and what is best for them in managing their affairs and protecting their religion. To support this view is the narration from Buhari that ʿAli was enjoined by Ibn ʿAbass, when he was with the Prophet on his bed, to let them ask from the Prophet who is to succeed him but ʿAli objected to the idea saying that: “ if by Allah, we ask him and he deny us, people will never allow us after him”.³ The interest of the Companions in ʿAli increases during the second half of the reign of Khalifa Uthmān when the latter’s regime started losing fame.

Another source put Shiite to have emerged out of share love for ʿAli ibn Abi Tālib by some Companions of the prophet who were of the opinion that ʿAli was the rightful successor to the leadership of the *ummah* after the death of the Prophet. They argued that he has been endorsed by the Prophet at Ghādir Khūm after their return from the farewell pilgrimage in 632 C. E. There, the Prophet was said to have taken ʿAli by the arm and said:

O People! Know that what Haroon was to Mūsa, ʿAli is to me except that there shall be no Prophet after me and he is my *Waliy* to you after me. Therefore, he whose master (*mawla*) I am, ʿAli is his master.⁴

The Prophet, after making the statement, raised ʿAli’s arm and said:

O God! Be affectionate to him who is devoted to ʿAli, show enmity to him who is his enemy, give victory to him who help ʿAli and forsake him who forsakes ʿAli. May the truth encompass ʿAli to the end of his life.⁵

To this category of people, Abu Bakr aṣ-Ṣiddīq and ʿUmar ibn Khaṭṭāb were usurpers of office while all the *khulafā* (caliphs) from Umayyad and Abbasid dynasties were intruders in governance; therefore, their reign should be expunged and considered as vacuum era in governance in Islamic history.

Shiite origin was also linked with the inflow of a group of Persians into the religion of Islam. Traditionally, the Persians used to extol their rulers, treat them keenly and passionately with the notion that they (the rulers) were created in a special manner or as a special being different from all other creations. When they found their way into Islam, they transferred the idea into the household of Prophet Muhammad with the impression that only they (the household) are the lawful successors to the *khilāfah* (caliphate). These people created hatred and rejection of all *khulāfah* except those ones controlled by ʿAli ibn Abi Tālib, his descendants, lovers or sympathizers in the mind of many people.⁶

Political thought of Shiite

The first and the most conspicuous of the Shiite ideology is the infallibility of ʿAli. There are many qualities possessed by ʿAli ibn Abi Tālib which made the Shiites considered him as the most superior among the Companions of Prophet Muham-

mad. Among such qualities were that ʿAli ibn Abi Tālib was the first male to accept Islam and the second person after Khadijah (the first wife of Prophet Muhammad). Although at a tender age of nine years, ʿAli embraced Islam the very night the Prophet came in contact with Angel Jubril. Moreover, he was the son of the Prophet’s uncle and benefactor as well as the husband of the only daughter of the Prophet who survived him for a while. When the Prophet faced serious persecution in Makkah and on the verge of being assassinated, ʿAli replaced him on his bed for the enemies not to be aware of his exit, in spite of the danger involved and also remained in the city briefly to return the valuables entrusted with the Prophet to their original owners.⁷ The intellectual supremacy of ʿAli over all other companions was also clarified when the Prophet said: “I am the city of knowledge and ʿAli is the gate”.⁸ All the aforementioned qualities attributed to ʿAli made the Shiites conclude that he was the rightful successor to *khilāfah* and his descendants and their followers were people of the right path as far as Islamic practice is concerned.

There exist another group among the Shiite who ranked ʿAli beyond human status to that of the Creator. He was said to have the knowledge of the unseen and perform series of superhuman wonders.⁹ This assertion first emanated from one Abdullah ibn Sabai who converted from Jew to Islam. He brought the idea of reincarnation from Judeo/Christian religion. He said Prophet Muhammad is coming back just as Prophet ʿIsā. When the death of ʿAli was announced, he (Abdullah ibn Sabai) debunked it and said: “If you bring his cerebrum to us a thousand times, we will not believe his death; he cannot die until justice covers the land as tyranny recently dominates it.”¹⁰

Another strong ideology of Shiite group is the rejection of *khilāfah* of Abu-Bakr, Umar and Uthmān. The Shiites do not accept these three Companions as among the *Khulafāur-Rāshidūn* (the rightly-guided Caliphs). In one of the last sayings of Prophet Muhammad, he said “Follow my path and the path of the rightly guided Caliphs after me.”¹¹ The number of *Khulafāur-Rāshidūn* was not specifically mentioned in any hadith of the Prophet neither was there any hadith where names of these three Companions was listed as the rightly-guided Caliphs. Moreover, the Shiite interpreted the phrase “and the *Sunnah* of the rightly-guided Caliphs” to mean that the three *Sahābah* supposed to have a unique path while each of them had separate agenda.

The rejection of these three Caliphs and uttering blasphemous statements to attack their personalities had been on rampage during the *khilāfah* of ʿAli; an act he was furious at seriously and spoken against vehemently. In one of his sermons where he scold those castigating Abu-Bakr and Umar, he said:

What befall a group of people saying about two Quraysh leaders and fathers of the Muslims, (statements) from which I am free and take exception and on which they shall be punished.

I swear by Allah, no one will love them except the believers and no one will hate them except a dissipated rogue. They (Abu-Bakr and Umar) are fellows of Messenger of Allah on truth and fidelity, enjoining (righteousness) and forbid-

den (evil), getting angry and punishing (people); they do not transgress in their actions as observed by the Messenger of Allah and he loves nobody more than the duo. The Prophet passed on being pleased with them and they (Abu-Bakr and Umar) passed on with the believers being pleased.

The Messenger of Allah appointed him (Abu-Bakr) to lead the congregational prayers which he did for nine days during his (the Prophet) lifetime. When Allah took the life of His Prophet, the believers appointed him, willingly sworn to allegiance for him. He, by Allah, was the best among the congregation, the most merciful, kind, God-fearing, eldest and first to embrace Islam. The Messenger of Allah compared him with Mikā'il in mercy, with Ibrahim in forgiveness and dignity. He followed the path of the Messenger of Allah till he passed on.

Then came the regime of ^cUmar, may Allah be pleased with him. He put up the leadership on the method of the Messenger of Allah and his associate following their path as a young camel follow its mother. He, by Allah, is very accommodating and merciful to the weak, helper of the oppressed over the oppressor. He was not bothered by criticism of critics. Allah illustrated truthfulness by his words and honesty in his character till we thought that Angel was speaking through him. Allah, through him empowered Islam, frightened the hypocrites and created affection in the heart of the believers. The Messenger of Allah compared him with Jibril in harshness with enemies.

Who could be more merciful to you like them? Whoever love me, let him love them (Abu-Bakr and Umar), and whoever does not love them has incur my wrath and I am not a party to it. If I should take up their matter with you, I will punish the perpetrators severely. Verily, whoever indulges in such discussion after today, shall be treated like a slanderer. Verily, the best of this Ummah after its Prophet are Abu-Bakr and ^cUmar, may Allah be pleased with them and Allah knows the best.¹²

The Shiite also believe that there were innovators who were not worthy of emulation among the Companions. A saying attributed to the Prophet by the Shiite goes thus:

Some persons from among those who kept me company will meet me at the lake-fount. I will see them and they will be presented to me. Then, they will be forced away from me. I will say 'O my Lord! My *Ṣahābah*, My *Ṣahābah*! It will be said to me: you do not know what they innovated after you.¹³

To drive home their point, the Shiite limited the best century of Islam to the lifetime of the Prophet. In one of his traditions, the Prophet was reported to have said: "The best century is my century, then, the one that followed it, and then, the one that followed it."¹⁴ This is because the Prophet was alive to right every wrong and correct the mistakes made by his companions but the opportunity ended with the exit of the Prophet; otherwise, the companions wouldn't have waged war against one another: Abdullah ibn Mas'ūd cursing ^cUthmān, Mu'āwiya cursing ^cAli ibn Abi Tālib and his two sons, Ṭalhah, Zubair and ^cĀishah as well as Mu'āwiya and ^cAmr ibn ^cĀs carrying

sword against ^cAli ibn Abi Ṭālib. All these happened around fifty years after the death of the Prophet.¹⁵ Even during his lifetime, the Prophet only referred to the righteous ones among his Companions as the best generation. This was further substantiated by this group with the verse of the Glorious Qur'ān where Allah says:

وَمِمَّنْ حَوْلَكُم مِّنَ الْأَعْرَابِ مُتَفُؤْنَ ۖ وَمِنَ أَهْلِ الْمَدِينَةِ مَرَدُّوا عَلَىٰ النَّفَاقِ لَا يَعْلَمُهُمْ
نَحْنُ نَعْلَمُهُمْ سَنُعَذِّبُهُمْ مَّرَّتَيْنِ ثُمَّ يُرَدُّونَ إِلَىٰ عَذَابٍ عَظِيمٍ

And from among those who are round about you of the dwellers of the desert there are hypocrites, and from among the people of Medina (also); they are stubborn in hypocrisy; you do not know them; We know them; We will chastise them twice then shall they be turned back to a grievous chastisement. (Qur'ān 9:101)

The Shiite condemned two of Muhammad's wives: ^cĀishah bint Abu-Bakr (the first Caliph) and Hafsa bint Umar bin Khaṭṭāb (the second Caliph). Although some members of Shiite group agreed that wives of the prophet deserve respect as stated in the Qur'ān, where Allah says:

النَّبِيُّ أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ وَأَزْوَاجُهُ أُمَّهَاتُهُمْ ...

The Prophet has a greater claim on the faithful than they have on themselves, and his wives are (as) their mothers; (Qur'ān 33:6)

Yet, the group doubts the loyalty of these two wives towards their husband; they were accused of plotting against the Prophet to the extent that Allah reprimanded them and threatened them with divorce.¹⁶ The fact that ^cĀishah supported and joined the team who waged war against ^cAli ibn Abi Ṭālib added more to the hatred which the group had for her.

The belief in imamate:

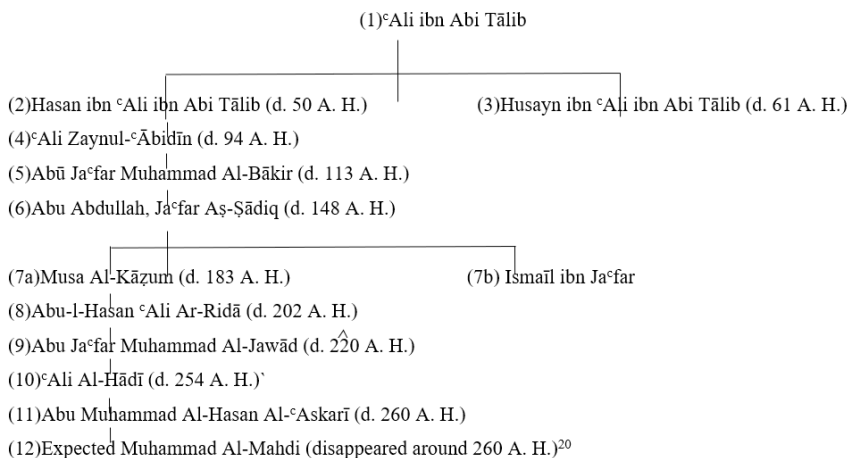
The issue of Imam is so crucial in Shiite's doctrine to the extent that whoever does not believe in Imamate is considered as a disbeliever. This is one of the major differences between the sect and the Sunni Muslim. The Shiite believes that Imam has spiritual connection with Allah from the variety of the Prophets. Imams were also considered to be saints who cannot make mistake and whose interpretation of Al-Qur'ān and commands should be followed. Most importantly, a recognized Imam under Shiite doctrine must be a descendant of Prophet through ^cAli ibn Abi Ṭālib and Fatimah. When Al-Hasan ibn ^cAbāss wrote a memo to ^cAli Ar-Riḍā asking about the difference between messenger, prophet and imam; he replied:

A Messenger is the one who receives Angel Jibril, see him, hear his voice and receives message from him and at times through dream; a Prophet may receive message and may not; likewise, he may see Angel and may not while imam only hears (from angel) but doesn't see (him).¹⁷

This implies that Imam also receives messages even if through a method different from that of the Prophet. According to Shiite view, Allah is too mighty than abandoning the world without a just Imam who check the excesses of the believers and upgrade their weaknesses; they are Allah's authority on earth over his servants; if it remains only two men on earth, one of them must exert authority and that is the Imam.

Belief in imam, to the Shiite, is part of *īmān* (faith). Abu Jāfar was reported to have said: "It is only those who are acquainted with Allah that can sincerely worship him while whoever is not acquainted with him will only worship in aberrance"¹⁸. When asked about the criteria of being acquainted with Allah, he said: "Having faith in Allah, His Messenger, descendants of ^cAli and the guided Imams as well as to exculpate from those who nurse grudges against them."¹⁹

The Shiite are divided into two groups on the actual number of their venerated Imams. One of them believes that Imamate terminates at the seventh descendant of Kalifah ^cAli who is Muhammad Isma^cīl ibn Ja^cfar Aṣ-Ṣādiq. This group are referred to as Isma^cīliyyah. There is another group called the Twelve Imams; they believe that Imam transcend from Ja^cfar Aṣ-Ṣādiq, the sixth Imam to his son Musa Al-Kāzum and not Muhammad Isma^cīl. Their own chain of Imamate ends at Muhammad Al-Mahdī who disappeared in 260 A. H. and is expected to re-appear at the end of time. Below is a chart illustrating the chain of Imamate in Shiite doctrine.



Religious doctrine of Shiite

1. Any religious ideology of the Sunni Muslims that contradicts the knowledge and doctrine of the Shiite should be out rightly rejected and substituted with their own.
2. Shiites are refrained from collecting any *ḥadīth* (prophetic tradition) or religious view from any Islamic Scholar/Leader except those of Shiite affinity.
3. The Shiite reject the principle of *ijmā^c* (consentious opinion of scholars) as one of the sources of *Shari^cah* because this will include opinions of non-Shiite scholars.

4. The Shiites also reject *al-qiyās* (analogical deduction) because it is a view of an individual, as religion, according to them, is not a matter of someone's view but a matter of Allah and His Messenger as well as their infallible imams.
5. During ablution, the Shiites rub the two legs instead of washing them.
6. The Shiites have a separate pattern of *ādhān* (call to prayer). They will add "*ḥayā ʿalā khayril-ʿamal*" (let us do the best work) after "*ḥayā ʿalā-l-falāh*" (let us go for salvation).
7. On inheritance, the Shiites differ in distribution pattern. For instance, preference is given to the close relative over blood relations. Among their submission is that the son of a germane brother shall precede an uncle. This is to establish the right of Khalifa ʿAli to Prophet Muhammad's property before ʿAbass, his uncle. In Shiite doctrine, female heirs are not entitled to land and landed properties in inheritance, they are only restricted to money and movable goods. Prophet Muhammad, in one of his *aḥādith* said: "we, clan of Prophets are not inherited, whatever we leave behind should be given as charity". As to this, Khalifa Abu Bakr denied Fatimah, the Prophet's only survived child, the inheritance of the noble Prophet. Despite this prophetic tradition, the Shiites said Prophets are inherited²¹.
8. *Nikkah al-mutʿah* (temporary marriage) is another controversial religious doctrine of the Shiites. This is an act whereby a man marries a woman for two menstrual periods for a menstruating woman and forty-five days for a non-menstruating woman. It requires payment of *mahr* (bride price) by the husband. There is no need of witness or publicity to authenticate it as required in real *nikkah*. This type of marriage does not give room for inheritance of any of the spouse's property in case of death of one of them; likewise, there is no provision for divorce in the marriage until the end of the prescribed period.²²

Shi'ah Movement in Nigeria

Shi'ah movement was said to have been introduced to Northern Nigeria by some Lebanese who came with the colonial administrators in the 2nd decade of the 20th century but were disturbed by the colonial segregation which was then in vogue. They started introducing their ideology to people in 80s and 90s when they had opportunity of mingling with the people of the area. The appearance of indigenous Nigerian Shiite motivated the Lebanese more in preaching *shiism* to their contacts²³. The active *Shi'ah* group currently in Nigeria was formerly an Islamic organization formed by Ibrahim Yaqub El-Zakzaky when he was a leader in MSSN B zone. The organization was then known as Muslim Brothers. It later metamorphosed to Islamic Movement of Nigeria (IMN) otherwise called *Shi'ah* movement with its headquarters at Husainiyyah Baqiyatullah, Zaria.²⁴ Those who refused to join *Shi'ah* among them formed another group called Jama'at Tajdidil Islam (JTI) in 1994 under a new leader called Mallam Abubakar Mujahid and head office at Yakassai quarters, Kano.²⁵

However, there are other two smaller Shia groups who's activities are not confrontational like IMN. Among them is Dārul-Thaqalyn Organization (DTO) headed by Shaykh Saleh Sanni Zaria. He studied at the Ahlul-Bait Institute in Ghana, where he spent five years and another five years in Iran for further studies. These people initially called themselves Ahlul-Bait; they established a school in 1991 in Kano called

Ahlul-Bait Institute. It has successfully established a link to Iran and to the central *Shi'ah* religious authorities which does not affiliate with El-Zakzaky and his network. They later changed their name to Dārul-Thaqalayn when they were having registration problems with the Corporate Affairs Commission (CAC). They finally got registered 1997.

The second group is Rasūlul- A°Azam Foundation (RAAF) founded by Shaykh Muhammad Nura Dass who studied at the International Theological Institute, Qom, Iran, before returning to Nigeria. RAAF also got CAC registration in 2003 and opened a school of its own named Baqirul-ulūm Theological Centre with the aim of educating their members as well as to spread *Shi'ah* ideology in Nigeria through the school²⁶.

Members of RAAF often accuse El- Zakzaky of lacking in-depth knowledge of religious doctrine of the sect because he didn't study in any recognized *Shi'ah* institute and did not hold any written permission from the Ayatullah.²⁷ While RAAF calls IMN a political Shiite group based on the above facts, the latter labels to the former as a commercial Shiite group receiving funding from Iran.²⁸

Shiite and the Nigeria Government

There has been frequent occurrence of conflicts between members of Shiite group especially the Zakzaky's Islamic Movement of Nigeria (IMN) and agents of Nigeria government. The first onslaught against the group, as reported by one human right organization, was in 1997 when many properties belonging to some of them were destroyed and over 1000 of their members including six month's old child of Shaykh El-Zakizaky were imprisoned.²⁹ In 2001, the government compensated the group for their properties destroyed by the law enforcement agents in 1997 and released their members jailed under previous administration.³⁰

On May 13, 2005, there was a face-off between the Shia and Sunni sects of Sokoto when the Shia were alleged attempting to take over the Uthman dan Fodio Mosque. It was reported from another source that it was the Sunni group who launched an attack against the Shiites with the intention of checking its spread in Sokoto. The face-off extended between Friday 13th till Sunday 15th May 2005 and took the intervention of the Law enforcement agent to bring the situation under control.³¹

In another development on the 25th of July 2014, during Quds day procession, an attempt by some men of Nigeria Army to pass through the crowd resulted into chaos between the two groups and led to death of 35 IMN members. In his statement, El-Zakzaky said the army targetted the annual Quds day procession to attack members of IMN, but the army refuted the claim saying that they defended themselves after being shot at by IMN members.³²

A similar but more severe occurrence took place in Zaria on Dec. 12, 2015. It was a violent attack carried out in Zaria by members of Nigeria army with the claim that it had responded to an attempt made by IMN to assassinate then-Chief of Army Staff, Lt. Gen. Tukur Buratai. This has been rejected the IMN and most of the human

rights organizations who argued that the massacre occurred without any provocation from IMN, who were protesting peacefully.³³

In another encounter in 2018, IMN members numbering about 45 were killed in Abuja and Nasarawa on Saturday and Monday when protesting the prolonged detention of their leader, El-Zakzaky and demanding his release.³⁴

On the 26th of July 2019, members of the IMN staged another protest in Abuja demanding the release of El-Zakzaky and his wife. The protest later escalated to a bloody clash between the group and the law enforcement agents. At the end, 11 protesters, one police officer and one journalist lost their lives.³⁵ This prompted the federal ban on the organization, in addition to outrightly proscribing it. The group did not comply with the ban order as they went about their religious activities as well as continue their agitation for the release of their leader.

Another peaceful protest for the release of El-Zakzaky and his wife Zeenah was staged in Abuja on the 7th of May 2021 by this same group. It was after the protest that some of their members were arrested by the police, finally enforcing the ban on IMN. Some of the people arrested were tortured by the police at the Eagle Square and one of the IMN members, Nasiru Muazu lost his life in the process.³⁶

Observations and Recommendations

Having studied the origin, political and religious doctrines of the Shiite Movement, it was discovered many of them were enacted out of aggression developed from injury suffered by caliph [°]Ali and his two sons (Hasan and Husayn) during their struggle for *Khilāfah*. It was observed that infatuated love for [°]Ali ibn Abi Tālib and his descendants formed the basic foundation of the sect. Right from the time when Abu Bakr was elected to head the Muslim *ummah* after the death of the Prophet, [°]Ali was considered being marginalized. He was busy preparing the corpse of the Prophet for burial when Abu Bakr, Umar ibn Khatab and Abu Ubaidah attended a meeting in the house of Sa'd ibn Ubaidah where Abu Bakr was appointed as khalifah despite the Prophet's pronouncement of Ghādir Khūm. [°]Ali was so infuriated that he refused to swear allegiance to Abu Bakr during the first three months of his khilāfah. He later sheathe his sword and supported the administration of Abu Bakr and those of his two successors (Umar and Uthmān). Instead of seeing other Muslims as rivals or enemies, contemporary Shiites should borrow a leaf from the action of [°]Ali and tie the rope of brotherhood with other Muslims. This is better expressed by one of the Shiite's leader, Shi'i Amir [°]Ali, who considered the caliphate and the imamate as legitimate, yet varying forms of leadership in Islam. He said:

The two forms of leadership, apostolical imamate of the Shiite and the pontifical caliphate of Abu Bakr, Umar and Uthmān who preceded [°]Ali can coexist and even play positive functions for the Muslim community as evidenced by [°]Ali being the principal adviser to Abu Bakr and Umar.³⁷

Amir [°]Ali disagreed with the position of the traditional Shiites who considered

the caliphate of the first three caliphs as illegitimate since they were elected by the unanimous suffrage of the Muslims for protecting the unity of the Ummah.

Overrating of their Imams was another symbol of extremism of the Shiite as observed in their doctrine. That Imams also receive messages from Allah like Prophets or that they are infallible contradict the Islamic belief. Allah even warned mankind in the Glorious Qur'an not to sanctify himself.³⁸ No one is expected to rate his fellow being sanctimoniously.

Nikkah mut'ah (temporary marriage) is another conceptual issue in Shiite group. It was observed from the *Shari'ah* point view that this type of marriage does not fully complete the laid down rules guiding marriage in Islam. While *nikkah mut'ah* does not require parental consent to solidify it, it is one of the prerequisites stated in the Qur'an:

وَمَنْ لَّمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَّا مَلَكَتْ أَيْمَانُكُمْ مِّنَ
فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُم مِّنَ بَعْضٍ فَأَنْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ
وَأَتَوْهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسْفَحَاتٍ وَلَا مُتَخَدَّاتٍ أَخْدَانٍ فَإِذَا
أَحْصَيْنَ فَإِنْ أَتَيْنَ بِفَحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ
خَشِيَ اللَّهَ لَعَنَتْ مِنْكُمْ وَأَنْ تَصْبِرُوا خَيْرٌ لَّكُمْ وَاللَّهُ غَفُورٌ رَّحِيمٌ

[And whoever among you has not within his power amplex of means to marry free believing women, then (he may marry) of those whom your right hands possess from among your believing maidens; and Allah knows best your faith: you are (sprung) the one from the other; so marry them with the permission of their masters, and give them their dowries justly, they being chaste, not fornicating, nor receiving paramours; and when they are taken in marriage, then if they are guilty of indecency, they shall suffer half the punishment which is (inflicted) upon free women. This is for him among you who fears falling into evil; and that you abstain is better for you, and Allah is Forgiving, Merciful.] Qur'an 4: 25

Besides the Qur'anic injunction, *nikkah mut'ah* looks like a mean to legitimize *zinah* (adultery/fornication). Since the Shiite do not have another Qur'an other than the one used by the generality of Muslims, *nikkah mut'ah* should be rejected and abstained from totally.

On the activities of Shiite sect in Nigeria especially the IMN, it is equally observed that the militant habit of their leader since his university days was imbued into his followers hook, line and sinker; this is the root-cause of the frequent face off of members of the group and the Nigeria Law enforcement agents. If the government finds genuine reason to prosecute him, or find any of his actions to be against the law of the land, let him be tried in the court of law and be awarded appropriate punishment. Keeping him perpetually in detention without trial may amount to injustice. This will also give room for continuous agitation for his release by members of his

group through protests which, either peaceful or not will always disrupt the peace of the society. Meanwhile, the Kaduna State high Court, on July 28, 2021, ordered the unconditional release of El- Zakzaky and his wife upholding the no-case submission filed by their counsel; this indicates that the State could not prove any offence committed by the couple.³⁹ The allegation levied against the Shiite was reported in the statement of Col. Sani Usman, the then spokesperson of the Nigerian Army, thus:

It is important to note that over the years, this group has subjected ordinary citizens using public roads to untold hardship, delay, threats and disruption simply because they insist on using public space irrespective of inconvenience and hardship on other law-abiding citizens and motorists. This cannot be tolerated and must stop.⁴⁰

Conclusion

The paper has been able to examine the historical origin of the Shiite movement as well as its political and religious doctrine. Being a unique mode of worship, Islam states categorically all the rules and regulations guiding it through the teachings and illustrations of Muhammad before his death. Muslims should overlook the little differences among themselves as long as the fundamental principles are not tampered with. The strength of the *ummah* lies in its unity and cooperation and not in division. There is no way that Shiite members can be exterminated from the world Muslim populace. The existence of Shiite movement in Nigeria should not be seen as a threat to the teaming population of Sunni Muslims. If they can be allowed to co-exist with other Islamic sects in many Arab countries like Iraq and Kuwait while 2% of Saudi Arabia indigenes are said to belong to the sect, there is no reason why they should be subjected to victimization in Nigeria.

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Whose Religion or Whose God? The Dilemma of African Christianity and the Question of Identity in a Globalized World

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Abstract

The emergence of African Christianity as a means to create a religious atmosphere that better reflects the African worldview has been severally interrogated by scholars in order to establish its veracity and to better understand some of the factors necessitating it. Scholars like Falola, Olupona, Adogame, among others have considered it as a right step in the right direction for identity (re/de)construction among Africans. However, such a step has also been criticized on the ground of syncretic practice. But the central question in this discourse is, whose religion or whose God is African Christianity representing? This work adopted both phenomenological and ethnographical approaches. Preliminary findings show that, in an attempt to re-negotiate or decolonize their identity through the emergence of African Christianity, some Africans are accused of syncretic practices, and there exists the importation of African indigenous practices in the new version of Christianity. Also, among Africans, there exists a known God and religion. The reality of globalization which provides for cross-cultural interaction has produced a hybrid form of religious engagement that is neither completely African nor exclusively Western in its worldview. The work concluded that pluralism of religious experience in the postmodern society is inevitable, and that better explains the contemporary experiences, be it religious or not.

Keywords: African Christianity, identity, worldview, globalization, religion

Introduction

THE TITLE OF THIS WORK IS A MAJOR ISSUE THAT HAS GOT ME THINKING FOR A very long time as to how to decipher more appropriately what it means to talk about African Christianity. On one hand, what often comes to my mind as a researcher in the field of religion is, does the practice of Christianity in Africa mean something entirely different from what is obtainable in terms of doctrines, beliefs, and tenets among other things from its place of origin in the West? On the other hand, one could also wonder that does African Christianity suggests a miniature of what real Christianity means or if the 'God' in African Christianity is a lesser Being when compared to Western Christianity. This has continued to remain a challenge because, for more than one hundred years now, Africa has been a meeting place for

fundamentally two different Christian traditions¹ – African tradition-oriented Christianity and Western-influenced Christianity. No doubt, these two camps have different perspective as to how African society and its realities that reflect their identity is being constructed.

The reality then is, “the latter has been due to the influence of missionary teachings and the other broke away from Mainline Churches in order to embrace an African contextualized Christianity”². Also, another dimension that can be added to these traditions is what can be considered as the third perspective which is *Cultural Christianity*. The understanding of the third dimension here is that there are a set of individuals whose acceptance of the Christian faith is taken to be a personal affair rather than making it public. These people could still hold strongly to their religion, which could be traditional religion in public, but privately, profess other religions like Christianity. On the other side to it, some researchers whose intellectual engagements are focused on the study of the Christian faith could also be considered cultural Christians. This is because of their interests and not necessarily because they are firm adherents of the religion. In most cases, they can be referred to as associates of Christianity³.

While still battling with these puzzles, another thing that again became very cogent within the African religious space is the possibility of grasping with the identity of ‘whose God is the God of Christianity’ and or ‘whose religion is African Christianity’ within their worldview and lived experience. These questions are important based on the issue raised in the opening paragraph of this work. The argument of most scholars like Phiri, Tenga, Ngong, Asamoah-Gyadu, Olupona, and Adogame among others on African Christianity has been that of ‘domestication of Christianity to fit into the African religious milieu’⁴. But is that the entire purpose and representation? Certainly, to some, it is not. This then becomes a major issue that confronts us as scholars of religion within the African space to further interrogate the reality of the identity of African Christianity within the African religious space. This is because, negotiating around or navigating within the complexity of identity realization of Christianity in Africa, or Africans trying to domesticate Christianity to suit their internal sociocultural cum religious yearnings might be a herculean task arising from

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- 1 J.N. Amanze “Christianity and Ancestor Venerations in Botswana”, *Studies in World Christianity*, 8:43-49.2003, 43; T.A. Matobo, et al. “Continuity in the Traditional Initiation Practice of Boys and Girls in Contemporary Southern Africa Society”, *Stud Tribes Tribals*, 7(2):105-113.
 - 2 L. Ntombana, “The Trajectories of Christianity and African Ritual Practices: The Public Silence and the Dilemma of Mainline or Mission Churches”, *Acta Theologica*, 35(2), 2015, 104.
 - 3 Ka Lun Leung, “Cultural Christians and Christianity in China”, *The Call of the Sacred*, 29, *China Rights Forum*, No.4, 2003, 3.
 - 4 Isabel A. Phiri, et al. (eds.), *Anthology of African Christianity*, (Oxford: Regnum Books International, 2016).

the fact that, “you never really understand a person until you consider things from his point of view... until you climb into his skin and walk around in it”⁵.

The position of Afe Adogame cited above speaks directly to some of the challenges facing the practice of Christianity in its true form by Africans. It is challenging because, their lived experience, social constructions, cultural and religious tenets are all connected to their worldviews, and which give essence to their existence as a people in their geographical placement. The possibility of constantly and confidently practicing their belief system, at all-time has also remained a major challenge that is plaguing Africans on how best they can practice Christianity in the form it was handed over to them, or in a way that Christian practices among Africans can intentionally reflect the people’s worldview without being accused of syncretism. This dilemma was echoed in the work of Njeza and others. The work discusses the experience of some young Africans and their contention about the practicing of Christianity side by side with their traditional religious practices. One of them bemoaned that;

I am an African and I am a Christian. I grew up in an environment where it was quite normal to accept mainline Christian beliefs and lifestyle, however, my parents also practised (sic) certain African traditional rituals like *ukubuyisa* (the ritual reincorporation of the living-dead) ... However, this latter dimension in my parents’ identity was exercised discreetly outside the Church. Apparently, the inevitable predicament from this did not appear as a problem for my parents as it does for me. For the individual, the existence of the two systems co-existed even though for the Church the African one did not exist. However, as I begin to reflect on my personal African Christian identity I discover that I have inherited a legacy of confusion and identity conflict in my life. The problem for me is that ‘the other dimension which acknowledged our African traditional heritage was somehow tagged on and operated in disguise. This resulted in what seemed to be a split personality and an identity crisis because it led to the denigration and destruction of Africanness’.

A point of confusion here as raised above appears to be a major concern or point of dilemma with respect to the focus of paper. In an attempt to grapple with this reality, it thus appears challenging for many African Christians to answer the ultimate question that this research seeks to interrogate. The question bothers on understanding the true identity of the religion, that is, Christianity that was introduced to Africans, and or the ‘(G)od’ of the same religion. And such a state of existence becomes crucial for self-discovery, especially in a complex world of constant overlapping realities arising from globalization and postmodernism.

Given the above realities, there are therefore different issues that one should reflect upon. These include: Is the African (G)od the same as the ‘father of our Lord

5 Afe Adogame, “To be or not to be? Politics of Belonging and African Christian Communities in Germany”, A. Adogame, and C. Weisskoppel, (eds.) *Religion in the Context of African Migration*, (Bayreuth: Bayreuth African Studies Series, no.75, 2005), 95.

6 M. Njeza, et al. “Christianity and Africanisation Project: Possibilities of African Christianity within Mainline Churches in South Africa”, 1998, (Unpublished Proposal). Quoted by

Jesus Christ in Christianity? Does God or the concept of God in its real sense exist among Africans before the introduction of ‘God’ by European missionaries? Is there any form of religion (be it in its primitive or institutionalized form) in Africa before their encounter with the Western religion? Does the religious space of the African man reflect the existence of religious core beliefs that could cater for the people’s spiritual needs and aspirations? These and many more again form the basis for my rhetorical topic of ‘Whose God or Whose Religion’ is African Christianity as it relates to the people’s religious worldview within the context of the African milieu and their quest to establish their identity in a pluralistically diverse world and essentially interconnected through globalization.

An Already Known God/Religion among Africans

No doubt, Africans were not without religion *a priori* to their encounter with European missionaries. Though, some foreign scholars like Ludwig among others never believed in the fact that the concept of religion or religious experience could ever have existed among Africans before the coming of the Whites. Leveraging on such perception, Emile Ludwig ‘blindly’ and ‘arrogantly’ postulated that; ‘How can the untutored African conceive God? ... How can this be? ... Deity is a philosophical concept which savages are incapable of framing’⁷. To me, such a position from an ‘outsider’ perspective who attempts to investigate the cultural practices of a people he had little or no knowledge of could be termed as a display of cultural pride and prejudices, and an attempt to place a particular culture and belief system above the other.

And obviously, such a scholar could be guilty of not having seen beyond his own culture to think that cultural groups other than his own could have their understanding of the world and its purpose⁸. And even beyond such attacks, the reality is that among Africans, their religion and the belief in the existence of a Supreme Being (God) across their different ethnic groups within the continent are deeply entrenched in all that they do as such explain or define their identity as a people from cradle to grave⁹. This same view was expressed by Geoffrey Parrinder concerning the nature of African religiosity. His view is that ‘Africans are incurably religious people’¹⁰, and Mbiti added his position that ‘Africans are notoriously religious. Given some of these views about the existence of God and the religious views among Africans, Mbiti provided us with an appropriate response that could better reflect the nature of African religious space and their worldview even before the coming of the Whites which Ludwig ‘ignorantly’ was trying to describe. According to Mbiti,

The God described in the Bible is none other than the God who is already

7 E.W. Smith, ed., *African Ideas of God*, 2nd ed., (London: Edinburgh House Press, 1961), 1.

8 A. Hackman-Aidoo, “A Review of the Concept of Origin and Founder of the Indigenous African Religion”, *Research on Humanities and Social Sciences*, Vol.4:22, 2014, 134.

9 J.S. Mbiti, *African Religions and Philosophy*, 2nd ed., (Oxford: Heinemann Educational Publishers, 1989), 1.

10 A. Hackman-Aidoo, “A Review of the Concept of Origin and Founder of the Indigenous African Religion”, *Research on Humanities and Social Sciences*, Vol.4:22, 2014, 135.

known in the framework of our traditional African religiosity. The missionaries who introduced the gospel to Africa in the past 200 years did not bring God to our continent. Instead, God brought *them*” They proclaimed the name of Jesus Christ. But they used the names of the God who was and is already known by African peoples -- such as Mungu, Mulungu, Katonda, Ngai, Olodumare, Asis, Ruwa, Ruhanga, Jok, Modimo, Unkulunkulu and thousands more. These were not empty names. They were names of one and the same God, the creator of the world, the father of our Lord Jesus Christ.¹¹

Mbiti's position here can be better understood or further explained within a certain context for proper understanding as this becomes one of the major questions this research intends to answer. And that is, how is the idea of God introduced by Christian missionaries different in context, content and reality with the (G)god that was already known among Africans? Or how is African Christianity not an offshoot of African religion or a hybrid of African religious practices and Christianity and both could still maintain distinct identities without any major compromise or 'damage' to either of the religions? Obviously, it is true that the African traditional society even before its contact with the Western world knew a self-existing God believed to have created the world. They had answers to questions as to who created humans, why humans suffer and what happens to us when we die. The experiences of life such as death, famine, births, earthquakes, rain, sunshine, etc taught Africans that there is a Being higher than humans who superintend over the affairs of the world¹².

African Christianity, A Search for the (already) Known?

The coming of European missionaries to Africa wreaked havoc and greatly influenced the entire societal construction of African society and its worldview. No doubt, it is clear that such influence does not suggest a consolidating effort to better the existing cultures of the African people, but a deliberate quest for a replacement or substitutionary voyage. Scholars have viewed this from different dimensions to better put the whole issues and activities of early missionaries in proper perspective. In the words of Sankofa, “the Pentecostals do not ignore but engage the primal contexts and renew the social system by critiquing and redefining possession: They brand all cults (central and peripheral) as satanic, exorcise all, and breed skepticism. But they do not end there. They provide an alternative— “white,” clean possession by the Holy Spirit (Mzimu Woyera) that is safer and less expensive”¹³.

This, therefore, means that part of the strategies used by these European masters was first, to demonize and denigrate the existing culture, and at the same find a replacement for it. And the said replacement is something that must come from them

11 J.S. Mbiti, “The Encounter of Christian Faith and African Religion”, *Christian Century*, August 27 – September 3, 1980, 818.

12 A. Hackman-Aidoo, “A Review of the Concept of Origin and Founder of the Indigenous African Religion”, *Research on Humanities and Social Sciences*, Vol.4(22), 2014, 134.

13 Ogbu U. Kalu, *African Pentecostalism: An Introduction*, (New York: Oxford University Press, 2008), 172.

which they are part of. And in such a situation, missionaries viewed African people as “pagans” and “objects” of missions, and missionaries were “good Samaritans” bringing the civilizing influence of Christianity to Africa¹⁴. This assumed civilizing influence was predicated a common misconception among them. To them, God was not known to Africans, hence, the code name, *the Dark Continent*¹⁵. And that leaves us with the challenge that this work as a whole and this section, in particular, has set out to interrogate - African Christianity, a search for the known? Or could it mean saying the same thing differently? Are the God and the idea of worship within the African Christianity settings the same as what is obtainable in the original African cosmological terrain, with a possible slight variation?

Whenever the concept of African Christianity is mentioned, it often raises diverse positions among scholars of religion and Christian scholars who in most times are of African origin. The argument here is not in any way to denigrate what renowned scholars have said about the idea, or an attempt to view the issue from intellectual pride, which I know it is not, but it is due to diverse issues it raises. To some, African Christianity could mean practising Christianity in the African way and reflecting African cultures in the light of Christianity. But to others, it could mean how African converts, catechists, translators, and evangelists interpret Christianity, spreading it to their neighbours, and establishing new Christian movements and churches that are as distinctly African as they are Christians¹⁶.

Again, the work has shown that at the root of early Christianity lie different Africans whose works and exploits can be adjudged to have become part of the foundational blocks of Christianity worldwide today. These African figures include but are not limited to; Augustine, Tertullian, Origen, Clement, Anthony and Pachomius, among others. In recognizing the efforts of these African church leaders and many others whose effort in the formation of Christianity, Neff reiterated that;

The story of Christian theology has been told from a European perspective. Oden wants to tell that story differently: classical Christian theology was heavily shaped by Africans. The language we used to worship the trinity, the received definitions of the Christ's two natures, the early church's methods for restoring repentant sinners, the basic patterns of monastic life, our fundamental approach to biblical interpretation, the church's devotion to its martyrs – all of these things have their roots in African theological debate, African prayer, and African bible study¹⁷.

14 M.S. Clark, “Two contrasting models of missions in South Africa: The Apostolic Faith Mission and the Assemblies of God”, *Asian Journal of Pentecostal Studies*, 8(1): 2005, 143.

15 L. Ntombana, 108.

16 Thomas Spear, “African Christianity”, Oxford Bibliographies, 2019, <https://www.oxfordbibliographies.com/view/document/obo-9780199846733/obo-9780199846733-0105.xml> Accessed on 10/07/2021.

17 D. Neff, “Out of Africa”. *Christianity Today* (28 February, 2009). [Online]. Available from: <http://www.christianitytoday.com/ct/2008/februaryweb-only/109-52.0.html>. [Accessed 11/05/2015].

The position of Neff as captured above has proven the fact that African Christianity is not just a mere nomenclature as usual, but a deliberate effort on the part of Africans to project an identity that is real and specifically unique to them. In this wise, it is true that “Throughout nearly two millennia the church has spread all over Africa. Over the past three centuries colonization critically influenced the character of the church in Africa. Over the past few decades, a strong African consciousness and critical approach to Africanise Christianity developed, to decolonize it and to de-Westernize it”¹⁸. And for a fact, it is glaring that the cultural influence of the early missionaries on the indigenous religion of Africans to a large extent can be said to be a calculated attempt to stiffen their cultural supremacy over the indigenous culture of Africans. And in doing so, they often talk down on African cultural and religious identities cum heritages and emplace theirs as an acceptable replacement for the displaced ones. Thus, presenting African identity in a derogatory form. Within the context of the activities of Pentecostal movements and their impacts on traditional worship among Africans, Birgit Meyer reacted that;

the proponents of Pentecostalization stood much closer to traditional worship than they themselves were prepared to acknowledge. Exactly because they regarded local gods and spirits as really existing agents of Satan, they strove to exclude them with so much vigor (sic), thereby placing themselves in a tradition of “Africanization from below” which was developed by the first Ewe converts and which had much in common with African cults propagating radical cleansing¹⁹.

This explains vividly that religious worship among Africans was real even before the coming of the Whites. This though acknowledged in a way but never accepted to be the original version like that of the missionaries. Hence, the need for a transformation, if not a total replacement. In some cases, the need to replace the religious practices was preferred and the animosity was more pronounced than transforming an existing form that has been severally adjudged as satanic or barbaric. The answers to the posers raised at the beginning of this section, therefore, can be summarized in this way that, Africans in their quest to grapple with the question of their identity within the context of a new religion – Christianity, and the overwhelming foreign worldview, came to understand that, ‘they were misled by missionaries who carried an agenda to westernize them and thus they labeled African traditional practices ‘evil’ or ‘pagan’²⁰. To cope with the new reality of cultural diffusion, Africans adopted a religious atmosphere that better reflects their original state of affairs as a people. Such an atmosphere also was in some sense labeled *syncretic*. This is because, “though some of the clergy (Africans) followed missionary prescriptions, the majority of African

18 Van der Merwe, “From Christianising Africa to Africanising Christianity: Some Hermeneutical Principles”, *Stellenbosch Theological Journal*, Vol.2(2), 2016, 560.

19 B. Meyer, “Make a Complete Break with the Past.” *Journal of Religion in Africa*: 28, No. 3, 1998, 319.

20 L. Ntombana, 111.

people still perform their rituals and other African practices”²¹. For a point of emphasis, it is important to further note that, Africans in their quest to negotiate their identity around their original worldview and the foreign worldview that was imported to them and to successfully blend the two into one under the clout of African Christianity was also confronted with a dilemmatic situation of playing a double standard. In this sense, the old and the new appear to be fixed in a competitive struggle for dominance and recognition. Hence, the constant contestations and proliferation of churches by some clerics in a manner that no longer reflects the domestication of Christian doctrines but for some secondary motives²².

The Dilemma of Identity Negotiation of African Christianity

The question of identity negotiation is key in every sense when it comes to an attempt to both understand and explain a certain phenomenon or a given reality. In understanding this better, Amenga-Etego extensively discussed how identity is central when it comes to negotiating one’s way in carrying out one’s research activities. According to her, one’s identity is such that no matter how one tries, and no matter the extent to which one crosses different boundaries, be it cultural, religious, political or academic, there remains incredibly real an aspect of one’s inbuilt inherited identity that continues to stick with such person. This is because “identity ... will forever be an integral part ... irrespective of crossing the boundary”²³.

Given the above position of Amenga-Etego, it is quite clear that in African Christianity, there exist different unresolved issues as to how the beliefs and practices of Christianity should be practiced among Africans and yet still maintain the ‘sanctity’ of Christian teachings as once handed over to them by the earliest missionaries. What appears to be part of the experiences of African Christianity, be it in the African continent or among the diasporic Africans who practice Christianity is the fact that disconnecting the people from their real identity as Africans has consistently become quite difficult if not almost impossible. And this is true because,

The main problem resonates from the fact that members of mainline churches do not freely express their Africanness in Church, but when they are outside the Church they freely perform African traditional rituals and customs ... and visiting of traditional healers to seek guidance from ancestors. The other reality is that as much as elders of the mainline churches are comfortable with the practice of African rituals behind the Church doors, young people find problems with this as to them it translates into two identities²⁴.

21 L. Ntombana, 110.

22 Ojo Joseph Rapheal, “Church Proliferation in the Nigerian Society: An Effective Means for Evangelism?”, *Journal of Philosophy and Christian Studies*, Department of Religious Studies, Nasarawa State University, Keffi, Nigeria, Vol.1(1), 2013, 228-250.

23 Rose Mary Amenga-Etego, “Crossing Research Boundaries: ‘Our Nankani Daughter’ in Academia”, *Journal for the Study of the Religions of Africa and its Diaspora*, Vol.4(1), December, 2018, 9.

24 L. Ntombana, “The Trajectories of Christianity and African Ritual Practices: The Public Silence and the Dilemma of Mainline or Mission Churches”, *Acta Theological*, 35(2),

Given the above fact, the question again arises, ‘whose religion or whose God’ is connected to African Christianity among Africans? The dilemma of many Africans is found as expressed above by Ntombana wherefrom the ‘insider perspective’ as Africans, there is more to life and existence than what was delivered unto them by European missionaries. And that leaves us with the reality of the ‘hybridity’ of religious experience. Though of a cultural studies origin, as it that of emic and etic were of linguistic origin²⁵, the concept of hybridity on a surface level means ‘the sociocultural exchange of various traditions from one group to the other’²⁶.

Also, from Spielmann’s perspective, it can be used to describe ‘conditions in contact zones where different cultures connect, merge, intersect and eventually transform’²⁷. But for this work, we could view it as ‘a process of the intersection of two or more cultural or religious traditions intersect and result into an altogether new hybrid’²⁸. Going forward with this position, it is quite expedient to mention here that, “the importance of hybridity is not to be able to trace two original moments from which the third emerges, rather a hybridity ... is the “third space” which enables other positions to emerge. This third space displaces the histories that constitute it and sets up new structures of authority, new political initiatives, which are inadequately understood through received wisdom”²⁹. The idea here is that the fusion of both worldviews is expected to produce a new hybrid of what is not essentially and completely a dominant or full representation of any of the former identities. But in African Christianity, any attempt to fully import certain aspects of the African worldviews into the Christian settings is often being confronted with stern resistance, and in some cases demonized. This (religious) identity negotiation, no doubt is real among Africans which cannot only be limited to the Christian community, but in Islam, Africans also have their quest to express their religious yearnings from the African lens. Hence, the constant religious contestation between the two religious camps³⁰.

Conclusion

The realities that surround the understanding of the identity of African Christianity in many cases are quite complex and appear more difficult to contend with, especially when being discussed within the prism of religion, African religious world-

2015, 105.

25 Russell T. McCutcheon, “Religion and the Insider/Outsider Problem”, Russell T. McCutcheon, (ed.) *Studying Religion: An Introduction*, (London: Equinox Publishing Ltd., 2007), 50.

26 K. Bohata, *Post-colonialism Revised: Writing Wales in English*, (Cardiff: University of Wales Press, 2004), 129.

27 H. Spielmann, “Hybridity: Arts, Science and Cultural Effects”, *Leonardo* 39(2), 2006, 1.

28 J. Mokhoathi, “Religious Intersections in African Christianity: The Conversion Dilemma among Indigenous Converts”, *Scriptura* 119, 2020, 8.

29 H. Bhabha, *The Location of Culture*, (London: Routledge Publications, 1994), 211.

30 Ojo Joseph Rapheal, “Religious Contestations within and between Religious in Nigeria”, *LWATI: A Journal of Contemporary Research*, Vol. 19(3), 2022, 200-224.

view, and Christianity in modern society. But it is important to maintain that, from the insider perspective, what African Christianity represents and projects among Africans everywhere in the world is that it is pointing to a group of people that are strongly connected to their culturally-bound identity or worldview, but still connected to a form of a religious belief system that was ‘sold’ to them. But the point of the dilemma here is, Africans, in their attempt to negotiate their identity within the reality of the overbearing influence of Christianity, have been accused of being syncretic in some of their approaches to practicing that form of Christianity that reflects the people’s worldview.

But in the actual sense, the kind of Christianity introduced by European missionaries does not satisfy the religious yearnings of Africans. And to worsen the matter as argued by some scholars, ‘Christianity supported European colonial powers and European culture to change drastically the face and landscape of religion, politics, and culture in the African continent’³¹. That sets the ground for the tension concerning identity negotiation by Africans and their cultural sustainability. This reality, therefore, brings to mind the question raised at the beginning about whose religion or God occupies the central stage in Africa Christianity. No doubt, given the discussion so far, in African Christianity, what is visible is a blend of two major worldviews – African and Western. Though, Christianity was introduced to Africans as a means to connect with the spiritual world, and Jesus Christ as a mediator between man and God, but Africans’ understanding of the cosmos and its operation which was factored into African Christianity can be considered as conserving the *old wine in a new wine skin*. It is a blend of both realities. That is, seeing the Supreme Being in the eyes of God the Father of our Lord Jesus Christ as one and not separate personalities.

Consequently, the nagging reality of the identity dilemma that is confronting Africans in their religious expression and the practice of Christianity within the African milieu in the globalized society, requires an understanding that religious conversion of any form should not be taken to mean an imposition or a complete break away from the old, and infusion of the new. Rather, it should be considered a hybridized process that will certainly reflect the new paradigm shift that produces the new identity. This is because the old identity does not dissipate away, but tends to be incorporated into the new Christian identity. Therefore, this form of intersectionality is complex and needs to be re-evaluated³² at all-time due to the reality of our ever-changing society.

31 L. Jafta, “The Methodist Church of Southern Africa: The Establishment and the Expansion of the Mission”, I.Mekoa (ed). *The Journey of Hope: Essays in Honour of Dr. Mmutlanyane Stanley Mogopa*, (Cape Town: Incwadi Press. Newland, 2011), 56-65.

32 J. Mokhoathi, 9.

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A study of the Relevance of *Naskh* Principles to the Contemporary Usages of Islamic Law among Scholars

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Abstract

This study examines the relationship between naskh (abrogation) principles and its contemporary usage in Islam. Critics of Islam and sociologists are often quick to judge Islamic Law as archaic, obscure and obsolete and this prompts most critics to explore other areas for solution to issues. Against this backdrop, secularists view religion as unpleasant to modern man's civilization. Between the intradiversity of stark orthodoxy and liberal Muslim scholars, particularly Islamic jurists, the use of naskh remains a virile tool for elasticity of opinion favorable to Muslim polity. Premised on the undeniable fact that the Qur'an often gives room for juridical interpretations, Islamic scholars employ historical and analytical methods to drive home the need for re-applying naskh theory to situations for onward progression of Muslim ummah in particular and humanity in general. In this study, however, a non-law approach to naskh principles is explored through consideration of various forms of naskh with their reasons and grounds of relevance to Muslims' life. Historical and analytical methods were used to examine varieties of naskh offshoot with attendant implications for contemporary life. Based on the above analysis, it is inferred that not only punitive measures but also rewarding Islamic concepts and narrating positive could be put in perspectives by working in line with naskh principles. The study concludes that naskh principles if properly explored is capable of rejuvenating the outlook of Islam and the Muslims at any given society.

Keywords: relevance, naskh, principles, contemporary, Islamic Law

Introduction

THE QUR'AN AS A CANON OF LIFE, GUIDING NOT ONLY RELIGIOUS BUT ALSO SOCIOPOLITICAL and economic aspects of Muslim life, reflects a great fallback when human development is considered. Modern life provides sharp opposite end to the period when the Qur'an (as text considered in this study) was revealed. It may not be unexpected, therefore, to witness events unfolding with different manners of approach and outlook from ages and generations of revelation. It is in this manner that *naskh* (principles of abrogating and abrogated) is given priority to adjudicate in legal precision of Islam (*qawa'idu shar'iyah*) on one hand and on the other as the basis for *Shari'ah* variances such as *ijma* and *qiyas* (consensus of opinion and ana-

logical deduction). It is against this backdrop that this study examines the application of *naskh* from the angle of background to science of *naskh*, necessity and premises for *naskh* as a science, varieties of *naskh*, Muslims' estimation of the Qur'an and implications of *naskh* in contemporary life. Possible ways of using texts of Islamic Law to support or otherwise the contemporary approach to matters with a view to put Muslims at the center of civilization for future development are suggested. This study offers a non-Law scholar approach to the exploration of *naskh* principles and its application to current situation in the society with a view to advance some basis for elastic Islamic provision for human aspirations.

Meaning of Science of *Naskh*

The term *naskh* denoting abrogation is a two-dimensional exercise based on historical account of a passage of revelation. The two words *naskh* and *mansukh*, the former being an active form of verb meaning 'abrogating' while the latter (passive) means 'abrogated'. Linguistically, both connote to abolish, to replace, to withdraw or to reframe'. Al-Mu'jamu'l Wasit defines *naskh* as "Subtle removal of the effect of one thing for something else to take its position as light does to darkness, storm to ill-built structure, and a Judge to irrelevant law."¹ The word *Naskh* is from tri-literal verbal tense *na-sa-kha* meaning 'to cancel, to change and to change.'² It appears in the Qur'an with triliteral form two times.³ Technically, it refers to certain parts of the Qur'an revelation or Hadith, whose judgment has been 'removed' or 'suppressed' by others.⁴ The relevance of this science to the focus of this study is that the principle suppresses ruling but with-holding the wording or vice-versa just as it alerts us on the probable omission occurring from the Qur'an or certain materials which were originally part of the revelation. This omission had apparently come up from the collected texts even though the omission in this context might suggest either negligence or inadvertence. The Qur'an 17:86 recounts: 'If we wished, we could make away with what we have revealed to you.' This provision, in tandem with the import of Qur'an 2:106 and Qur'an 87:6-7 respectively shows the institutional status of the principles of *naskh* (abrogation). To show how important the *naskh* principles appear in terms of decipher of which removes one of the two segments, Az-Zahriy said: 'Hadith scholars are rather incapacitated with regard to determining which hadith supplants another.'⁵ At the head of scholars of this aspect of knowledge is Imam Shafi'iy.⁶ At-Tahaniy placed on record four main ways of determining the abrogating hadith from the abrogated. These include: "Direct text from the holy Prophet Muhammad, Companions' comment on certain hadith, definite historical account or with outright consensus of well-known judgment."⁷

Naskh as an instructional component offers a veritable tool in the hands of experts in Islamic Law which is not only exclusive to the glorious Qur'an as the first primary source of *Shari'ah*. Basically its premise appears more interpretative in the *hadithan nabawwiyy* and *qudsiyy* (Prophetic and divine originated *hadith*) for having the *sighah* (text) direct from the noble Prophet on one hand and on the other, dwell-

ing more in human society whose lots and dispositions appear prone to inconsistency and of course, instability. The applicable interpretation of *naskh* in the *hadith* of the holy Messenger appears by suppressing a *hadith* with another one. In this case, various reasons could be adduced for such change among which are gradation in time of development as in the case of Baridah⁸ in *Sahih Muslim* thus: “I had earlier warned you from visiting cemetery but now visit it for such reminds you of the day of reckoning.”⁹ Furthermore, direct expression of a Companion makes a case in a tradition stronger than any other as in the case of Jabir’s position on choice between extremes from the noble Messenger in the case of “Leaving ablution on any part of the body scorned by fire.”¹⁰ To this end, four main authorities supported the *hadith*.¹¹

Moreover, historical evidence in favor of a *hadith* gives credence to pursuance of a case. The case in point here is the holy (Messenger)’s *salat* while sitting and people standing behind him during his terminal ailment.¹² This occasion serves as proof that it is allowed to observe *salat* standing behind a sitting imam. This appears in contradistinction to his earlier ruling that “Whenever an Imam observes *Salat* sitting, pray behind him sitting.”¹³ Another ground of *naskh* in the *hadith* occurs when alternative situation becomes clear evidence and this is by prioritizing one at the expense of the other. Two main *hadiths* fall into this category. While one is the Ibn Abbas related *Hadith* which says: “The noble Messenger married Maymunah while a *muhrim* (in a state of *ihram*),”¹⁴ (Bukhari and Muslim), the other Tirmidhi reported *Hadith* from Abi Rafi’i recorded “He (Messenger) married her while *hurr* (*ihram*-free). His buttress on the situation makes it stronger while saying that he was an intermediary between them (the couple). In this wise, the latter situation becomes prioritized for a popular Arab adage which rules as: “*Sahibu’l bayt adra bima fiha*,” meaning: ‘The owner of a house is in best position to adjudicate on its matter.’ This indicates that except an extreme situation becomes necessary, making a priority becomes incumbent and that holding on either of the situations becomes necessary forthwith, and that *nikah* (copulation) which is the main objective of *ziwaaj* (marriage) is the only thing that is not allowed in a state of *ihram*. Cases of such prioritizing abound in the *usulu’l fiqh* (jurisprudential principles).¹⁵

To a large extent, three main scholars of *hadith* are popular for grounds-breaking in this aspect of knowledge. These are Abi Bakri Muhammad bn Musa Al-Hazimiyy the author of *Al-I’tibar fi n Nasikh wal Mansukh minal Athar*; Imam Ahmad who wrote *An-Nasikh wal Mansukh* and Ibn-l Jawziyy the owner of *Tajridu’l Ahadithi’l Mansukhah*.¹⁶ For the purpose of this study, mention must be made that most of these publications toll the line of dealing in the foundation of knowledge about *Naskh* principles and these could only be instrumental in the background of the subject matter.

Necessities for Science of *Naskh*

One may wonder, “why *naskh*?” However, this becomes irrelevant if the need for consensus of opinion (*ijma’*) and analogical deduction (*qiyas*) is considered in Islamic matters. Knowledge of *naskh* principle remains germane to the correct and

exact contextual application of the *Shari'ah* laws. Legal rulings based on revelation might appear moribund as walking the talk may seem impossible without the theory of *naskh*. Particularly, viewing this along with dynamism in time passage for various reasons among which include being one of the important preconditions for explaining the Qur'an (*tafsir*). In addition, it sheds light on the historical development of the Islamic legal codes. Other reasons include, knowledge of *Naskh* principles as one of the important preconditions for understanding and application of the Islamic law (*hukmu'sh-shari'ah*). More importantly, the understanding of *naskh* principles tends to facilitate both immediate and extant meaning of legal *ayaat* (verses).

It must be noted that *tafsir* may not be acceptable from a scholar who is not versed in knowledge and application of *naskh*. In the same vein, *fatwa* (legal exertion) might be subject to thorough scrutiny in order to ensure the person behind it satisfies some legal conditions part of which is knowledge of *naskh* principles. The beauty of the provision of scrutiny is not only for the bearer's immunity from legal incompetence but also for the subject community to act within the armpit of the provisions of Islamic law. Equally important is that armchair proposition, mere guess work, personal opinion or hearsay is not acceptable in Islamic Law, but rather, reliable reports which emanate according to the science of *hadith* (*'ulumu'l-hadith*) and traceable to the *Sunnah* of the Prophet and his companions.

To a large extent, most Islamic scholars are of the opinion that knowing about principles of *naskh* contains reliable report from the Prophet or his Companions regarding which part of Qur'an preceded another during revelation and which one abrogates the other. Equally important in this regard is the complimentary knowledge of *ijma'* (consensus of opinions of the *ummah*) upon the subject of *Naskh*.¹⁷ Above all, *Naskh* portends cancellation of application of one law based on the idea that new regulation is required due to mistake or its irrelevance to trends of event. The ever-changing circumstances in which glorious Qur'an was revealed considered, it would not be out of place to imagine the necessity of the science of *naskh* in Islamic Law.

Conceptualizing *Naskh* Theory and its Grounds in the *Shari'ah*

Naskh can occur compulsorily and necessarily depending largely on the situation of mankind at a particular time. It reflects the dictates of Allah as His exclusive domain. Ordering one thing at one time but forbids same at another time as in the case of fasting in the days of Ramadan and abhorring such on the *Eid* day is a good instance.¹⁸ On the other hand, *naskh* can occur if it considers the situation of man and giving order to back up the situation. Thoughts based on intelligence alone such as that of the Mu'tazilites who always settled for differences of opinions in situations and moments. Surely, one thing that works to ameliorate a man's situation may tend to aggravate another man's situation. A popular adage says: "One man's meat is another's poison." The same thing goes for time and moment in human life. For as long as changes occur in time and persons, variance in postulations according to change which is constant among human beings, becomes absolutely necessary.

Naskh (abrogation) comes upon the situation of the consensus reached by the Companions and Old Sages on the fact that noble Prophet Muhammad's *Shari'ah* abrogates the earlier laws i.e with the exception of the principles of theology and ethics. Good instance can be made as in the case of forbidding the consumption of cheese and wild animals unto the Jews for their transgression and unjustly devouring of other people's properties through usury, etc. Similar instances are evident in the initial facing of Bayti'l-Miqdis (Jerusalem temple) for Muslims devotional prayers, which was later changed to the holy *Ka'bah* and earlier making testator's statement in favour of parents and relatives with Qur'an share of inheritance (4:11, 12, 13 & 176). In the same vein, abrogating fasting on Aashura (10th day of Muharram), abrogating compulsory alms to the holy Messenger before having audience with him. These are the positions of most scholars of *tafsir* except Abu Muslim al-Asfahaniy whose view shall be discussed with passion in another ongoing research.¹⁹

Meanwhile, Abu Muslim al-Asfahaniy (d.322 AH), submitted for the occurrence of *Naskh* unconditionally amidst various laws and this appears to be popular from him but he equally disallowed *Naskh* occurrence in the main source of *Shari'ah* (Qur'an), an opinion which enjoys popularity among most scholars of *Tafsir*, *Usulu'l-Hadith* and *Fiqh* (Exegeses, Science of Tradition and Jurisprudence).²⁰ He based this on the premise of Qur'an 41:42 which reads: "Neither filth comes of it from the front nor from the rear, it is a revelation from the Bearer of wisdom and Praiseworthy." Substantiating this with the assertion that "Had *Naskh* occurred in the Qur'an, filth would have come of it," the position he was replied that: "*Naskh* ordinarily appears as a 'means of faulting (*ibtal*) obscurity but not filth on its own'." ²¹ This assertion confirms that *naskh* is a reality and nothing but truth, whereas filth is apposite to the truth. Most scholars of *tafsir* are of the opinion that the bearer of *Naskh* is Allah, and that the *Naskh* itself is a premise of supplanting a regulation earlier given.²² The *mansukh* (abrogated) is the actual regulation and its policy.²³ Both *Naskh* (abrogation) and *mansukh* (abrogated) are interrelated causing experiential comforts.²⁴ The difference between *khusus* (specification) and *naskh* appears in the reduction in the judgment of the former individuals and its dealing with time and period in the latter.²⁵ Convergent of opinions portray the premise of *naskh* as basic to giving injunctions and forbidding the deeds of any case.²⁶ This is against unpopular views that the Glorious Qur'an stands as a stuff and that no part of it is open to polemics. Summarily, it becomes evident from the above narratives that verses of *Naskh* are open to interpretations which appear as specifying, concluding earlier regulations, placing embargo on certain situation or persons as it occurred in verses of *Iddah* (waiting period of a widow), jihad (striving in God's cause), alcohol prohibition etc.²⁷

To a large extent, most scholars of Qur'an studies delved on mere mention of definition, categories and some grounds of *Naskh* principles. It is observed that most of their discourse impart mainly on foundational and thus providing subtle scholarly avenues to build upon respective views on the subject of *Naskh*. For instance, Muhammad Aliy As Sabuniy's *At Tibyan fi 'Ulumi'l Qur'an*, mentioned that, knowledge

of *Naskh* principles is an integral part of derivatives of knowledge of *Sababu-n-nuzul* (grounds or reasons of revelation) as an important requisite on which *Mufasssir* (Exegetes) stand afloat in scholarly pursuit.²⁸ In the same vein, some other scholars arguably maintained that *Naskh* principles form part of the seven letters on which glorious Qur'an was revealed (*Sab'at Ahruf*).²⁹ This is taken along with '*Muhkam, Mutas-habih, Naasikh, Mansukh, Khusus, 'Umum, and Qasas*'.³⁰ The contemporary usage of *Naskh* principles finds imperatives in this study.

Scholars Views on Varieties of *Naskh*

Basically, nine forms of *Naskh* are evident according to Islamic Scholars, but only three seem important. These are: *Naskh at-Tilawah wal hukm ma 'an* - (Abrogation of recitation and complementary judgment together). Example of this is the abrogation of Prophets Ibrahim, Musa and others' *Suhuf* (Scriptures) and consideration of feeding by ten suckling with five suckling in relation to making case of barriers of fosterage (*Rada'ah*) to marriage.³¹ This became evident from the statement credited to *Sayyidat Aishah (R.A)* in *Sahih Muslim* and others which reads:

Part of what was revealed is ten suckling popular for negating lawful marriage, it was abrogated with five suckling, the holy Messenger (*SAW*) died and the verses were being recited in the glorious Qur'an.³²

To this end, Imam Shafi'iy and his followers consider the former as abrogated text and regulation and the latter (five suckling) abrogated text only to retain the regulation.³³

Furthermore, *Naskh at-Tilawah duna'l hukm* (Abrogation of text recitation to retain regulation). Example of this is the statement credited to Umar bn'l Khattab (*R.A*) which reads:

Part of what was revealed is: '*Ash-Shaykh wa sh - Shaykhah idha zanayaa fa'rjimuhuma al battah, nakaalan mina Llaah wa RasuliHi*' meaning: 'Adulterer (male and female) if they are caught, stone them to death out-rightly as deterrent from Allah and His Messenger.'³⁴

Az-Zukhayliy's submission on this postulation provides that, this was rooted in the Qur'an, read but the text was abrogated to retain the regulation.³⁵ The Hanafites added yet an unpopular view on the matters of atonement oath (*Kafaratu'l yamin*). This is based on the rendition of Ibn Mas'ud on "*Fa siyamu thalathathi ayami mutatabi'at* (Fasting for three consecutive days suffices for the benefit of burden relief).³⁶ In another development, the rendition of Ibn Abbas (*R.A*) on '*Fa aftara fa 'iddatun min ayyamin ukhar*' (And for braking Ramadan fast, he fasts for other days)'. Also, the rendition of Sa'd bn Abi Waqas: "*Wa lahu akhun aw-ukhtun li ummi, falikulli waahidin minhuma's-Sudus*" meaning: 'And having brother or mother's sister, for each of them is one-sixth (1/6).'³⁷

Mention must be made of various kinds of *Naskh* applicable in the science of the *Tafsir* (Exegesis). These include *Naskh* of the recited verses together with the le-

gal rulings of the same (*Naskhu'l ayah duna'l hukm*). Furthermore, *Naskh* of the legal ruling without the recited verse (*Naskhu'l hukm duna'l aayah*) and *Naskh* of the recited (verse) together with its legal ruling (*Naskhu'layahwalhukm*).³⁸ These three categories appear in the exact premise of *Naskh* to the exclusion of some number of others including inter-changing between Qur'an and *Hadith*.³⁹ The first category of *Naskh* is evident in the case of Aishah (R.A)'s tradition that it had been revealed in the Qur'an that ten clear suckling make marriage unlawful (in the case of fosterage), then it was abrogated (and substituted) with five suckling and the Messenger died and it was before that time found in the holy Qur'an (and recited by the Muslims).⁴⁰

The second category is abrogation of a legal ruling without the recited (verse). It concerns marrying lawful wives specified for the Messenger and that of the faithful. To this end, Qur'an 38:52 postulates:

It is not lawful for thee (to marry more) women after this, nor to change them for (other) wives, even though their beauty attracts thee, except any thy right hand should possess (as maids), and God doth watch over all things.

The above premise is one of the few very clear examples of *Naskh*, though it only concerned the Prophet specifically, since for Muslims in general, the number of wives has been restricted to four (Qur'an 4:3). The third category of *Naskh* finds instance in the narration of Abdullah bn Abbas in stoning to death married adulterer and adulteress (as mentioned above).

Implications of *Naskh* Principles in Contemporary Society

The glorious Qur'an as well as other main sources of *Shari'ah* tend to address each people and generation according to appropriate means, methods and mode capable of enhancing reality of its directives. Changes may occur afterward to be in line with what is obtainable. This situation may be similar in nature to the sequential segmentation of bits of religion before its eventual completion during the Prophet Muhammad's era. Allah says, "We ordained for you the religion just that was ordained unto Nuh..." (Qur'an 42:13). It shows clearly that the instructional components of historic and stone-age rule cannot in any way be instrumental in the jet age. Yet, it is the prerogative of the legal luminaries to make such hitherto or existing or extinct law a basis to advance new and dynamic law which is premised on interpretative precedence. This view is based on the Islamic scholars' throwing weight behind the validity of principle of *Naskh* from the angle of Qur'an abrogating the Old Books and the laws in their content.

Secondly, situations unfolding to stem up certain development demands different directives at certain point of development or the other. The Qur'an passages revealed in Makkah have always been with themes and contents related to faith (*Iman*) as obtainable at the moment before *Hijrah*. Madinese revelations give clear regulation mainly regarding transactions, civil, personal and non-personal interactions. Even within the context of the ten years of *Madinese* revelation (on which this study

is based), occasions still demand ‘soft-pedaling’ on various regulations. For instance, the issue of standing in confrontation of unbelievers i.e. hitherto put on ratio ten to hundred was later reduced to two ratio one (Qur’an 3:69) for probable weakness in faith which was subsequently occasioned.

Thirdly, the glorious Qur’an 59:7 indicates clearly that ‘whatever is brought to us by the Messenger should be taken in high esteem in contra-distinction to what is forbidden’. It is not unusual to find the *Sahabah* (companions) applying wisdom of common sense regarding any new *Ayah* on legal rulings before knowing the intricacy of such a condition; whether the new verse is softer than the previous one e.g. 10:1 for 2:1 (mentioned above). The rule is also applicable to sameness or repetition of the previous regulation for reinforcement e.g. holy *Qudus* mosque in Jerusalem for the holy *Ka’bah* in *Makkah*. It also came as heavier than the previous measure in reward as in the case of choice between feeding of less privileged for Ramadan fast.⁴¹

Instances of Contemporary *Naskh*’s Application

Most of the issues bothering on sociomoral appears directly or indirectly being affected by movement in time and generation. The Islamic provisions appear to stand the test of time irrespective of the ground on which such provision is given. In many occasions, the postulations of the glorious Qur’an are used to abrogate certain established *Sunnah* and vice versa. Some Qur’an verses provide stronger benefits at certain period than the earlier verses. Some *Sunnah* provisions abrogate the previous provisions in the olden revealed books. Instances abound regarding legal rulings previously practiced that were vehemently opened to change in their various nomenclature. The main purpose of this is to march the pace of the believers with the ever-changing level of *Iman* (faith) of Muslims. The following instances suffice:

On *Aashura* fasting, Sayyidat Aishah (*R.A*) the wife of the holy Messenger, was reported to have said:

Fasting during *Aashura* (10th day of *Muharram*) used to be obligatory until the verses of Ramadan were revealed. And the Prophet later said: ‘whoever is willing to fast for the day (of *Aashura*) could do so.’⁴²

This indicates abrogating *Sunnah* with Qur’an text. It, however, indicates that since fasting during *Aashura* had been the practice of Prophet Muhammad, it is not totally dropped. It still alludes to the legal backing for the celebration of *Aashura*.

In the same token, provision of denying an unbelieving inheritor from taking his portion of the property (from a deceased Muslim) falls into the same category. This is indicated clearly from the Qur’an *Ayah* which reads that: ‘for every individual is a specific portion of inheritance (Qur’an 4:56)’ which is later explained in the *Sunnah* that: ‘There should be no inheritance between two opposing parties on the basis of belief.’ This still finds expression of great feat in the legal ruling wherever Qur’an law is given ovation.

Furthermore, fair share of inheritance in the *Shari’ah* Law customarily ap-

portions fortune to living member of the family as it recommends equity in sharing. The same provision is still being toyed with in some climes like Yoruba land where terms of inheritance are based on the number of wives married by the deceased male testator. The sharing formula *Idi-igi* i.e. sharing property according to the number of wives, in the traditional Yoruba setting falls into this category. *Shari'ah* has specified incontrovertible ways for everyone to get fair share of the property, but this study finds imperatives to submit that where chaos ensue, meddling within the extremes finds ways to settle the matter even though the approved standard in Islamic Law must be made known to the contenders. This is branded *Ad-Daruriy* i.e. necessity, which goes in tandem with juridical principle which says: “*Ad-Daruriyy tubihu 'l-Ma'zurat*” meaning “Necessity makes lawful what is pessimistic,” on one hand.⁴³ On the other hand, the stand is based on the incontrovertible fact that the property in question materially can only benefit the living ones. However, this should not be necessarily referred to as good precedence.

Leaving properties to be inherited enjoys yet another angle to *Naskh* application. A dying father who gives a specific share of his property to any of his sons who ordinarily would enjoy the share of inheritance is a situation that calls for situational adjustment. *Shari'ah*, however, abhors this and wherever it happens, the implementer of such will brings to the notice that such promise made of nothing more than a third of the property should not in any way be given to a lawful inheritor. The panel of implementers recall the litigation trailing misappropriation of unlawful property.

Another genuine ground for the matter at hand is legal penalty for trivial theft in the glorious Qur'an which categorically stipulates that hands of thieves should be cut off. The *Sunnah* clearly states that right hand first and left leg follows to be cut in alternation. *Naskh* principle also makes it clear through the *Sunnah* that trivial offences of theft should be viewed lightly in view of a victim being beaten hand down by poverty and so considered for lighter punishment such as flogging, fine and humiliation.⁴⁴ This gives rooms for minor punishment and fine in lieu of the offences. Al-Bugha situates this provision to the juridical clause of leanness (*Rukhsah*) with instances of ‘making lawful the consumption of dead animal (ordinarily forbidden) for a person without any alternative to survive’. In the same manner, it is also allowed to expose one's nudity before a physician for medical attentions.⁴⁵

Feeding on wild beast in the glorious Qur'an's regulation on unlawful food stuff was later specified with wild beast where and when the lawful feed is in extinct.⁴⁶ The notion behind this provision is to ensure hunger sustenance. The indigent is allowed to feed of it and also arm himself with some part of it until he finds lawful food items.⁴⁷ This makes necessary taking eatery and junk food while away or non-resident as against cooking at home for safety of faith and hygiene.

Qasr (shortening) of prayers provides spiritual privilege to reduce the four *Raka'at* prayers to two and it is further advanced in the *Sunnah* that a Muslim is obliged not to jettison doing so in as much as he covers the limit of 72km away from home and whether or not he is fatigued or danger posted. This is based on the fact that

“*Ad-din yusr*” meaning: ‘religion is not difficult’⁴⁸ on one hand and on the other ‘It is part of the *Rahmah* (mercy) of Allah on the Muslims.’⁴⁹ However, opinion differs regarding travel by air and Executive cabin which gives little or no stress in relation to *Salat* reduction and negating fasting in the contemporary world.

Traveler on mounted means of transport is specified to face wherever possible as *Qiblah* as exception from necessary facing the *Qiblah*. Even though opinions differ regarding such means of transport with respect to the type of *Salat* to be observed facing whichever direction, some scholars give reasons for strict compliance to facing *Qiblah* whenever obligatory *Salat* is observed.⁵⁰

Marriage of niece to aunt’s husband also attracts multiple views. This situation is prohibited on the Muslims through the Qur’an text even though it is lawfully made for the holy Messenger (Q33:50). The two extremes notwithstanding, contemporary life demands that where there is famine, war, disaster or acute shortage of male numerical members and the surviving ones happen to be the unlawful for marriage, Muslim Jurists would as a matter of necessity exert reasons for facilitating such a marriage.⁵¹ The same to modern day situation whereby there is ravaging fear of women becoming infertile and unable to produce after well-celebrated wedding. This is coupled with the view by medical Experts of putting average marriage age for a lady at eighteen (18) for better productivity.⁵² To this end, earlier two conditions for marriage are specified for fulfillment and shorter courtship is admonished. The case in point is more applicable in recent time when the couple-to-be still pursue a career. Supporting and understanding from both parents would end up in strengthening the children to fruitful life in future.⁵³ This is taken along with guarding their modesty at the tempo of corruptible circumstances.

Contemporary medical challenges have proven that children often grow faster than before. Life-span dwindles and UNESCO pessimistically put the average life-span of Nigerian at 48.4 years in April 2011.⁵⁴ Part of the reasons for this possible sharp decline appear in technological exposure to particularly the electro-magnetic radiations, carbon monoxide and other emission and bye-products arising from deforestation and urbanization. The implications of this become evident when it is considered along with in-organic food items, drugs intakes and main life-style being far from natural. The glorious Qur’an’s position on the means of communication and transportation as hinted in Qur’an 16:8 “...And He created what you know not...” shows categorically that if a man is sensible and he could produce and conduct himself on donkeys, mules, trains, cars, and aircraft. When this is taken along the Global Service Mobile (GSM) Communication as well as Electronic mailing system, all at the stable of human being, he can as well search in the Qur’an the remedy to the manner in which his life-span reduces and adjust his program to meet up with the dictates of life. Report from the Federal Bureau of Statistics (FBS) in Nigeria hinted that in the past decades, death used to occur of citizens close to seventy or eighty particularly, on those who mainly abide with nature but today, due to the above factors and several other reasons, death knocks at the door at fifty and we still say: ‘a life well-spent’

as a result of visible human material achievements.⁵⁵ Unfortunately in Nigeria, the above scenario currently takes tolls on the citizenry just as an alarming rate of drift into sharp poverty is observed in the report of the same FBS of 65million Nigerian in 2017 living below poverty level which reflects 135 million in November, 2022. Living standard index of living on less than one US dollar per day appears the portion of almost 65% of the Nigerian population.⁵⁶ In other words, the mortal rate appears far cry than the proportion of the modern technological propensities. It would not be out of place to advance from this situation that unless pro-active approach to human capital development is earnestly taken, gradual retardation would impact gravely on humanity particularly in the tropical areas like Nigeria.

Recommendations

From the foregoing, it can be inferred that human life is purposeful and the reasons for his existence would have to bring about values ingrained in his inter-dependence on other elements of life to witness the abundance of such value. It is understood that, there should be no iron cast rule which would be so constant than the imminent change deposited in life across ages, climes and generations. The natural sustainability of a provision would have to depend largely on the need to span such value across variances of time even though with some degrees of ameliorations. Such consequential demand paves way for the proper use of principle to suit the human situation at certain time or another. However, *Naskh* principle appears a provision that accommodates the nomenclature of various human changes along with ages even though the mother regulation remains sacrosanct. It is to this end that the glorious Qur'an precipitates wholesome easiness of Islam in general against the background of pristine Islamic piety (*Taqwa*). This is to direct every act towards steadfastness at all times and in every circumstances. It is on this note that the study suggests the following recommendations:

- i. The use of *Naskh* principles remains virile tool in the hands of juridical scholars to exert amiable regulations based on main sources of *Shari'ah* across ages and generations.
- ii. *Naskh* is held as capable of positioning Islam and Muslims in the fore front of civilization to deride the critics' notion of it as acting in the shadow of earlier centuries.
- iii. The global civilization would have leaves to borrow from the Islamic principle of *Naskh* if it disposes to positive mindset of tapping from Islamic treasures of wisdom.
- iv. Fundamentals of Islam unarguably is the basis, nonetheless, *Naskh* is capable of re-engineering the whole of Islamic legal system to under-write the global human civilization.
- v. Time and geographical locations do not affect the relevance of Islamic principles, nevertheless, the message of Islam can permeate humanity through a re-focused approach of *Naskh* principles of exertion.
- vi. It is not unprecedented to find some opposition of implementing the *Naskh* principle in non-Muslim climes, the overall advantage of the pursuit should be show-cased.

- vii. *Taqwa* (piety) as enunciated above cannot be forced on anyone, so as Islam. Variance may be experienced in applying *Naskh* to some measures though, Islam remains.
- viii. Above all, experts in juridical pursuit would have to be at the center of *Naskh* principles' application to avoid forcing sharp dogma and square pegs in round holes.

Conclusion

The glorious Qur'an is a guide and in its similitude to human life, it resembles manual of a brand-new product, the usefulness of which informs not only the durability but also the commensurate price for the product. The principle of *Naskh* reviewed in this study appears a blessing than its being stringent punitive on the legal postulations. Just as it liberates man from being pinned to stone-age civilization which is retrogressive in nature, human beings as living entities are treated to certain elements which pride human being ahead of other creatures (Qur'an 17:70). It is in view of this that this study had x-rayed the contemporary usage of principles of *Naskh* with its relevance and benefits to the contemporary Islamic societies. The approach being a non-Law scholarly, notwithstanding, it is hoped that the background knowledge would afford Muslim Educationists, Linguists, Exegetes, Jurists and Sociologists fair grounds to adopt better interpretation of the glorious Qur'an to suit the realities of life at any point in time. The open-ended nature of the study would, however, project the connectivity of the glorious Qur'an for better footing for the sustenance of any fledgling civilization anyone can think about.

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***Wilāyat al-Faqīh*: Exploring the Khomeini Factor in the Idea of the State and Traditional Shi‘ism in Contemporary Iran**

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Abstract

This paper examines the concept of Wilāyat al-Faqīh (authority of the jurist) particularly as it relates to the pre-Iranian revolution of 1979 led by Ayatollah Ruhullah Khomeini. It begins with a re-assessment of contemporary studies on this concept as a premise for its inquiry into the reasons which makes traditional Shi‘ism susceptible to the schemes of political as well as social changes. It proceeds, thereafter, to examine the dynamics in the manifestation of the Wilāyat al-Faqīh in the Iranian polity and situate same to the traditional Shi‘i’s practices. The paper uses humanistic approach to research and sources its data from existing literatures on the concept of Wilāyat al-Faqīh. It concludes with the argument that, in line with its pre-revolution history, the future of Iran, as it is with the rest of the Muslim world, will likely be determined by the extent to which the concept of the Wilāyat al-Faqīh outlive Ayatollah Ruhullah Khomeini.

Keywords: Iran, Khomeini, Wilāyat al-Faqīh, Shiism, polity

“Khomeini revolutionized not only the Iranian state but traditional Shiism as well.” —Prof Muddaththir AbdulRahim (2009)

Introduction

ANY OBJECTIVE OBSERVER OF MODERN IRANIAN HISTORY WOULD AGREE WITH the above statement. AbdulRahim’s statement awakens us to the need to re-assess and ponder again and again on the philosophy upon which the Iranian revolution was based, the events which aided its realization or actualization as well as its global impacts. The statement also demand that we re-examine the whole idea of *Shiism* both in its historical and contemporary perspectives. In order to do this, it is desirable that the paper examine how Khomeini’s idea of *Wilāyat al-Faqīh* has affected the Shi‘ite practices on one hand, and the idea of the state in Iran on the other. Therefore, it is better to begin by asking the following questions: what are the Islamo-cultural factors that aided the emergence of a personality like Khomeini in Iran? What role or roles did external factors directly or indirectly, consciously or unconsciously play in his success? What do we mean by traditional Shiism and how has it been affected by the Khomeini’s revolution? What does Khomeini’s *Wilāyat al-Faqīh*

mean either for the Iranian clergy and the Muslim world? A critical look at the contemporary Iranian state will suggest two things- the adherence to the rule of the jurists and a partial adoption of foreign elements to its polity. The whole idea of this paper is to look at how the statement of AbdulRahim above really fits in to Iranian sovereign state and how this has assisted in the reformation of ideological basis of Shiism of the contemporary period. The paper adopts the humanistic approach to research through historical as well as analytical discourses of the concept of *Wilāyat al-Faqīh* propounded by Ayatullah Ruhullah Khomeini in Iran during the 1979 revolution. This is critically engaged through the existing scholarly works and expanded on to show to what extent the theory has impacted the traditional Shi'i practices in Iran. It will explore in detail the brief history of Khomeini and his emergence as a revolutionary leader, the concept of *Wilāyat al-Faqīh*, the Iranian polity as affected by the revolution as well as the effects of the revolution on the traditional Shi'ism in Iran. The paper concludes by reiterating how profound the revolution has changed the story around traditional Shiism in particular and the Iranian people in general.

Scholars' Views of *Wilāyat al-Faqīh*

Whereas many scholars have engaged the notion of Khomeini's *Wilāyat al-Faqīh*, and have given different interpretations as far as the Iranian polity is concerned. Some scholars are of the opinion that the concept can be regarded as a total clergy absolutism versus public sovereignty¹. While some see it as a challenge to classical Shiism². Others view it as a supplement to *wilāyat al-qādi* (judicial power) and independence of judiciary as an institution³. It is also viewed as a challenge to modern secularism and an anachronistic theocracy or the rule of the *Mullahs* or a religious dictatorship⁴. One observation is very important from the existing studies in the field; the exploration of the extremely rich perspective of the *Wilāyat al-Faqīh* to the category of how the theory can stand the test of time within the Iranian polity is still largely in its infancy. This paper, therefore, proceed from here to critically examine to what extent can the concept of *wilāyat al-faqīh* outlive its precursor and sustain

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- 1 Hamid Mavani, 'Khomeini's Concept of Governance of the Jurisconsult (*Wilāyat al-Faqīh*) Revisited: The Aftermath of Iran's 2009 Presidential Election', *Middle East Journal* 67, no. 2 (2013): 207-228. Available at; <https://www.jstor.org/stable/43698046>
 - 2 Hamid Mavani, 'Ayatullah Khomeini's Concept of Governance (*Wilāyat al-Faqīh*) and the Classical Shi'i Doctrine of Imamate', *Middle Eastern Studies* 47, no. 5 (2011):807-824. Available at; <https://www.jstor.org/stable/23054264>
 - 3 Khalid bin Sulieman Addadh, (2019) 'A Theoretical Approach: *Wilāyat al-Faqīh* and IS, Imamate, Religious Authority and Jihad', (2019), online material available at <https://eeradicalization.com> see also; Shams Al Din Al Hajjaji, 'Wilāyat al-Qādi and its Malpractice in Iran, Egypt, and Jordan', (2018), online material available at <https://escholarship.org>
 - 4 Amr GE Sabet, *Wilāyat al-Faqīh and the Meaning of Islamic Government*. (USA: Cambridge University Press, 2014), DOI: <https://doi.org/10.1017/CBO9780511998485.006> pp. 69-87

the Iranian polity given the contemporary dynamics in jurisprudential interpretations in the Muslim world.

Khomeini: Birth/Emergence of a Revolutionary

Ayatullah Ruhullah Khomeini has been a subject of unceasing studies and researches⁵. This is partly because his life and achievements sharply mirror and indeed, the paradoxes in the Iranian society and the Shiites theology. That Khomeini is a metaphor for the contemporary Iran is also evidenced in the studies already carried out on the country by scholars all over the world particularly after the success of the 1979 revolution led by Khomeini⁶.

Ruhullah Mousavi Khomeini was born on 24 September, 1902 (20 Jumadal al-Akhir 1320 A.H), the anniversary of the birth of Hazrat Fatima, in the small town of Khomein, some 160 kilometers to the southwest of Qom. He was the child of a family with a long tradition of religious scholarship. His ancestors, descendants of Imam Mousa al-Kazim, the seventh Imam of the *Ahl al-Bayt*, had migrated towards the end of the eighteenth century from their original home in Nishapur (in Khorasan province of Iran) to the Lucknow region of northern India. There, they settled and began devoting themselves to the religious instruction and guidance of the region's predominantly Shi'ite population. In March 1903, when Khomeini was just five months old, he lost his father. And in 1918, he lost both his aunt, Sahiba, who had played a great role in his early upbringing, and his mother, Hajar. Responsibility for the family then devolved on his eldest brother, Seyed Morteza (later to be known as Ayatullah Pasandideh). Khomeini started his religious career at the age of 17 (1919) when he was enrolled in a school in Arak from where he later proceeded to Qom. This was shortly before the establishment by Shaikh Abdulkareem Hairi of what was then known as Hauze-ye-ilmiye. It was under the tutelage of the Shaikh Hairi that Khomeini learnt *fiqh* and *Usul deen*. He also learnt philosophy and mysticism from Mirza Ali Shahabadi⁷.

Thus, the foundation for the emergence of Khomeini as a theologian, a jurist, a philosopher, a mystic and a state leader had been laid. In his person, mass of Iranians saw high spiritual qualities which were combined with beautiful scholarly characteristics. They saw a leader who forsook the glittering of this world in order to positively

5 See: http://www.iranchamber.com/history/rkhomeini/ayatollah_khomeini.php-27k
Accessed on April 08, 2020.

6 The Iranian revolution has enjoyed such a huge panoply of studies as attested by the available bibliography on the event. For example, see: Jahangir Amuzegar, *The Dynamics of the Iranian Revolution: The Pahlavis' Triumph and Tragedy* (USA: SUNY Press, 1991):355; Mangol Bayat, *Iran's First Revolution: Shi'ism and the Constitutional Revolution of 1905-1909* (UK: Oxford University Press, 1991):316; Daniel Brumberg, *Reinventing Khomeini: The Struggle for Reform in Iran*. (USA: University of Chicago Press, 2001):306; Nikki R. Keddie, *Modern Iran: Roots and Results of Revolution* (USA: Yale University Press, 2006):408.

7 Khomeini URL: http://www.iranchamber.com/history/rkhomeini/ayatollah_khomeini.php-27k Accessed on April 09, 2020.

impact the life of the people. According to Hamid Algar, a scholar who has dedicated his life to the study of the Iranian revolution, Khomeini used to “spend his night in prayers and supplications while his daily sustenance featured what was ordinarily available to the masses”⁸.

How did Khomeini emerge? According to Hamid Algar⁹, Khomeini is a product of two Shi‘ite theologians. These were Shaikh Abdulkareem Hairi (1859-1936) and Ayatullah Borujerdi (1875-1961). Shaikh Hairi is said to be the founder of the religious Centre in Qom in Iran from which Khomeini emerged as a revolutionary. Qom also became the spiritual capital of Iran as a result of the residence there of Khomeini.

Ayatullah Borujerdi was, however, important in the life and works of Khomeini for something different. To him belongs the credit of the universal vision that came to be an important feature of Khomeini’s activities as well as the grass-root impacts of the revolution. Shaikh Borujerdi was said to have collaborated with the then Shaikh al- Azhar, Shaikh Mahmud Shaltut, on the establishment of an institution on the exploration of the avenues for rapprochement among the different schools of thought in Islam¹⁰.

Khomeini soon moved from the realm of self-training to that of campaign for individual and communal/societal transformation. He started given lectures in Qom on various aspects of Islamic learning including philosophy and mysticism. The lectures, most of which drew large audience were usually delivered with eloquence and high mastery of Islamic scholarship. He proceeded from there to begin to put his ideas on paper. Some of Khomeini’s writings were products of his original thought while others were commentaries on existing texts written by others. One of the earliest points of conflict between Khomeini, the ideologist, and the political authorities in Iran was his criticism of Pahlavi’s dictatorship. In his book entitled “*Kashful Asrār*” (the uncovering the secrets), Khomeini criticized Riza Khan and particularly his dependence on the then imperial power, Great Britain. In this book, Khomeini expresses his grave concern not only for the iniquities being perpetrated by the Pahlavi’s dictatorship but also for what he perceived as a gradual erosion of Islam and its sociopolitical and cultural features from the Iranian society. He says in part thus:

All the orders issued by the dictatorship regime of the bandit Riza Khan have no value at all. The laws passed by his parliament must be scrapped and burned. All the idiotic words that have proceeded from the brain of that illiterate soldier are rotten and it is only the law of God that will remain and resist the ravages of theirs¹¹.

Khomeini’s popularity and political relevance, however, lie somewhere else: the af-

8 Hamid Algar, *The Islamic Revolution in Iran* (London: Open Press limited, 1980): 33-64

9 Hamid Algar, 45

10 Hamid Algar,., 35-36

11 Hamid Algar,., 39

termath of the overthrow of Mussadiq and the emergence of the Shah Mohammed Pahlavi's dictatorship. Sequel to his assessment of life in Iran under the Shah, Khomeini eventually announced the necessity of changing the regime of the Shah on, among others, the following ground: 1) The deception of the people of Iran by the Shah by declaring the so-called white revolution, 2) the apparent willingness of the Shah to turn Iran into an appendage of the United States and Israel, and 3), the continued violation by the Shah of the Iranian constitution and the oaths that he took to protect Islam¹².

The above, in principle, eventually led to an uprising around June, 1963 in which over fifteen thousand people were massacred by the Savak (the Shah's security apparatus)¹³. Khomeini was also arrested and later exiled to Turkey. In October 1965, he was able to escape to Najaf, in Iraq, a traditional Centre for Shi'ism and a popular refuge for Iranian leaders. Once settled in Najaf, Ayatullah Khomeini began teaching Islamic jurisprudence (*fiqh*) at the Sheikh Mourteza Ansari School. It was while he was there in Najaf that he delivered, between January 21 and February 8, 1970, his lectures on *Wilāyat al-Faqīh* (the theory of governance by the Jurist). Before he wrote this treatise, he had written his second major work entitled "*Al-hukuma al-Islamiyya*" (the Islamic government). Apart from the Qur'ānic, Prophetic and Shite themes in the work, it was, in the main, a political treatise and anti-imperial proclamation. In it he says in part as follows:

...that is our situation then - created for us by the foreigners through their propaganda and their agents. They have removed from cooperation all the judicial processes and political laws of Islam and replaced them with European importations, thus diminishing the scope of Islam and ousting it from Islamic society. For the sake of exploitation, they installed their agents in power. ...So far, we have sketched the subversive and corrupting plan of imperialism. We must now take into consideration as well certain internal factors, notably the dazzling effect that the material progress of the imperialist countries has (sic) had on some members of our society.

...the imperialists have propagated among us the view that Islam does not have a specific form of government or governmental institutions. They say further that even if Islam does have certain laws, it has no method for enforcing them, so that its function is purely legislative¹⁴.

The most visible sign of the popularity of Ayatullah Khomeini in the pre-revolutionary years came in June, 1975 on the anniversary of the uprising of 15 Khordad. Students at the Feyziyeh's school were holding a demonstration within the confines of the school, and a sympathetic crowd assembled outside. Both gatherings continued for three days until they were attacked by military forces, with resulting effect of nu-

12 Hamid Algar; 99-133

13 Hamid Algar; 103

14 Quoted in: H. Halm, *The Shiites: A Short History* (Princeton: Markus Wiener Publishers, 2007):144.

merous deaths. Ayatullah Khomeini reacted with a message in which he declared the events¹⁵ in Qom and similar disturbances elsewhere to be a sign of hope that; “freedom and liberation from the bonds of imperialism” were at hand¹⁶. The beginning of the revolution came indeed some two and a half years later. The popularity of his speeches and lectures, most of which were smuggled into Iran, eventually provided the basis for his compulsory departure from Najaf, Iraq, for Paris in France. The government of Iraq, apparently under pressure from the Shah of Iran, declared Khomeini a *persona non grata* early in January 1978. The forceful departure of Khomeini from Najaf only served as a prelude to his ultimate return to Iran the following year as the leader of the revolution. It also led, in part, to the popularity of and the inclusion of the theories expounded upon by him in the *Wilāyat al-Faqīh* in the Iranian constitution that was promulgated the following year.

Khomeini’s Wilāyat al-Faqīh

The *Wilāyat al-Faqīh*¹⁷, variously translated as “rule of the jurisconsult”, “guardianship of the jurist”, “mandate of the jurist”, “trusteeship of the jurist”, “the discretionary authority of the jurist”, and “governance of the jurist”, initially featured in the lectures given by Khomeini between January and February, 1970. This was written by Khomeini as a political model for guardianship of the *Ummah*; that the highest authority of the Islamic Revolution - the Guide or Leader (*Rahbar*) - should be both one of the highest religious authorities (*marja*’) and the political leader, who “understands his time” (*agah be zaman*) and therefore could lead a mass movement. The treatise is said to be premised on the Shi’i traditional evidences which includes:

1. signed letter from the absent Imam
2. hadith Magbula of Umar b. Hanzala
3. the tradition of Abu Khadija
4. the sound tradition of Qadah
5. the second tradition: Sadiq’s *mursala*
6. the third tradition: the *fuqaha*’ are the trustees of the prophet
7. the fourth tradition: the ‘*ulama*’ are the rulers
8. the fifth tradition: imam Hussein’s sermon
9. the sixth tradition: the *fuqahā*’ are the fortress of Islam
10. *wilāyat ammah* as Hisbah
11. the rational arguments¹⁸.

In the *Wilāyat al-Faqīh*, Khomeini canvasses for the possibility and in fact the ne-

15 Algar, *The Islamic Revolution*, 55

16 Algar.

17 A full text (translation) of *Wilāyat al-Faqīh* is available at: <http://www.princeton.edu/lisd/projects/PORDIR/research/wilayat%20al-faqih.pdf>. Assessed on 09 April, 2020.

18 A full text (translation) of *Wilāyat al-Faqīh* is available at <http://www.princeton.edu/lisd/projects/PORDIR/research/wilayat%20al-faqih.pdf>. Assessed on 09 April, 2020.

cessity for the jurists to take control of the political and religious lives of the Shiites' *Ummah* on behalf of the Hidden Imam during the period of occultation. This view of his is peculiar at least in three ways; i), the fact that Khomeini was indirectly saying that it has become a necessity for the Shi'ite's clergy to participate in and in fact take up the mantle of political authority of the *Ummah* contrary to the previous and popular notion that the clergy should be apolitical; ii), Khomeini's *Wilāyat al-Faqīh* also appears to have breathed new life to the *Sharī'ah*- that the Islamic law is not only relevant to life in the modern world but it is, in fact, the panacea to world's political, economic and cultural problems, and, iii) the *Wilāyat al-Faqīh* also appears to be a new reading, at least among the Shi'ites' clergy of the possible link between politics and mysticism- that politics and mysticism could go together and, in fact, mutually reinforces and strengthens one another. In his lectures, Khomeini claims that *Wilāyat al-Faqīh* is inherently political, and that this aspect of it has been suppressed over the centuries. In the treatise, he says in part thus:

The guidance of the *Ummah* is a continuous process, which is needed even during the occultation of Imam Mahdi (ATF), so who will take the responsibility of leading and guiding the *Ummah* during this time? The answer to this question lies in the rule of just, pious and virtuous jurists so that we may faithfully follow them and seek guidance in the affairs of life. Our divine religion Islam has rules for every walk of life. There are laws for economic, social, civil, and spiritual affairs. These laws have not been put in suspension during the occultation of Imam (ATF), nor can it be assigned to an ignorant and corrupt ruler for leadership, so naturally there is genuine need for just, pious and learned men to lead the *Ummah*. The obedience to these jurists by the people is as obligatory as it is to the Holy Prophet (SAW) and the Infallible Imam (AS). We must also have in mind that adherence to full Islamic rules is not possible until there is an Islamic government. So, the necessity of an Islamic government cannot be ruled out even during the occultation of Imam (ATF).

Khomeini further argued that:

If the government is necessary then the ruler is also necessary, because the government cannot be run without a ruler. Therefore, since Islam needs a government for enforcing its laws, we should find out the qualifications of the ruler and know whether he has a deep understanding of the Divine commandments, is he just and competent? And can he appreciate and face difficulties? If it is necessary that the ruler should be a true Muslim, well informed, pious, virtuous and statesman, then that person must be a jurist, and his government will be called the government of the jurists. Those, who do not believe in the concept of the guardianship of the jurists should study the following viewpoints and accept anyone of them:

- i. Islam is confined only to prayers, fasting, individual worship, moral values and it does not envisage the solution for social, political and economic problems.
- ii. Islam was only meant for the duration of the lifetime of the Holy Prophet, and it was abandoned after him and now its important social problems are confined only in books.

- iii. Important social laws; should be enforced by the ignorant and wicked persons only.

If none of the above-quoted view-points is acceptable or appeals to reason, then we must accept the guardianship of the jurists, which means that the enforcement of Islamic laws and solutions to difficult problems should be solved by eminent Muslim scholars and thus we must not think that the guardianship of the jurists is unjustifiable.

...Islam acknowledges the existence of the society and the necessity of the government and its ruler, but what is important is that we should know the conditions and qualifications of the ruler, and what type of the government it should be and how it should carry on the administration. According to common sense and keeping in view the various Islamic narrations, the responsibility of the government should be laid on the shoulders of the just jurist.... Thus, it is deduced that in an Islamic society the head of the government should be a just jurist with all the prescribed qualifications. These very jurists are the authorized representatives of the infallible Imams during the period of the occultation of our living Imam Mahdi (ATF). If the authority and guardianship of the jurist is terminated, the despots would raise their heads and the Divine commandments will be altered. Now after the above discussion we would like to ask few questions about the intentions and objectives of the persons opposing the concept of government by a just and righteous jurist:

- i. Do they say that for Muslims no government and no administration are necessary?
- ii. Do they say that some system is necessary but there is no necessity of an administrator, ruler or guardian?
- iii. Do they say that guardians and the rulers of the people should be those who have no concern with Islam?
- iv. Do they say that the ruler should be a jurist and Muslim but it is not necessary that he should be just and pious?
- v. Do they consider that guardianship of the jurists is some sort of a dominating force? Is the jurist a representative of a particular group or class of people?
- vi. Does the selfishness of the jurist not nullify his sense of justice and fair play by which his guardianship in the society will automatically cease to exist?

We would ask those who oppose the guardianship of the jurist as to whom they want to entrust the affairs of the *Ummah*? We ask whether the Muslims should not follow someone in their affairs or is their following restricted to worship of Allah only? Is there not the possibility of a lawful or an unlawful thing in matters of social problems such as strikes, rehabilitation, travels, disputes, agreements, pacts, appointments, dismissal etc.? Should we not follow some jurists in all those matters where there is a question of lawfulness and unlawfulness? Should the leadership of the Muslims be entrusted to an un-Islamic leader? Will it not be like handing over the administration of a medical college to a man who is not a physician himself? Has the time not come when we should protect ourselves from false leadership, unscrupulous politicians and professional opportunists?¹⁹

19 A full text (translation) of Wilāyat al-Faqīh is available at <http://www.princeton.edu/lisd/>

At this juncture, a question becomes relevant: in view of the simplicity, the logical and theological arguments used by Khomeini in developing his theory, did the concept of *Wilāyat al-Faqīh* enjoy the acceptance of the whole Shi'ite's clergy? Answer to this question is surprisingly in the negative. Not all the Shite's clergy were in agreement with the concept. Critics of the *Wilāyat al-Faqīh*, within and outside Iran, disagree with Khomeini's theory based on, among others, the following grounds:

There is no mechanism to determine when religious intention becomes political intention and that possession of religious knowledge is not sufficient basis for ascension to political power. Adversaries of guardianship insist that the keystone of this theory that tries to justify the deserts of guardians to rule based on their knowledge is disputable. The possession of this religious knowledge is not sufficient enough to prove that political power should be entrusted to a *faqīh* to protect and promote public welfare and prosperity. How can we know that the guardian is not seeking his own interests rather than that of the general public? Is there any system of control over them to prevent them from abusing this authority? In the guardianship model of state, since the people do not delegate authority to the guardian, they cannot legally or constitutionally withdraw political power from the guardian. The guardians are free of popular controls.

- Unlike democracy that provides people with the opportunity to engage in governing themselves and to improve their moral-political experiences, the guardianship system of rule prevents an entire population from developing their social, political and moral capacities. This is essentially so, because, only a few people (guardians) are engaging in governance. Therefore, only a few people have the opportunity to learn how to act as morally responsible human beings. Only guardians can exercise the freedom of participating in the process of making laws, while in democratic states the whole population enjoys that freedom. Even though in many democratic states, the corporate and political elite are far more powerful than ordinary citizens, however, they cannot be compared to guardians. These elites are not despots and people can still play a role in the distribution of political power and in making political decisions.
- Guardianship is based upon the idea that there is a set of truths, objective propositions and valid knowledge that can determine public good or true social interests. The second pillar of guardianship rests on the point that only those who have this knowledge (what does public good consist of and by what means can we achieve it?) are exclusively competent to hold political authority²⁰.

Some critics²¹ of guardianship criticize the first pillar of the argument. They emphasize that there is no such thing as rational, unquestionable, or objective knowledge. There are no determined truths as 'science of ruling' that can justify the authority of

projects/PORDIR/research/wilayat%20al-faqih.pdf. Assessed on 09 April, 2020.

20 Ali Mirsepassi-Ashtiani, 'The Crisis of Secular Politics and the Rise of Political Islam in Iran', Social Text, No. 38, (1994): 51-84; see also; Charles Kurzman, 'Islamic Scholars' Protests against the Islamic State in Iran', International Journal of Politics, Culture, and Society, 15, no. 2 (2001); Shahrugh Akhavi, 'Contending Discourses in Shi'i Law on the Doctrine of Wilāyat al-Faqīh', Iranian Studies, 29, nos. 3/4 (1996): 229-268.

21 Ali Mirsepassi-Ashtiani, 51-83.

a few people as guardians. In addition, they believe advocates of guardianship (will) face the problem of validation because they cannot establish why their understanding of public good and social interests is objectively true.

If the *Wilāyat al-Faqīh* does not enjoy the complete patronage of the Shiite's clergy in and outside Iran, does it not mean that the theory that Khomeini propounded should have failed? Does it not mean that the revolution which he sought to create should have fallen short of its goals? The answers to these questions are in the negative: the revolution, did not only succeed but actually impacted both the State of Iran and traditional Shi'ism. Let now consider some of these impacts.

Khomeini's Revolution and the Iranian Polity

Perhaps the first thing that can be mentioned with reference to the impact of Khomeini's revolution on the state of Iran is what could be termed- the "Shi'icization" of Iran. What this mean is that under Khomeini, Iran became not just an ordinary State but one which derived its very existence from Shi'ism and in fact one which represents both the best and the worst- if indeed, there is something that could be described as worst under Khomeini- that the Shi'ite doctrine could become. One of the things that could be described as positive impacts of the revolution on Iran is that it opened up for discussion, as has been the case in the history of Islamic Jurisprudential custom, the whole questions of what constitute an Islamic republic as different from an Islamic State. In the view of Khomeini:

The Islamic Republic is intended to be a traditional form of government where polices of the State will be geared towards the objectives of Islam and the administration of State will be entrusted to committed Muslims. But there will not be a total implementation of Islamic law in every area of life. At the same time a process of education and enlightenment will take place, with respect to both those who have been alienated from Islam and those whose Islam is of a narrowly traditional type...when that process has been completed, the Islamic Republic will be succeeded by the Islamic State²².

What this opinion of Khomeini achieved in Iran is to, among others, rekindle the age-old interest in scholasticism. Iran subsequently became a centre for the organization of scholarly debates and discussion on the affairs of the *Ummah* particularly the role of the clergy in politics and the method by which Muslim could gain political power around the world. It became easy for governments outside Iran to refer to political groups within its polity as being sponsored by the Iranian State. What we are trying to say is that the emergence of Khomeini revolutionized the image of the State of Iran among the Iranians and the image of Iran outside Iran. Iranians became instantly proud of their country. They were proud of being citizens of the only country in the contemporary period where popular revolution not only took place but successfully too. Governance in the country ceased to be monarchical and the exclusive privilege of the few. Ordinary Iranians began to have more say in how the affairs of the State

22 See: *Wilāyat al-Faqīh*

are directed. Khomeini also revolutionized the State of Iran through the recognition of the religious plurality of Iran; Article 12 of the Islamic Republic of Iran accorded full citizenship to Zoroastrians, Jews and Christians and affirmed their status as religious minorities²².

At the international level, Iran became a source of envy to Muslim groups most of which were willing to identify with the country; they were prepared to use what became “the Iranian model” in their own struggle to be free from national and neo-imperial oppression and degradation. In Nigeria for example, Iranian journals and leaflets which have copious quotations from the sayings of Khomeini began to circulate more regularly among Muslim youth organizations and others which considered themselves as Islamic movements. People wanted to try what happened in Iran in the largest country in Africa.

Iran also became a source of fear for countries under the control of Neo-imperialists as well as those running monarchical system of government. If the Shah could be removed through popular uprising headed by Khomeini, then a similar thing could happen in any other part of the world. Thus, as a result of Khomeini’s revolution, Iran became an enemy, a friend and neither an enemy nor a friend in the comity of nation.

One more way by which Khomeini revolutionized the Iranian State was through his exercise of *ijtihad*. A particular instance is how he dealt with the question of birth control. Face to face with increasing population in Iran, the first Minister of Health of the Islamic Republic raised the issue permitting contraceptives with Khomeini. The latter’s response which was widely publicized goes in path thus:

...regarding religious legitimacy to use contraceptives, provided that from the health point of view, it should not be hazardous to women and application should be with the consent of husbands. Thus, Iranian couples who wanted smaller families were free to do so. It should also be noted that throughout the Holy Qur’ān, there is no stipulation whatsoever, prohibiting family planning and application of contraception. To the contrary, there are a number of verses unrelated directly to family planning revealed to Prophet Muhammad (peace be on him) on other issues which signify family planning. In this regard, verse 233 from Baqarah (the Cow) says: “mothers should breastfeed their children for two full years provided they want to complete the nursing...the full observance of instructions in the above-mentioned verse is in itself a kind of contraception...”²³

As a result of this ruling by Khomeini, birth rate is said to have nose-dived in Iran. In 2007, it has come to 3.2 percent²⁴. The exercise of *Ijtihad* by Khomeini therefore as at the time in question, portrayed a remarkable achievement.

Khomeini’s Revolution and Traditional Shi‘ism

If the impact of Khomeini’s revolution would be gauged, it appears it could also be done through an assessment of the transformation it has brought to bear on

23 Halm, The Shiites, 151

traditional Shi'ism. Whereas the impact of the Khomeini revolution on Iran could be seen in what we have termed the "Shi'icization of Iran", the revolution also led to what may conversely be termed the "Iranization of traditional Shi'ism". Traditional Shi'ism is that body of doctrine which rejects the caliphate of the companions of the Prophet aside from that of Ali; that doctrine which holds that in the occultation of Imam Hussein every earthly authority is not only invalid but also impossible; that every authority can only be held in his trust; the doctrine that holds that such title as Imam and *Rahbar* are meant solely for the hidden Imam rule until the arrival of the hidden Imam; that martyrdom is only for the attainment of paradise and in identification with Imam Hussein.

Perhaps the very first example of the Khomeini factor in traditional Shi'ism or what we have termed Iranization of traditional Shi'ism is the designation of Khomeini as the *Rahbar*. Here, Khomeini, viewed as the political leader in Iran, is also elevated to that hierarchy where the twelve Imams in Shi'ite doctrine operate. Before the revolution, such a coinage is unthinkable. Equally unthinkable before the revolution is the reference to a scholar or a Shi'ite's clergy in Iran as the Imam. But as soon as Khomeini emerged, Iranians started referring to him as the Imam²⁴. It appeared as if the Shi'ite theology was willing to dismantle its own structure in order to suit the vision of the revolutionary-Khomeini. The success of Khomeini's revolution also saw the introduction of the schools of Sunni thought into the curriculum in Qom in order to further awareness among Iranian elites and students of the potentials of Sunni tradition and to draw from it when necessary²⁵.

Khomeini also gave new life to both the concept of martyrdom in Shi'ism and the Shi'ite doctrine which reads; "every day is Ashura and every place is Karbala"²⁶. Whereas martyrdom was dedicated to attainment of spiritual bliss and paradise, the Khomeini's "factor" led to the refocusing of the goal of martyrdom to the attainment of public good in this life. To spill one's blood ceased to be only in remembrance of Imam Hussein and the event in Karbala. It became a religio-political act. Centuries before the emergence of Khomeini, the Shi'ites tradition cultivated the idea of suffering and endurance. It was an ideology that celebrates silent martyrdom not open revolution. It desires to attain legitimate power through the successor of the prophet but this desire is deemed to be realizable and reserved for the hidden Imam. Traditional Shi'ism, before Khomeini was apolitical, political power was deemed to be a recipe for divine anger. A cursory look at the life history of such Shi'ites scholars as Shirazi (died 1895), Haini (died 1937) Borujerdi (died 1962) Ayatullah khvi (died 1992) all

24 Norman Calder, 'Accommodation and Revolution in Imami Shi' i Jurisprudence: Khomeini and the Classical Tradition', Middle Eastern Studies 18, no. 1 (1982): 4.

25 Halm, The Shiites, 154-155.

26 On the controversy that surround the designation of Khomeini as Imam See: Hamid Algar: The Islamic Revolution, 61; A.K.S. Lambton, 'A Reconsideration of the Position of Marja' al-Taqlid and the Religious Institution', Studia Islamica, 20, (1964), 115-135; Shahrugh Akhavi, Religion and Politics in Contemporary Iran: Clergy-State Relations in the Pahlavi Period (Albany, NY: State University of New York Press, 1980):117- 129.

exemplified the abhorrence that traditional Shi'ism used to have for political practice. The emergence of Khomeini and the success of his revolution, therefore, has changed this notion. Since 1979, an instinctive engagement in politics had become an integral feature of traditional Shi'ism.

Furthermore, Khomeini Revolution also took away the communality of the international Shi'ite clergy. Shi'ism became synonymous with Iran, while the Shi'ite clergy in the country assumed the role of custodians of Shi'ite theology. The city of Qom in Iran where Khomeini used to stay became another "holy" city, a rival to such Shi'ite holy cities like Najaf and Karbala both of which are in Iraq.

Again, before Khomeini, Shi'ism was divided, in the main, into two: *Akhbari* and *Usuli*. The former holds that in the absence of the Imam, it was not permissible for a religious scholar to enact a law, to apply the principles of the law to a specific problem or situation and that what had to be done was simply a recourse to tradition, hence the designation, *Akhbār*²⁷. The *Usūli*, on the other hand, argue that this should not be the case. They contend that in the absence of the Imam, it was permissible to engage in independent reasoning with respect to legal questions on the basis of the sources of law, hence the appellation *Usūli*²⁸. They hold that in the absence of the Imam, the entirety of the community is divided into *mujtāhid*: the representative of the hidden Imam and the *muqālīd* the ordinary masses. Khomeini revolutionized these extremes by evolving a merger between the two. He made use of the *Akhbārī* position by seeking recourse to the traditional Shi'ite tradition while developing his political theories; he also made use of the argument of the *Usūli* while engaging in political practice.

Thus, the emergence of Khomeini led to a fundamental change in traditional Shi'ites' attitudes by advocating their direct participation in politics, and by maintaining that they have both a mandate and an imperative to govern. Through the *Wilāyat al-Faqīh*, Khomeini stripped the Imams in Shi'ite theology of their aura of "divinity". He did this by arguing that all human beings can become like them through discipline and spiritual practice. The occultation of the Imam, in his view, did not preclude his functional necessity, and it fell to the scholars to execute this role until his return.

Again, before the revolution in Iran, the word constitution was deemed to be of European or foreign origin. The question then arose for the Shi'ite's 'ulamā': how could an Islamic country, and in fact a revolution which is hinged on fundamental Shi'ite doctrines of martyrdom and Imamate, make use of political instruments that are foreign to Islam? But Khomeini's answer was simple, he says: "a totally legitimate authority was in the native of things, impossible given the occultation or ab-

27 Algar, *The Islamic Revolution*, 75.

28 On Shiite doctrines including that of martyrdom see: Charles Kurzman, 'Critics Within: Islamic Scholars' Protests against the Islamic State in Iran', *International Journal of Politics, Culture, and Society*, 15, no. 2 (2001): 41-359; Nasr, Seyyed Hossein (ed.), *Shiism: Doctrines, Thought, and Spirituality* (Albany: State University of New York Press, 1988); Pinault David, *The Shiites: Ritual and Popular Piety in a Muslim Community* (New York: St. Martin's Press, 1992).

sence of the Imam from the world”²⁹. He went on to rhetorically ask the following questions: “because the Imam is absent, does this mean that the Sharī‘ah should no longer be enforced”?³⁰. If the Sharī‘ah is to be enforced, he contended that there must be those who would enforce it. In other words, there must be a political authority that is firmly based upon the authority of the Shi‘ite Imam. Here, Khomeini’s argument is useful in that it provides strong basis for the transformation of an apolitical Shi‘ism to a political Shi‘ism. It is also useful in that it indirectly questions the argument that earthly authority is invalid in the absence of the Imam Hussein. Khomeini’s revolution also tinkers with the Shi‘ites’ doctrine of *taqiyya* (the preference of political quietism to manifest confrontation with unjust and illegitimate political power). With the success of his revolution, the doctrine of *taqiyya* now means active participation in and expression of political interests in the affairs of the *Ummah*.

One other important impact of Khomeini revolution might be this: up till 1979 and after the establishment of the revolution, traditional Shi‘ism used to work with the legal principle which says: *la qawla lil mayyit*³¹ (The deceased has no authority). But the doctrine was put to test immediately after the death of Khomeini in 1989. Before his demise, Khomeini had issued a *fatwa* on February 14, 1989 against Salman Rushdie, the author of “The Satanic Verses”. Rushdie’s work was considered by the Muslim world as an attack and a disparagement of the personality of the Prophet Muhammad (peace be upon him). Being a supposed Muslim, his work was also viewed as blasphemous of Islam. Khomeini’s *Fatwa*, therefore, authorized his death wherever and however he was found. But up till the time of Khomeini’s death on June 3, 1989, the *Fatwa* had not been implemented. Rushdie remained elusive. Khomeini’s successor, Ali Khomeini, went on to renew the *Fatwa*. In 1990, Hussayn Mussavi-yyan, the diplomat who was responsible for Europe in the Iranian Foreign Ministry declared: “Neither I nor any Iranian dignitary in the State of Iran itself has the power to reverse this decision”³². Khomeini’s *Fatwa* therefore, contrary to the principle of *la qawla lil mayyit* continue to be valid; it appears the principle, because of Khomeini, has been taken off the shelves of Shi‘ite doctrines; Khomeini’s authority has out-lived his life.

Conclusion

The above has been some of the impacts of the Khomeini’s revolution on Iran and Shi‘ism, a revolution that the French writer and critic, Michel Foucault, refers to as “the first postmodern revolution of our time”³³. It was a revolution which was hinged on popular participation of the Iranians. Through his training, suffering and perseverance, Khomeini succeeded in changing the fortune of the people of Iran that

29 Algar, *The Islamic Revolution*, 9

30 From *Wilāyat al-Faqīh*

31 Ibid.

32 On *la qawla lil mayyit* see; Halm: *The Shiites*, 153.

33 Mitchel Foucault, *Politics, Philosophy, Culture*. New York: Routledge, 1998): 211- 24.

has made the Muslim world, whether Shi'ite or Sunni, proud of its activities. His revolution has also impacted Shi'ism in more profound ways than ever thought. This could be seen in such matters as the doctrine of *Imamiyyah*, *rahbakhism*, *la qawla lil mayyit* and others. Perhaps it is this kind of revolution that the rest of the Muslim world needs particularly today when we are faced with similar issues and conditions which led to the 1979 revolution in Iran.

Recommendations

This paper recommends that:

- The State of Iran needs more dynamic figures such as Khomeini in order to streamline the polity.
- Extremism in all its forms should be brought to the background to allow for new development.
- Inclusive governmental policy is a prerequisite for successful governance hence, the need for total inclusion of all Iranians in decision-making processes.
- The Muslim world needs to engage in critical *ijtihad* to be able to answer pressing questions in the contemporary times.

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Islamic Welfare Package as Alternative Means to Privatization or Deregulation of Downstream Oil and Gas Sector in Nigeria

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Abstract

The oil-and-gas industry is a major or backbone of Nigeria's economic and public asset. A large percentage of the country's foreign exchange comes from oil. From the time of the oil boom of the '70s, the country has been experiencing consistent increase in revenue generation from oil and gas, despite which it has not been able to provide citizens with the basic necessities of life. Series of agitations, strikes and demonstrations have been staged against poor supply and unpleasant increase in pump price of refined products because of the hardship it created for the populace. The effort of federal government to reduce this burden on the masses brought about the introduction of subsidy purposely to make the pump price of petroleum and similar materials affordable and cheaper. Since Jan. 1, 2012 the country has been in crisis that caused an embarkation on partial deregulation and up till today the problem of petroleum remains unresolved because either directly or indirectly the subsidy issue is continually persist in the sector. It is against this backdrop that this paper assesses Islamic welfare package as alternative means to deregulation. The paper however discusses the concept of deregulation, right of wealth ownership and wealth distribution in Islam. The paper concluded that if Islamic economic system is adopted the economic hardship influenced by deregulation will be subdued.

Keywords: privatization, deregulation, subsidy and Islamic welfare package

Introduction

OVER THE YEAR STAKEHOLDERS IN THE OIL AND GAS SECTOR HAVE BEEN CALLING for total privatization or deregulation of the down-stream sector as a way out of lingering fuel scarcity that always inflict hardship on the masses. It has been reported that multiple phase of deregulation system is the only way out of the scarcity. Meanwhile decreasing the lingering fuel scarcity or deregulation process need adequate enlightenment the cushioning measure should be adequately provided for before the total subsidy removal, because without full scale deregulation the scarcity will continue. Despite the country has started the deregulation process since 2011, there has been no positive result because government has been indirectly subsidizing pump price as the marketers are demanding for increase in pump price. More so, the Jonathan administration's claim of SURE program of reinvestment, empow-

erment and improvement on social amenities or services for the masses from subsidy removal has nothing to show for it on the part of wellbeing of the citizens, education, health, social welfare and employment.

Islam has a laid down principle of economy that defines clearly right to wealth acquisition and distribution as it demarcate public owned wealth from private owned wealth, this is to ensure the principle of *adl wal ihsan* among mankind as it oppose to manmade capitalist economic principle which would amount to selfishness, callousness and crime against humanity because deregulation or privatization of public asset\ investment is anti-Islamic view and it is ungodly act and it is corruption on the part of the economy.

Conceptualizing Privatization

Privatization is the transfer of ownership of property or business, operation, and control of a government or public entity to the private sector or non-government enterprise and after the process and agreement have sealed, government ceases to be the owner of the entity or business (wallstreet mojo editorial team, 2022). It is a process by means of which a publicly-traded company is taken over by a group of people or the act of selling an industry, company or service owned and controlled by the government (Cambridge dictionary, nd). The company however replaced the name 'limited' with 'private limited' in its last name. The expectation from privatization is that it would bring more efficiency and objectivity to the company (The Economic Time, 2021). Privatization seems to have its advantages like promotion of discipline, efficiency, competition, productivity, non-government interference, and risk sharing. However it has disadvantages in the area of monopoly, none or less transparent and high cost to consumers (wallstreet mojo editorial team, 2022). Privatization is capitalist hydrology which promote selling of public assets that are for common use which is contrary to Islamic view point which discourage public assets that are for common use (Muhammad, 2003).

Conceptualizing Deregulation

Deregulation refers to elimination or removal of government intervention in economy or removal of government power from a particular industry. In a general term it means elimination of government power from economy in order to allow the market forces on the force of demand and supply. This presupposes to say there should be no government intervention in market conditions or removal of regulation from the market condition (Anyadika, 2013). According to Fidelis and Ebger (2013) deregulation means to do away with the regulations concerning financial markets and trades. It is a way of liberating the economy, from conditions that serve as impediments to trade and control the movement of goods and services thereby allowing free flow interplay of the forces of demand and supply in determination of price. Jenifer (2018) stated that deregulation occurs when government removes or reduces

the restrictions in a particular industry to improve business operations and increase competition.

Both Privatization and deregulation are capitalist ideology and Islam has no place for capitalist idea because it is inhuman economic system. Public properties and means of production under Islamic law are considered as utility therefore, leaving them in the hand of an individual is harmful to the interest of the society. Although, the Hanafi jurists hold the view that the owner of surface of land is the owner of minerals beneath the land subject to one-fifth (as tax) to the state, meanwhile the majority of jurists are of the opinion that minerals are public or state property such as mines of gold, silver, iron, coal, salt, petroleum, kerosene oil, copper, etc (Muhammad, 2003). Qur'an 4:5 seriously kicked against leaving public asset in the hand of private individuals thus:

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَمًا وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ٥

To those weak of understanding Make not over your property, which Allah hath made a means of support for you, but feed and clothe them therewith, and speak to them words of kindness and justice.

It is not right to give public asset or property that are for common use or benefit in the hand of single individual without regulation, because such property or asset supposed to be source of income in which society use to take care of the provision of infrastructure or social amenities and other basic needs that would make life bearable to every member of the society as it generates income used for other developmental project and taking up of such property is improper as mention in Qur'an 4:29 thus

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبُطْلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ٢٩

O ye who believe! Eat not up your property among yourselves in vanities: But let there be amongst you Traffic and trade by mutual good-will: Nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful!

Public asset such as water, fire (light/power), crude oil, mineral resources, telecommunication are public properties and they are meant for common use. Therefore leaving such asset in the hand of an individual without regulation is harmful to the society and for an individual to convert such property to personal own property in whatever means is an act of injustice and selfishness and it is as if such person is killing the society to achieve his own betterment. This is the reason why Allah Messenger said; from the narration of Ibin Abbas that:

لا حمى الا الله ورسوله وقال بلغنا أن النبي صلى الله عليه وسلم حمى النقيع وإن عمر حمى السرف والريذة

No *Hima* except for Allah and His Apostle, we have been told that Allah's Apostle made a place called An-naqi as Hima and Umar Made Ash-Sharaf and Ar-Rabadha Hima (for grazing the animals of Zakat) (Bukhari 3.2370)

By implication the imam or the president or ruler of a community or state or nation has the right to assign certain pastures for certain purpose e.g. for grazing animals of zakat as shown in the hadith, such pasture becomes public property therefore no body has the right to convert such pasture for other purpose or for personal use or private property. Although the concept of *hima* originated from pre-Islamic Arabian days when Arab chiefs come to a certain place suitable for pasturing, they would allow their dogs back at a high place and the area in which the bark spread becomes private pasture for the chief's cattle and such area becomes sanctuary for anyone else for grazing. Hence *Hima* is a Private pasture originally own by nobody and nobody is allowed or has right to cultivate it but it is kept for grazing private animals. Contrary to Islamic view, *hima* belong to Allah and His Apostle and the Muslim leaders has the right to keep the pasture of such is only given to Allah's Messenger or Muslim leaders (al-Bukhari:2370) . In contemporary society, oil and gas, power, education, health and other sectors or industry that are for common use of the public or owned by the public should not be left in the hands of individual as privately owned firm because it is as if one is eating people property into ones property and such is prohibited under Islamic law as seen from narration of Abu Hurairah who said:

ثلاث لا يمتنع الماء والكلأ والنار

Three thing cannot be denied to anyone, water, pasture and fire (Ibn Maja'ah, 3:2473)

In this regard no one should be denied asses to public owned property or asset such as power in energy, petroleum, education, health and other sector that are public owned are supposed not to be deregulated because they are for common use for the people, they are just like running water or river or mountain which are for common use of everybody base on their needs. More so, grass land for animal and for other use (e.g. farming) are for common use so also the use of wood of wild plant for fuel are consider to be basic needs of common utility therefore, should not be in the hand of an individual because they are public assets. This is in line with the narration of Abyad bin Hammal who said:

انه استطع الذى يقال له ملح سد مأرب فأفطعه له ثم ان الاقرع بن حابس التميمى أنى رسوا الله صلى الله عليه وسلم فقال (يا رسول الله) انى قد وردت الملح فى الجاهلية وهو بازى ليس بها ماء ومن ورده اخذه وهو مثل الماء العذب. فاستقال رسول الله صلى الله عليه وسلم ابيض بن حمال فى وطيعته فى الملح فقال قد أقلبك منه على ان جعله منى ضدفة فقال رسول الله صلى الله عليه وسلم هو منك ضدفة وهو مثل الهاء العذب من وردة أخله قال فرج: وهو اليوم على ذلك من ورده اخذه قال: فقطع له النبى صلى الله عليه وسلم بالجرف جرف مراد مكانه حين أقاله منه

That he asked for a salt flat called the salt flat of the Ma'rib dam to be given to him. Then Aqra' Bin Habis At-Tamimi came to the Messenger of Allah (S.A.W) and said "O Messenger of Allah I use to come to the salt flat during the ignorance period and it is a land in which there was no water and whoever come to it took from it. It was (plentiful) like flowing water so the Messenger of Allah (S.A.W) asked Abyaz Bin Hammad to give back his share of the salt flat, he said I give it to you on the basis that you make it charity given by me. The Messenger of Allah (S.A.W) said it is a charity from you and it is like flowing water whoever comes to it take from it. (One of the narrator) faraj said: that is how it is today whoever comes to it takes from it. He said "the Prophet (S.A.W) give him land and palm tree in Jurf Murad instead when he took the salt flat from him (Ibn Majah 3. 2475)

The implication of the above hadith is that head of community, state or nation has the right to give out a portion of land to any of his subject (especially Muslim rulers to any Muslim) as a gift as an asset, but anything that is tight to common use by the community or state or nation should not be given as asset because it is public property.

So also endowment belongs to nobody but it is the property of every member of the society and they have rights to benefit from it (Ibn Majah:416). It is also understood from this hadith that when asset such as land, water of group or individual is taken they need to be compensated as the Prophet did to Abyad bin Hammal when he compensated him with land and palm trees in jurf Murad for the salt flat taken back from him.

Islamic Economic System and Wealth Distribution

Islamic economic system is a welfare package design by Allah to cater for every individual in the society both the have and have not. Islam did not put limitation to work and acquisition of wealth in as much it is *Halal* (lawful) manner. The same way wealth is acquired in *Halal* way, Islam also ensures that the spending of such

wealth should be in a lawful manner. Islam is against unlawful manner of acquiring wealth and spending wealth wastefully as Allah mentioned in the Qur'an 4:32

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِّلرَّجَالِ نَصِيبٌ مِّمَّا اكْتَسَبُوا وَلِلنِّسَاءِ
نَصِيبٌ مِّمَّا اكْتَسَبْنَ وَاسْأَلُوا اللَّهَ مِنْ فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ٣٢

And in no wise covet those things in which Allah Hath bestowed His gifts More freely on some of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty. For Allah hath full knowledge of all things.

Men are created to be vicegerent of Allah on earth (Khalifah), It has been given certain right to enjoy these rights and in respect of certain things that Allah has created for his benefit, therefore the physical, socio and political environment of man are those things which Allah has entrusted to man so as to manage and utilize them for their living. This makes Islamic concept of ownership of wealth to be unique in nature. There are certain things to which man exercises the right of private ownership (shelter, mobility, business and land that are for common use.) while there are some that are meant for the general public to exercise right on them (such assets include power, energy mineral resources and land that are for common use) (Muhammad, 2003).

Right to own and acquire property

Islam allow an individual in a given society to earn and acquire property, this can only be achieved through the means of trade, gift, inheritance, bequest, exchange of goods and services and through other lawful means.

The right to earn and acquire property has no limitation provided it is in Halal manner. The acquisition of wealth can be through knowledge, skill, experience or hard labour, this is in relation to Qur'an 92:4

إِنَّ سَعْيَكُمْ لَشَتَّى ٤

Verily, (the ends) ye strive for are diverse.

So also Qur'an 53:39-41 has this to say

وَأَن لَّيْسَ لِلْإِنسَانِ إِلَّا مَا سَعَى ٣٩ وَأَنَّ سَعْيَهُ سَوْفَ يُرَى ٤٠ ثُمَّ يُجْزَاهُ الْجَزَاءَ
الْأَوْفَى ٤١

That man can have nothing but what he strives for;. That (the fruit of) his striving will soon come in sight: Then will he be rewarded with a reward complete;

And in verse 276 of Qur'an 2 Allah vehemently declare hatred to act of *Riba* because it is inhuman, exploitative and economic fraud thus

يَمَحَقُ اللَّهُ الرِّبَا وَيَرْبِي الصَّدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ ٢٧٦

Allah will deprive usury of all blessing, but will give increase for deeds of charity: For He loveth not creatures ungrateful and wicked.

It is pertinent to know that the same way Allah regulates manners and way of acquiring wealth, the same way he regulated the manner and ways of spending it starting with close relation, to extended relation then entire community or society as noted from Qur'an 4:36

﴿وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا ٣٦﴾

Serve Allah, and join not any partners with Him; and do good- to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours who are strangers, the companion by your side, the wayfarer (ye meet), and what your right hands possess: For Allah loveth not the arrogant, the vainglorious;

Allah enjoins an individual to extend the blessing (wealth) He has bestowed on one, equally He has warned against wasteful spending or wasting resource at hand thus in Qur'an 16:21-27 Allah says:

أَمْوَاتٌ غَيْرُ أَحْيَاءٍ وَمَا يَشْعُرُونَ أَيَّانَ يُبْعَثُونَ ٢١ إِلَهُكُمْ إِلَهُ وَحِدٌ فَلَا ذِينَ لَا يُؤْمِنُونَ بِالْآخِرَةِ فَلَوْبُهِمْ مُنْكَرَةٌ وَهُمْ مُسْتَكْبِرُونَ ٢٢ لَا جَرَمَ أَنَّ اللَّهَ يَعْلَمُ مَا يُسِرُّونَ وَمَا يُعْلِنُونَ إِنَّهُ لَا يُحِبُّ الْمُسْتَكْبِرِينَ ٢٣ وَإِذَا قِيلَ لَهُمْ مَادَا أَنْزَلَ رَبُّكُمْ قَالُوا أَسْطِيزُ الْأَوَّلِينَ ٢٤ لِيَحْمِلُوا أَوْزَارَهُمْ كَامِلَةً يَوْمَ الْقِيَمَةِ وَمِنْ أَوْزَارِ الَّذِينَ يُضِلُّونَهُمْ بِغَيْرِ عِلْمٍ أَلَا سَاءَ مَا يَزُرُونَ ٢٥ قَدْ مَكَرَ الَّذِينَ مِنْ قَبْلِهِمْ فَأَتَى اللَّهَ بُنْيَانُهُمْ مِنَ الْقَوَاعِدِ فَحَرَّ عَلَيْهِمُ السَّمَاءُ مِنَ فَوْقِهِمْ وَأَتْلَهُمُ الْعَذَابُ مِنْ حَيْثُ لَا يَشْعُرُونَ ٢٦ ثُمَّ يَوْمَ الْقِيَمَةِ يُخْزِبُهُمْ وَيَقُولُ آيْنَ شُرَكَائِيَ الَّذِينَ كُنْتُمْ تُشْفِقُونَ فِيهِمْ قَالَ الَّذِينَ أُوتُوا الْعِلْمَ إِنَّ الْخِزْيَ الْيَوْمَ وَالْسُّوءَ عَلَى الْكَافِرِينَ ٢٧

(They are things) dead, lifeless: nor do they know when they will be raised up. Your Allah is one Allah. and to those who believe not in the Hereafter, their hearts refuse to know, and they are arrogant. Undoubtedly Allah doth know what they conceal, and what they reveal: verily He loveth not the arrogant. When it is said to them, "What is it that your Lord has revealed?" they say, "Tales of the ancients!". Let them bear, on the Day of Judgment, their own burdens in full, and also (something) of the burdens of those without knowledge,

whom they misled. Alas, how grievous the burdens they will bear!. Those before them did also plot (against Allah.s Way): but Allah took their structures from their foundations, and the roof fell down on them from above; and the Wrath seized them from directions they did not perceive. Then, on the Day of Judgment, He will cover them with shame, and say: “Where are My ‘partners’ concerning whom ye used to dispute (with the godly)?” Those endued with knowledge will say: “This Day, indeed, are the Unbelievers covered with shame and misery,

Allah also admonishes man to maintain middle cause when to spend it, he should neither be miser or stingy nor spendthrift as he would not like those who spend in disobedient to Allah and His Messenger (S.A.W). In this regard Qur’an 16:29

فَادْخُلُوا أَبْوَابَ جَهَنَّمَ خَالِدِينَ فِيهَا فَلَيْسَ مَنُورَى الْمُنْكَرِينَ ٢٩

“So enter the gates of Hell, to dwell therein. Thus evil indeed is the abode of the arrogant.”

In order to create means for employment, empowerment, poverty alleviation, and maintain peaceful coexistence in the society Allah institutionalizes *Zakat*, *waqf* and other voluntary charity to earn wellbeing of every Muslim. For instance *Zakat* is annually compulsory charity upon every well to do Muslim whose wealth reaches *nisab* and it is in his possession for the period of one year. *Zakat* is expected to take care of eight categories of Muslims in society, these are; *Al-Fuqarah* (the poor), *Al-Masakin* (the needy), *Al-Gharimin* (the debtors), *Ar-Riqab* (those in bondage), *Al-Mikalafatu Kulubuhum* (those whose heart has just been reconciled into the fold of Islam), *Al-Amilina Alaiha* (the administrators of *Zakat*), *Fi sabilillah* (In the cause of Allah) and *Ibn As-Sabil* (the way farer) (Al-Jazaery, 2007 and Abdul-Rahman, 1997).

In this regard Qur’an 16:60 says:

لِّلَّذِينَ لَا يُؤْمِنُونَ بِالْآخِرَةِ مَثَلُ السَّوْءِ وَلِلَّهِ الْمَثَلُ الْأَعْلَىٰ وَهُوَ الْعَزِيزُ الْحَكِيمُ ٦٠

To those who believe not in the Hereafter, applies the similitude of evil: to Allah applies the highest similitude: for He is the Exalted in Power, full of Wisdom.

Meanwhile non-Muslims living in a Muslim country are to pay *Jizyyah* which is annual tax levied on them this is meant to protect their life and property like any Muslim citizen.

Sadaqah (*Al-Infaq Fisabi Allah*): This is a voluntary charity given by every Muslim apart from *Zakat* which is compulsory charity. *Sadaqah* is meant to cater for wellbeing of the receiver, indigent, poor and the need and to relief them from suffering (Abdul-Rahman, 1997). This is generally mentioned in the Qur’an for instance in Qur’an 2:262 Allah says

الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ ثُمَّ لَا يُتْبِعُونَ مَا أَنْفَقُوا مَنًّا وَلَا أَذًى لَهُمْ أَجْرُهُمْ
عِنْدَ رَبِّهِمْ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ ٢٦٢

Those who spend their substance in the cause of Allah, and follow not up their gifts with reminders of their generosity or with injury,-for them their reward is with their Lord: on them shall be no fear, nor shall they grieve. .

Ushr

Ushr is a form of taxation that are expected to be paid by a Muslim on landed property belonging to him at the rate of ten percent if it is naturally produced like irrigation it is paid at the rate of 20% (Abdul-Rahman, 1997)

Kums: This is a certain percentage from whatever a Muslim army gets from war booty (*Ganimah*) after victory at war. Such is meant to maintain the welfare of the Muslim community particularly those who needed help, be they near kin, orphans, needy or wayfarers (Qutub, 1992, Sayyi Sabiq, 1998, as-Sa'adi, 2006 and al-Qurtubi, 2012) .

So also the percentage levied on income from natural treasures such as mines, petroleum and other natural hidden treasure owned by an individual is also known as *Khums*. The produced used for the welfare of the citizen and the nation at large (Abdul-Rahman, 1997).

Al-Waqf(endowment): is another means in which Islam institutionalized as voluntary charity with the aim of making life bearable to common people (poor and the needy). It is a situation where one approved or dedicated service for the cause of Allah as charitable uses such property cannot be sold or inherit and it is meant to be used for welfare of the people (Abdul-Azeez, 2010)

Kharaj: This is a tax levied on the produce of the landed property belonging to non-Muslim in Islamic state. It is just like Usury non-Muslim are expected to pay Kharaj to the Muslim public treasury Bait Al-Mal (Abdul-Rahman, 1997) This is in line with Qur'an 59:7

مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ
وَالْمَسْكِينِ وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَمَا آتَاكُمُ الرَّسُولُ
فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ ٧

What Allah has bestowed on His Messenger (and taken away) from the people of the townships,- belongs to Allah,- to His Messenger and to kindred and orphans, the needy and the wayfarer; In order that it may not (merely) make a circuit between the wealthy among you. So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah. for Allah is strict in Punishment.

When all these are properly put in place and implemented, they will go to a large ex-

tent in provision of basic need of the citizen in the society as they will assist in creating job opportunity to the large member of the society Zakat for instance purposely meant to improve life of less privilege in the society if people strictly follows it implementation and there would be no need for selling or privatization or deregulation public assets.

Conclusion

Islamic welfare is a social and economic welfare through which wealth can be circulated in the society. It is a means in which social harmony and economic justice are promoted as opposed to privatization or deregulation which is capitalist ideology that promote selfish and greediness thereby causing social and economic crises in the society as it can be seen in present day Nigeria society. It is on this note that it is concluded that if Islamic welfare package is adopted to the country (Nigeria) economic system it would go a long way in improving life of common man in term of employment opportunity, poverty alleviation and social and economic wellbeing of the society as it will reduce or eliminate social vices and other forms of corrupt practices.

Suggestion

Islamic welfare package are institutionalized on the premise of *Shari'ah* therefore it is incumbent upon every Muslim to abide by it. Although, Nigeria is not an Islamic state and it is on this note that the paper suggested as follows:

1. Muslim leaders should gear up to their responsibility to make sure that Muslims in the country apply *Shari'ah* law into their daily activities this would allow them willingly submit to the payment of *zakat* and other *sadaqah* into the purse of their respective organization
2. Individual Muslim most especially the rich ones should see this material life as a place to prepare for the hereafter. They should assist their poor Muslim brothers through the means of *zakat*, *waqf*, *sadaqah* and other welfare packages mentioned above if they have the means and ability to pay.
3. Muslims generally should wake up to play their role politically by means of electing full time, committed Muslim into local government legislative council, state house of Assembly and National Assembly who will be ready to ask for their (people) right when formulating policy and laws for the country
4. Muslim organizations should come up with various reliable boards with people of integrity to introduce and implement *zakat* and another *sadaqah* commission so as to improve the life of Muslim in Nigeria.
5. They should come up with sensitization programs and *da'wah* on the payment of *sadaqah*, *zakat*, *waqf* and other taxes among Muslims as mentioned above. This would go a long way in improving the social and economic wellbeing of the Muslims in the country.

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Acquisition and Dissemination of Arabic and Islamic Learning by Selected Igbomina Scholars in Lagos, Nigeria: An Evaluation

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Abstract

The evolution of Islam on Nigeria soil was accompanied by acquisition and dissemination of knowledge. Most existing works on Islamic learning in Yorubaland, South-west Nigeria, have not documented the specific contributions of Igbomina Muslims to Islamic learning in Lagos. This paper attempts to fill this missing gap by assessing the contributions of some notable Islamic scholars of Igbomina extraction to Islamic learning in Yorubaland, especially Lagos. The study adopts the historical and descriptive methods, and employs both primary and secondary sources for its analysis. While the study concludes that these scholars were among those who partook in the development of Islamic learning in Lagos, Nigeria, it further recommends that other Igbomina personalities be studied with regard to their contributions to Sufism, philanthropy, healing and other aspects of human endeavours.

Keywords: acquisition, Arabic, Islamic, Igbomina, scholars

Introduction

THE IGBOMINAS ARE PEOPLE WITH DISTINCT DIALECT AND A HETEROGENEOUS SUB group of the Yoruba. They are renowned for their agricultural and hunting prowess. Wood carving and theatre art are very famous among the Igbominas. Historically, the origin of the Igbomina people seems to be similar to all Yoruba dialects since all of them traced their origin to either Ile-Ife or Oyo Ile except the Esisa Igbomina who traced their origin to Ketu in the present day Benin Republic.¹ They all migrated to different locations at different times between 14th and 17th centuries.

The geographical spread of the Igbomina consists of Ipo, Irese, Esa, Ire, Aran, Isin and Oro and Ila² Igbomina people occupy three LGAs in Kwara State, North-Central Nigeria and two LGAs in Osun State, South-West Nigeria. The economic system of the people is farming and trading.

Igbomina land has produced great Muslim scholars who have made their impacts known in the field of Arabic and Islamic learning. Before rising to this status, they have relentlessly pursued the knowledge of Islam in different ways. While some left homes in search of Islamic knowledge, some acquired Islamic knowledge

through some itinerant Islamic scholars who came to settle in Igbomina land with the aim of establishing Qur'anic schools. Those who were trained outside Igbominaland included Alfa Amodu Idi Ose, a student of Alfa Akewula of Lagos. He returned from Lagos to Ilala. In the same way, Alfa Ibrahim returned from Bidato Share while Alfa Akasa returned to Babanla from Bida. These personalities and a host of others came back to their respective home towns to establish Qur'anic schools where Islamic rudiments and ethics were taught while some others decided to operate where they were outside Igbominaland.³

Islamic scholars such as Shaykh Kokewu Kobere, Shaykh Badruddeen Jeje, Alfa Aminu Babaita, Alfa Eleha, Shaykh Awelenje Saki, Shaykh Muhammad Kamaluddeen Al-Adabi, Shaykh Bisiriyyu Apalara, Shaykh Salman Ake, Shaykh Adam Abdullahi Al-Ilori, Shaykh Busayri Arikewuyo, Shaykh Hamzah Agbarigidoma etc, have played significant roles in the development of Islamic learning in Lagos. Although, a large number of Igbomina people are known to have gone to Lagos for commercial activities, which made them acquired the appellation of "*owo ni eje*", a large number of educated Muslims have also gone there to learn, teach and propagate the Islamic faith. This is partly because Islam in their places of origin came at a later time to enlighten the people and dissuade them from their traditional acts of worship; and partly, because they felt that Islam would receive opposition and rejection from Lagosians as was the case with their people down in their home places.

Islamic learning has been propagated in many ways, the most popular and commonest of which is through educational institutions. So, by and large, some of the personalities whose contributions shall be discussed have gone through the establishment of Arabic schools where Arabic, Islamic and Qur'anic education is blended with western education of science and arts. Such scholars have also gone via public lecture delivery on various public issues, presenting their thoughts from Islamic points of view. Some, apart from proprietorship and teaching at various Arabic and Islamic Studies schools also led prayers in *Ratib* or *Juma'at* Mosques as Imams while some were appointed as *Mufasssirun* (Qur'anic Exegetes). Even, some were popular radio and television presenters of Islamic programmes. Some even waxed records/tapes where portions of the Qur'an were recited in sonorous voices and preaching done on others. The ensuing paragraphs reflect on the lives of selected Igbomina Muslim scholars to show how they have contributed to the course of Islamic learning in Lagos.

Shaykh Muhammad Thani Daud Jeje

Shaykh Muhammad Thani Daud Jeje was born to late Muhammad Salahdeen Akande Daud and late Halimah Akande Daud in 1915 at Oke-Ode, Ifelodun Local Government Area, Kwara State. His real surname is Daud; not Jeje as he was known. It was the nickname of one of his teachers whom he succeeded. He therefore inherited the teacher's nickname after his death.⁴ Shaykh Jeje's father died early; this affected his education as his poor mother could not afford financing his education. He therefore joined some of his mates in going to their fathers' farms for work. How-

ever, he had been farming from his youth as he was identified for exemplary traits of simplicity, patience, obedience and intelligence. He was also helpful to his parents. He practised farming until he became famous among young farmers; he was made their leader.⁵

In 1930, he was taken to his uncle in Lagos, who enrolled him with one Mualim called Alfa Shaykh Musa Ilu-Ora who became his first teacher. By 1932, he had finished learning how to recite the Qur'an. His teacher was so happy about his brilliance that he employed him to teach others how to recite the Qur'an; this was the beginning of his career as a teacher; while he was still a student.⁶ He proceeded to another local Arabic school, known as *Sa 'i-Diyyah Jejewiyyah*, founded by Alfa Shaykh Ahmad Jeje in 1936 at the age of twenty-one. His uncle and his new teacher took good care of him as they found him to be a good boy with high morals. He married his first wife Khadija in 1947 and his second wife, Aishah in 1954 and had a total of thirteen children from both wives, all of who were well trained and educated.⁷

As Shaykh Muhammad Thani Daud Jeje increased in number of years under this teacher as a student and teacher, he got promoted to higher ranks. He learnt from his highly educated teachers and proprietor of *Madrasatu Sa 'idiyyah Jejewiyyah Laghus Naijiriyyah*, established in 1912. It is worthy to state that among all large number of students of Alfa Ahmad Jeje (Shaykh Jeje's teacher), the single one he loved most because of his intelligence, seriousness and inquisitiveness was Alhaji Shaykh Muhammad Thani Daud Jeje. He chose him to be his assistant in operating the Arabic school, and the control of administration of the school was entrusted to him.

His great teacher and proprietor died after a brief illness, on Friday 27th October, 1944. After series of meetings among the children and family members, they resolved to release the inheritance, control and proprietorship of the school to him (Jeje). Hence, since 1944, he became the successor of the proprietor of *Madrasatu Sa 'idiyyah Jejewiyyah Laghus Naijiriyyah*. Before his teacher and founder's death, in 1942; he was called upon and sent to Morocco to represent his proprietor in an annual lecture to which the Shaykh used to be invited. Since that time, he became a regular visitor of Morocco where he spent two weeks annually, acting on behalf of his boss. This he did for about nine years, between 1942 and 1951. His frequent trips to Morocco made him to be promoted to the Assistant Proprietor position in 1942 and the experience he gathered from there enabled him to improve the school, even after his master's death. Shaykh Muhammad Thani Daud Jeje got the whole Qur'an memorized between 1936 and 1938. He got initiated into the Tijaniyyah order in 1937 and his active participation got him promoted to the rank of *Muqadam* in the group in 1942.⁸

His Contribution to Islamic Learning in Lagos

The Shaykh, in his bid to rid the Muslim *Ummah* of ignorance, took to writing of books and his first publication was a fifty-two page book titled *As-Salat wa-at-Tahadhib* which was written in Arabic and Yoruba languages.⁹ Shaykh Thani Daud Jeje's knowledge, blended with piety and acclaimed public oratory that has gained

him wide publicity and fame beyond the shores of Nigeria. What specially endeared him to people, literate and non-literate alike was his great knowledge of Arabic and Islamic Studies, and jurisprudence coupled with his unique ability to impact knowledge unto others. He made it known by words of mouth and actions that his primary motive of becoming an Islamic scholar was to teach the Muslim youth and equally adults about the religion of Islam. His determination was also fueled by the desire to contribute his own quota to Islamic learning in the area where he lived. The school, *Jejewiyyah* school of Arabic and Islamic Studies, since its inception, and especially, since Shaykh Thani Daud Jeje took over the proprietorship, has been waxing stronger, and till today, stands out as one of the most modernized and civilized Arabic Schools in Lagos Island.¹⁰

The Shaykh's vision that the school would produce graduates who will assist greatly in spreading the good message of Islam and contribute to its growth and development far and wide on the Nigerian soil actually materialized. Indeed, the school provided a solid foundation for graduates who went to universities for further education and some of them are today holders of doctoral degrees and Professors in various disciplines, but with emphasis on Arabic and Islamic Studies. To crown it all, on 3rd March 1985, the senior students of the school launched a group named *Jejewiyyah* Muslim Association of Nigeria. This Association has also contributed immensely to the growth and development of Islam in Lagos and its environs. The Association came into existence from Shaykh Daud Jeje's initiative, which was adopted by his students such as: Kabir Olawale Paramole, Sharafdeen Ojulari, Lateef Yussuf, Hakeem Lawal, Rasheed Busari, Rasheed Sakariyah, etc.¹¹ The Association engages in Islamic activities such as public lectures, symposia, guidance and counseling sessions, Islamic ceremonies, paying annual homage and visit to motherless babies' homes, hospitals and prison yards to lecture, pray, counsel and present gifts to the less privileged ones.

His Disciples/Legacies

We should note that *Jejewiyyah* Muslim Association also embarked upon the conversion of non-Muslims who willingly confessed their conversion to the Islamic faith. Notable among the numerous converts they won were:

- Shaykh Adekunle Ogunbona, formerly named Samuel. He hails from Awe, Oyo State;
- Abdul-Gafar Folohunso Taiwo, formerly Sunday, an Ijesa from Osun State.
- Muhammad Muritala Ohajimadu, formerly Christopher. He hails from Orlu Local Government Area of Imo State; and
- Abdul-Karim Smith, formerly, David Smith, a Liberian Christian refugee.
- Such converts into Islam as mentioned above were given thorough Islamic trainings so that they would be able to practise the Islamic religion in their home towns.¹²

One notable achievement of Shaykh Jeje is that his school always performs Qur'anic reading competition to commemorate *Mawlidu-n-Nabiyy* celebration in Lagos. In-

fact, during the National Qur'an Reading Competition organized for Muslims inside the Nigerian Television Authority premises (Channel 10) Lagos, in 1986 and 1987 his school came first at primary stage and took 2nd position at the final stage held in Sokoto in the adult categories and 3rd in the youth categories. The school has continued to win prizes at all organized Qur'an competitions. Furthermore, Shaykh Jeje and the school succeeded in establishing what is regarded as the third tone of Qur'anic recitation in Yorubaland. Today, we have *Adabiyyah*, *Markaziyyah* and *Jejewiyyah* tones respectively.¹³

It is imperative to the fact that Shaykh Jeje was popular in Qur'anic education to the extent that he developed what is called *Jejewiyyah* intonation in the reading of the Qur'an. Stressing the useful contribution of Shaykh Muhammad Thani Jeje (1915-1996) to Qur'anic recitation, Jimoh writes:

The *Jejewiyyah* intonation was popularized by Shaykh Muhammad Thani Jeje (1915-1996), a leading student of Shaykh Ahmad Jeje who taught the intonation to his students some of who put the intonation on audio-tape either in the form of pure recitation or recitation within lectures. Most recent of such endeavor is that of Sulayman al-Badawi who read the whole of *Surat Maryam*, with some explanations in Yoruba, using the *Jejewiyyah* intonation.¹⁴

The above notwithstanding, it is observed that *Jejewiyyah* tone was only popular among the Muslims of Lagos Island and not in all parts of Lagos State. In the early 80s, the intonation was not as popular as the *Adabiyyah* and *Markaziyyah* intonations in Lagos, Nigeria and other parts of the world, but at the moment, it is very popular within and outside the country due to the spread of *Jejewiyyah* Scholars (who are now University Dons, PhD holders, Chief Missionaries, Chief *Imaams*, Arabic and Islamic Studies' Teachers, etc) in all parts of Lagos State, some States in Nigeria and abroad.¹⁵

Alhaj Imam Hussein Muhammed (Oro)

Hussein Muhammed was born at Oro, Irepodun Local government Area of Kwara State in 1931. He started learning Qur'an recitation with the late Alfa Kuran-ga, the then *Mufasir* of Oro at a tender age and he completed within a short time. He then proceeded to Lagos for further studies and was handed over to Alfa Ya'qub of Ile Alawo, Ilorin who enrolled him in his school, *Al-Adabiyyah* Arabic School, which he attended between 1946 and 1955.¹⁶

Imam Muhammad started *da'awah* (preaching) work among Oro Muslims in Lagos and this lasted till 1961. He attended a certificate course in Arabic and Islamic Studies at the University of Ibadan between 1961 and 1963. He also studied at Administrative Staff College of Nigeria (ASCON). He started his teaching career at *Zumrat-ul-Islamiyah* school, Yaba, Lagos in 1964. He proceeded to Cairo Institute of Mass Communication in 1969 and returned with a certificate in 1970. On arrival, he joined the services of Federal Radio Corporation of Nigeria (FRCN) (External Ser-

vices) where he worked for the next twenty years. In 1970 and 1971, he attended a course in Journalism on translation in Libya.¹⁷

On the demise of Shaykh Ekemode, the pioneer National Missioner of Ansar-ud-Deen Society of Nigeria who was also the producer of Islamic programmes on FRCN, in September 1969, Alhaj Imam Hussain took over the production of Islamic programmes on Radio Nigeria and he later became the Head of Islamic Religious Service (House Service).¹⁸ In Lagos, during his pupilage with Alfa Ya'aqub Al-Adabiyyah, his teacher used to direct his students to observe their Jumu'at services at Ansar-ud-Deen mosque where Ekemode was leading. It was from there that they endeavoured to copy and emulate the sonorous voice of Imam Ekemode and God blessed some of them with it, including Alhaji Imam Hussein Muhammad.¹⁹

Alhaji Muhammad used the power of radio to educate the Muslim *ummah* that Western education has no side effect on Islamic system of education and that Western sciences are valuable and are never alien to Islamic values. He borrowed the idea of Jamalud-din Al-Afghani who fought for Islamic intellectual resurgence and preached against Western domination of our culture by encouraging Muslim youths to embark and watch their dress code rather than emulating western culture.²⁰ Furthermore, he realized the power of the media which he used effectively to encourage Muslims in Lagos to have basic Islamic education before they got exposed to other ventures.

His Propagation of Islam in Lagos

Among his propagational activities which tremendously aided the growth and development of Islam in and around Lagos state are:

- Organising Islamic programmes such as quiz and Qur'an recitation competitions among students;
- Producing and participating in radio Islamic programmes; which really popularized him;
- Waxing of Qu'ran recitation of *Suuratu-Yasin*, *SuuratulWaqia'ah* and *Suaturur-Rahman* in Ekemode's tone.²¹

Muhammad used his society and the central Mosque he established along Fatai At-ere Way Papa-Ajao, Mushin Lagos, to reform vehicle spare parts' traders' attitude towards having fear of Allah in their business and trades and not to exploit their customers. His cassettes sold like hot cake due to its full acceptance by Lagos Muslims. It is unbelievable that many got converted into Islam as a result of these cassettes. The intermittent commentaries contained therein, where special prayers were offered, it in fact, succeeded in stopping a large number of Muslim women from going to Christian crusades for miracles as it made them to realize that there are greater miracles in the Qur'an.²²

As eloquent preacher, teacher, scholar and broadcaster, Alhaji Hussein contributed to the establishment of many organizations and mosques for the propagation of Islam, the latest being *Husseiniyyah*, Lagos. A vivid demonstration of Shaykh Muhammad's openness and welcoming of western education to be blended with Islamic

education is that many of his old students are now PhD holders and even Professors in the fields of Arabic and Islamic Studies.²³

Shaykh Abdur-Rahman Muhammadu-l-Awwal Owolabi (a.k.a. Kewuniyi)

On 3rd September, 1945, Shaykh Abdur-Rahman Muhammadu-l-Awwal Owolabi was born at Lagos, to the family of Alhaji Muhammad-ul-Awwal Owolabi of Ile Iyalode and Hajia Asmau Owolabi of Ile Ajia both from Igbaja, Ifelodun L.G.A., Kwara State. What informed his being named Abdur-Rahman was that his father was reading a chapter of the Qur'an titled *Surat-ur-Rahman* when the news of the birth of a bouncing baby-boy by his wife came to him. Shaykh Abdur-Rahman received his early Qur'anic and Islamic education from many tutors among whom were Shaykh Muhammad Jamiu Offin in Lagos and later Shaykh Sulayman Akanbi Muhammad Tahir Iseyin at Akoka Lagos, who initiated him to Sufism of the *Qadiriyyah* Order in 1963.²⁴ Furthermore, he enrolled at Shaykh Kamaludeen's *Mahad Al-Azhar* in Ilorin where he was exposed to such advanced subjects like *Mantiqi*, *Balagha*, *Ulumul-Qur'an*, *Nahwu*, *Sarfu*, *Hadith* and others. He completed *Idadi* in 1969. After this, he still went ahead to learn different courses from various teachers such as Shaykh Abubakar Agbarigidoma; Shaykh Muhammad Sa'adullah, Shaykh Muhammad Yaqub Tajul-Mu'min, Shaykh Abdul-Wahab Zakariyyah, Shaykh Muhammad Salih Eksorsoro and Shaykh Ahmad Rufai NdaSalati. He returned to Lagos in 1974.

His Islamic Activities in Lagos

Shaykh Abdur-Rahman's contributions to the development of Islam centred around two phenomena: *da'wah* and education. He started his *da'wah* activities in 1965 after he delivered his first public lecture at Igbaja Jumu'at mosque. Thence, his name spread widely within Igbaja and its environs. He proceeded to Lagos in 1969 where he continued his *da'wah* activities at Akorede area of Lagos. He went to Idumagbo for same on Thursdays and Fridays. Within a short time, his name spread widely within Idumagbo, Itire, Akorede and neighbouring areas. With all these, he did not allow *da'wah* activities to elude his people at his Igbaja home, as he went home at close intervals of time to deliver public (open air) lectures. A wonderful thing about his lectures is the sonorous voice which he used to render Qur'anic quotation, blending his speeches with *waka* (poetry) songs to pass his messages home more conveniently. He also produced his *da'wah* messages in records and cassettes thereby making his messages to spread far beyond his imagination. One of his *waka* songs where he explained the ordinance of Allah on mankind goes thus:

Ara eba mi gbonasia mi
 Motungbeomirandee
 Haji Rahmani Owolabi x2
 Ara eba mi gbonasia mi
 Mon tu Qur'ani fun yin
 Lona timo lero to le wulo fun yin

Mon tu Hadisi fun yin lona to le wulo fun yin
Eniti koferan Oluwamiko le gbonasia Owolabi
Qur'ani sofun yin

"يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ
غِلَظٌ شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا يُؤْمَرُونَ"

Qurani fi ye wa wipe ekomolesin latikekere
Omode na wo iyare enikogbon
Obi lo komoni watikodaa
Obi ngbeomo re losipati
Obin ran omo re loti
Obi ntaludo ati tete
Omo n wo ran awon iwa tikodara
Obi nran omo re s'ale latikekere
Iwa to kopi lati odo obireni!
Omo dagba tan omo kowulo lawujo
Omo dagbatan tan on mungbo
Omo dagba tan omon paro
Emase bu omo –Obi eni x2
Emase bomowi Obi lofa aiwulo lawujo
Ema se bomowio obi e nio
Kosewulo lawujo obi lokomo bi wonse paro
Omo dagba tan omu ole mo' ro
Emasebomowi Obi enioo 2ce

[People help me to listen to my sermon
I have brought a new one again
Hajj Rahmani Owolabi x2
Help me to listen to my sermon
I'm translating the Qur'an for you
In the way I feel it can be useful to you
I'm also translating *Hadith* in the same way

Qur'an teaches us to teach our children religion from infancy
A child is looking at his mother; you look at him as if he is not wise
It is the parent who teaches the child, bad manners
A parent who carries his child to parties
A parent who sends his child to buy alcohol
A parent who plays Ludo game and lottery
The child witnesses all these bad practices
From manners learnt from his parents

A child grows to be useless to the society
 The child grows to become Indian hemp smoker
 The child grows to become a liar
 Do not blame the child it is the parents who made him to be useless.]²⁵

His Achievements in Islamic Learning

In the area of education, he started by teaching people in front of his house in Igbaja. He later built a school he named Mashad-ul-Ulum al-Arabiyyah wal-Islamiyyah in 1971 in Lagos. The school's name was later changed to Mahad Tabligh Da'wah Al-Islamiyyah li dirasatil Arabiyyah wal-Islamiyyah. The distinguishing factor about the school was that it has administrative blocks and students' hostels with a main library. In 1977, a branch of the school was opened in Igbaja, his home town.²⁶

Lastly, to forge greater unity among Muslims, some of his old students in 1980 came together to form an Islamic Association which they named Jama'atuShiyatullslamiyyahBinaijiriyyah. The Association aimed at uniting Muslims spreading Islamic knowledge and helping the poor and needy. Some of his past students and followers include: AlhajiYunusYa'qubSalahudeen (Current Chief Imam of Igbaja), Alhaji Sulaiman Salahudeen Abbas (former Mufasssir of Igbaja), AlhajiYunus Muhammad Jum'ah (Founder of Markaz Wajus, Lagos), Alhaji Yunus Ibrahim (former Chief Imam of Ibukun Oluwa Mosque, Lagos), and Uztaz Abdul-GaniyyIdris.

As-ShaykhAlhaji Imam Habeeb Mahmud

As-Shaykh Alhaji Imam Habeeb Amao Mahmud (Omo Orukan) was sent as a blessing to the family of a Muslim merchant, Mallam Mahmud Adigun Omo Orukan, whose long ambition of his first son's becoming an Islamic scholar got fulfilled by the birth of this Shaykh in 1932. It all happened at Ile Kelebe in Ajase-Ipo, Irepodun Local Government Area, Kwara State. Madam Aishat Abake Mahmud was Shaykh Habeeb's Mother. As-Shaykh Habeeb's first teacher was Shaykh Abdus-Salam Alkali Al-Adabiyy, also a native of Ajase-Ipo. Shaykh Abdus-Salam however handed him over to Alhaji Abdur-Rauf Gidado (late Chief Imam of Nawair-ud-Deen Society of Nigeria, Bariga Branch), to learn Qur'an recitation. He travelled far and wide with this man, who was then an itinerant scholar and spiritual consultant.²⁷

His zeal for knowledge also made him to learn Islamic Jurisprudence, Arabic Grammar, Etymology, Rhetoric and other fields of Arabic and Islamic Studies with Shaykh Ahmad Busaeri. Although, he received no formal Western education, he privately learnt how to speak and write simple English and Yoruba.²⁸

His Contributions to Islamic Learning in Lagos

Habeeb Mahmud's zeal for education was largely in line with the injunctions of Prophet Muhammad that: "the best among you, is he who learns the Qur'an and teaches others". He loved to teach others what he knew about Qur'an, Arabic and Islam. This urged him to establish *Hasbunallah* Arabic School in Okepopo Area of Lagos Island in 1948. The school was established to teach Arabic Language, Qur'an

recitation and acts of Islamic practices to children and adults. Because it was tuition-free, funding of the school was done from personal savings, interested philanthropic parents of pupils and proceeds from ceremonies such as *Walimah*, Chieftaincy title awards, Ramadan lectures, etc. The school has produced many Muslim giants who have made lofty contributions to the growth and development of Islam in and around Lagos State.²⁹ Some of his students and disciples are:

- Alhaji Imam Daud Lawal Alonmata (Chief Imam Zumrat-ul-Mujahideen of Nigeria);
- Imam Nuhu Raji (Chief Imam, *Zurmatul-Islamiyyah*)
- Alhaji Abdul-Lateef Yakub (*Sufi*); (Chief Imam, Owoyemi Mosque, Ajegunle);
- Late Professor Abdul-Lateef Mobolaji Adetona, Department of Religions and Peace Studies, Lagos State University.
- Alhaji Abdul-Waheed Etti (a philanthropist);
- Alhaji Abdul-Lateef Motolani (Business man);
- Sulaiman Orogbo (Auditor);
- Alhaji Raheem Badmus Odu Executive Chairman of Okepopo Quranic School;
- Hajia Aminat Sadiq;
- Hamdalah Bakare (Now in the United States), and
- Alhaji Ibrahim Yusuf Oyo.³⁰

His notable contributions to the growth and development of Islam, in particular, at Okepopo area of Lagos Island center on teaching, preaching, spiritual mentoring and counseling. For over three decades, he led regular *Tafsir* sessions at Okepopo, and Faji mosques in Lagos Island. Shaykh Habeeb also served as Chief Imam of *Iya n' Mecca* central mosque, OlodiApapa, Ajegunle, Lagos from 1989 until his death in 2006.³¹

His good virtues which endeared him to people made him to be a well-accepted community leader. He served the league of Teachers of Arabic Schools in Lagos in various capacities and it was as a result of his dynamism and leadership style that the body got registered with the Corporate Affairs Commission (CAC). It must be emphasized that his contribution to Islam as a Muslim Artist/Broadcaster at Nigeria Broadcasting Corporation Lagos immediately after independence in 1960 popularized the *Shaykh*. He was able to use the power of radio to disseminate his views and ideas on proper Islamic education which he considered to be the foundation of an egalitarian society.³²

At the Radio House Ikoyi, he belonged to the Religious Board which was headed and directed by Late Shaykh Imam Mustapha Ekemode, the late Chief Missioner and Imam of Ansar-ud-deen Society of Nigeria who was succeeded by Shaykh Ali Arazim Alaaya. Other members of the Board were Late Shaykh Ali Olukade Al-Adaby, Imam Ibrahim Gidado of Ebute Meta Central Mosque, Imam Nurudeen Babatunde Late Chief Imam of Ansar-ud-deen Ebute-Metta, Late Yushau Dindi of Nawai-ru deen society of Nigeria, Shaykh Muhammad Oro of *Hussaniyyah* mosque, Late Muhammed Odun Oke-Ode Jejewiyyah a very close associate and friend of Shaykh-

Habeeb, Late Isa Ameen, Chief Imam of *Jam'atu Islamiyyah* Society of Nigeria and Late Saka Yusuf Chief Imam of Ajah central mosque.³³

Conclusion and Recommendations

This research has discovered that Igbomina Muslims had not only acquired the knowledge of Islam, but also gone extra mile to disseminate such knowledge not only within their community but also among the Muslims of Lagos. The paper revealed that Islamic scholars of Igbomina extraction in Lagos have produced great Muslim personalities in all fields of human endeavours through schools and organizations established by them. The research also revealed that these scholars have demonstrated their erudition through the electronic media as well as publication of books. These selected scholars acquired their knowledge under the tutelage of many scholars and in turn disseminated same to the society in Lagos and its environs.

Thus, Islamic scholars of Igbomina extraction should not relent in their efforts at disseminating Islamic knowledge throughout the country. It will also be appreciated if branches of their schools in Lagos are established in other towns in Yorubaland. In other words, other cities, towns and villages must feel their impact. Finally, scholars must endeavour to study the contributions of these Scholars in the field of Sufism, healing, preaching and other aspects of Islamic learning within and outside Yorubaland.

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The Nexus Between Religion and Peace in Africa: The Place of Religious Leaders in Maintaining Peace in Nigeria's Body Politic for Sustainable Development

Obe, Olubunmi Oyewusi & Fukpene, Baitei

Abstract

Peace-building is the development of constructive personal, group, and political relationships across ethnic, religious, class, national, and racial boundaries. It aims at resolving injustice in non-violent ways and to transform the structural conditions that generate deadly conflict. It also includes conflict prevention, conflict resolution and transformation, as well as postconflict reconciliation. The problem of security challenges that rears its ugly head in Nigeria particularly in the northeast and northwest geopolitical zones have been a source of concerns to Nigerian government and the international community. This has undoubtedly heightened the fear of international investors; thereby thwarting the foundation of economic development in the country. It has been observed that, amid the ongoing security challenges in Nigeria, religious leaders have potentialities in national peace building efforts. Drawing on these potentialities, Nigeria needs religious leaders to develop skills for peace-building and lead reconciliation and healing from the grassroots to the top levels of the society. It is therefore against this backdrop, that, this paper examines the relationship between religion and peace with special reference to the place of religious leaders in maintaining peace in Nigeria's body polity for sustainable development. Finally, the paper will be concluded with ways by which religious leaders could curtail the problem of insecurity in Nigeria. Primary and secondary sources were used in the collection, collation and interpretation of data

Keywords: peace-building, insecurity, religious leaders, coexistence, sustainable development.

Introduction

A MAJOR PROBLEM IN NIGERIA TODAY IS INSECURITY OCCASIONED BY THE ACTIVITIES of kidnappers, Boko Haram insurgency, herdsmen, armed robbers and a host of dreaded activities of criminals. Nigeria which was once a peaceful country in Africa is now known as one of the crisis nations that attracts international attention (Odumuyiwa, 2010). Recent events in Nigeria reveal the unfortunate and ugly situation in the country as a result of the numerous violent conflicts and other criminal activities such as kidnapping, banditry, insurgency, Fulani herdsmen and a

host of others which threatened the corporate existence of Nigeria. But a far greater problem is the display of insincerity in curtailing the activities of these criminals who have been terrorizing innocent citizens. In the last two decades, Nigeria has witnessed scores of criminal activities which had threatened the very existence of mankind. A society where people now sleep with one eye opened is now in a state of crisis if urgent attention is not taken by relevant stakeholders (Awofisayo, Imoukhedeme & Fukpene, 2021). The Nigerian security agencies and personal efforts of the people to keep peace in the country seem not be yielding the desired objectives. In the past two decades, the country has lost countless of civilians and military men to bandits. The question is, why has Nigeria government not been able to lay to rest the apostles of insecurity? The role of religious leaders as agents of peace and security for sustainable development cannot be under emphasized since religion itself is one of the cultural patterns of human society which helps to shape and reshape the society and its inhabitants. Religion serves as an agent of social justice and truth.

Conceptual Clarification of Terms

Conceptualising some keywords such as peace, security, religion and sustainable development is necessary for a clear understanding of the topic. A single and universally acceptable definition of peace has eluded humanity, just as the quest for peace has been one of the pre-occupations of humans since the dawn of history. There have been several definitions of peace ranging from the erroneous definition of peace as the mere absence of war to political definitions of peace. The African conception of peace will form the basis of our understanding of peace in this context. African interpretation of peace recognises both positive and negative peace. African conception of peace offers a more holistic and humanistic conception of peace as it embraces all the dimensions of peace. This African conception of peace recognises the fact that in order to ensure lasting peace some elements should be present. These include acknowledgement of guilt, showing of remorse and repentance by a perpetrator of injustice, asking for and receiving of forgiveness, and paying compensation or reparation as a prelude for reconciliation and peaceful coexistence. This African conceptualisation of peace does not see peace as only the absence of war, conflict, violence, fear, destruction and human suffering, but also the absence of unequal structures, cultural practices, about security, democratic participation, respect for human rights, development, social progress and justice (Francis, 2006).

The word *security* has no universally accepted definition due to its many-sidedness arising from ideology and time frame being addressed. Hornby (2005) describes security as things that are done in order to keep someone or something safe. This implies that, security is protection from bad situations. Similarly, Terriff (1999) defines it as the protection and preservation from fear and danger that threatens the survival of Africa-Nigeria societies and peoples. Security is about survival and the conditions of human existence. It is about peace, development, and justice because the absence of all these creates the conditions for conflict and insecurity. In the defini-

tion and conceptualisation of security, one sees the inseparable and the important link between the two. Peace and security are these two sides of the same coin, one cannot live without the other and are mutually reinforcing. This is to say that the absence of one means the absence of the other and the existence of peace equally means the existence of security (Terriff, 1999).

Religious leaders could be described as the leaders in the three main religions in Nigeria, Islam, Christianity and African Traditional Religion (ATR) such as Imam, Pastor and Priest. Religion is seen as the oldest institution that makes an important contribution to the well-being of the society. Religion and its leaders and messages give people hope, where it appears there is no hope, it therefore makes it possible for us to live hopefully of a better tomorrow simply because its teachings have relieved the pains we are encountering today (Okebukola, 2012). Sustainable development is the process of ensuring that the future generations inherit the land with support to their livelihood in such a way that they are not worse than generations of today. It is also the development that meets the needs of the present without acknowledging the ability of future generations to meet their needs. This implies that sustainable development is about protection of the environment, economy and society. Therefore for sustainability to be effective, peace and security play a vital role, and development is only sustainable if it is human oriented (Nwosu, 2009).

Peace and Security Challenges in Nigeria

The attempt at keeping the peace in Nigeria took its roots in the effort of the early Christian missionaries to preach the gospel to Nigerians in order to create a peaceful environment for legitimate trade to thrive (Abiola, 1984). The Christian missions in Nigeria made religious and moral education compulsory to all students and this singular move assisted in no small way in reduction of social vices and crime rate most especially in the decades of years before the mid-seventies when government took over schools which saw to the dwindling down of morals. It is a known fact that among various works of government, it protects the lives and properties of the citizenry. The large turn-out of university graduates without meaningful employment has aggravated the situation. This informed the reason why in recent times, there have been security challenges in different parts of the country such as kidnapping, ritual killings, yahoo, yahoo+, armed robbery cases, Fulani Herdsmen, fraudsters and other criminal activities.

An immoral being is likely going to be a social and security risk to any nation. Hence, any little problem, people are let loose with grievous effects of loss of lives and properties in almost all the states. Poor leadership is another challenge to peace and security in Nigeria occasioned by corrupt tendencies among them. The general view of the Nigeria populace is that living standards have continued to dwindle rather than improve because of poor leadership. The confusion of greed for powers, fame and glory has made some leaders to cause havoc on the people and the society at large. In recent times, the rich and privileged people capitalised on their status to

create fear and insecurity among the less privileged people thereby exposing them to various temptations leading to corruption and other vices in the country. Corrupt behaviour and attitude in the management of state affairs have continued to rear its ugly head despite the efforts put in place to minimise corruption through the setting up of some law enforcement agencies like Economic and Financial Crimes Commission (FCC) and Independent Corrupt Practices and Related Offences Commission (ICPC) (David, 2006).

Yet another threat to peace and security for sustainable development is insecurity. The problem of ethnic militants as well as religious and political intolerance has created so many crises in Nigeria. The negative activities of these sects such as Boko Haram militants in the Niger Delta, Indigenous People of Biafra (IPOB), Odua People's Congress (OPC), Arewa People's Congress (APC) and other militant groups have continued to undermine developmental efforts in the country by their violent disturbances, killing of people, bombing of individuals, government institutions and some media houses, markets etc. These nefarious acts propounded by these groups equally threatened the social and economic activities of the people by scaring investors thereby leading to under development in the country. Any country that cannot provide security for its citizens is sliding into anarchy and a situation where might is right (Svensson, 2007). Socioeconomic condition is yet another factor that hinders peace and security for sustainable development in Nigeria. It is one of the elements that promotes violent crimes in any nation is socioeconomic order that gives widespread poverty and unemployment of youths. Any environment that creates a tiny minority in obscene wealth and large majority swimming in abject poverty and degradation cannot but be a breeding ground for ill feelings and suicidal instincts. Again, a socioeconomic organisation that has a great wide gap between the poor and the rich cannot but sets nurturing ground for evil acts as envisaged in Nigerian society today. Furthermore, a socioeconomic order that promotes materialism as the primary values of the society no doubt fosters common crime as it is with Nigeria. Similarly, any nation that operates socioeconomic order that fosters wealth accumulation by the political class at the expense of equity, productivity, justice, fair play and respect for human rights of the people as well as rule of law must sooner or later be a source of violent and instability. If this happens, there will be no peace and this will pose security challenges for a sustainable development (Okebukola, 2012).

The Place of Religious Leaders in Maintaining Peace for Sustainable Development in Nigeria

While the protection of the lives and properties of the citizenry and the prevention of genocide, war crimes and crimes against humanity (atrocities crimes) is primarily the responsibility of the government, it is a multi-layered endeavour to which different societal actors can make an important contribution. Among them, religious leaders have a fundamental role to play, given their spiritual leadership and influence over their communities and the broader society. When they speak out, their voices

are heard and their messages have the power to multiply (Basedau, & Koos, 2015). Religious leaders are to advise Nigerian leaders at all levels to lead by example especially when they are deviating from law or distorting the law. For instance, in the Old Testament we see the prophets constructively criticising the capitalist and the extortionist tendencies of their own societies. A good example of this, are Amos and Hosea. These men were leaders who lived above shame as a result of the fear of God in their lives. Therefore, the religious leaders should not only be spiritual but also human. Both Christians and Muslims must learn to show love and concern for human political problems as their masters did. Thus, Nigeria will be a peaceful humanly habitable society if our leaders will strive and show the fear of God in their leadership (Philpott, 2007).

Religious leaders need to always speak the truth with all and to all without fear or favour knowing fully well that the society is faced with all sorts of immoral acts. Therefore, the religious leaders must not stand aloof when issues affecting the stability of the society are at stake especially when the political leaders are recklessly accumulating wealth while their subjects suffer in the midst of plenty. In essence, if the religious leaders and the people are truthful, they will be guided away from vices and acrimony. Thus, religious leaders must be on ground in order to protect human dignity, rights and values. The religious leaders must be the moral watch-dog of the country. The presence of them in the country serves as the conscience which is necessary for peace and security that leads to sustainable development. Through the preaching of our religious leaders, the conduct and behaviour of the populace will be regulated by inculcating the moral virtues needed in the society. If the people strictly adhere to the religious sermons preached by Christians and Muslim, the behaviour of the people will be modified positively by shunning corruption and immoral acts, thereby, ensuring transparency and accountability, creating job opportunities, ensuring service delivery and by maintaining law and order, protection of lives and properties of all citizens. If these are fervently and properly put in place, we believe that Nigeria will maintain a high sense of peace and when there is peace; security must take its place thereby leading to sustainable development in the society (Deacon, & Lynch, 2013). In addition to religious leaders as agents of peace and security for sustainable development in Nigeria, African Traditional Religion [A.T.R] contributes to the sustainable development psychologically. That a sense of security and assurance of help from the spirit of the ancestors serves as a protective shield against such evil forces as witches and wizard, epidemics and influenza which can disrupt individual and communal development. This implies that when one is faced with the difficulties of life, and in times of suffering, a good number of persons fall back on their traditional religious cultural beliefs not minding their religious tenets as Christian or Muslim. When these challenges are over the people fall back to their religious believe, pretend as if there is nothing wrong in the believe of syncretism (David, 2006). It must be acknowledged that incitement to hatred, hostility and violence is prevalent in most African countries, as it is in all regions; incitement has preceded and accompanied

violence and atrocity crimes in countries affected by conflict and violent extremism, as well as in countries considered to be relatively peaceful.

The targets of incitement have included communities defined by their religious and ethnic identity or political affiliation, as well as women. Religious leaders and actors committed, among other actions, to respect and promote human rights; respond to and counter incitement speech; increase interfaith collaboration; and partner with traditional and new media, as well as with state authorities and educational institutions, to prevent and respond to incitement to violence and build communities that support each other, across faiths, and are resilient to incitement to violence. Given that religion and religious identity can be used to foster fragmentation, religious leaders and other religious actors can in turn play important roles in creating cohesion (Cox, Orsborn, & Sisk, 2015).

Even in conflicts that do not have a religious component, religious leaders can still play a beneficial role in promoting peace. There is the need for development actors to draw upon religious leaders to help engage local communities in political participation and disseminate messages of national cohesion in communities (Silvestri, & Fba, 2015). The contribution that religious actors can make to peace-making as the flip side of religious conflict has been increasingly explored and analysed. History presents cases of mediation and peace-making by religious leaders and institutions. For example, the World Council of Churches and the All Africa Conference of Churches mediated the short-lived 1972 peace agreement in Sudan. In South Africa, various churches were at the vanguard of the struggle against apartheid and the peaceful transition. Among the most dramatic and most frequently cited cases is the successful mediation that the Rome-based Community of Sant 'Egidio' achieved to help end the civil war in Mozambique in 1992. Other less well-known but critical examples exist of religious leaders and faith-based non-governmental organizations (NGOs) playing prominent roles as mediators in peace building* (Scott, 1998). Multiple efforts have been deployed, for instance, to support an inter-religious track parallel to political diplomacy in the Middle East. It is important to note that the social location of the religious actors varies. According to R. Scott Appleby, "In helping resolve conflicts in Nicaragua and Nigeria, peacemakers worked within the political process, while in the Philippines, South Africa, and Israel/Palestine they remained external to it. In East Germany at the end of the cold war, Christians operated on the margins during the initial stages of the revolution but later assumed key roles in the political transition.

Multiple religious actors participated in Rhodesia where the Quakers and the religious NGO Moral Re-Armament worked within the political process, while the Roman Catholic Church exerted influence from the outside. Advocates of including religious actors in peace making processes have stressed that political, military, and economic arrangements may be doomed to fail if leaders from all sides do not take into account the feelings, attitudes, yearnings, and symbolic images that the people harbor (Nwosu, 2009). There are various characteristics associated with religious

leaders that make them well positioned to mobilise stakeholders and to engage in efforts to counter violence and promote peace. These include: trustworthiness and credibility; shared and respected sets of values with different sides of a conflict and a unique leverage as spiritual leaders; understanding of the local context, presence in local communities and local legitimacy; and strong networks and access to various levels of powers (David, 2006).

Challenges in Maintaining Peace Among Religious Leaders

Admittedly, the efforts by religious leaders and institutions have been useful in curtailing violence and restoring peaceful relations in Nigeria. However, they face numerous gaps and challenges in achieving this goal. Some of these challenges include political interference and problems associated with segregation, among others. In Nigeria, politics is characterised by the ruthless competition for resources. More often than not, the political elites resort to the manipulation of religion and ethnicity for their political and economic advancement. The elites create patron-client networks to benefit members of their religion. This explains why it is difficult to ethnic and religious identities from the nation. Politicians contribute to violence by planting seeds of hatred and anger and influencing the youth to engage in violence (Ashafa, & Wuye, 2006). It is a common practice among Nigerian politicians to use religious rhetoric to gain support or entice groups to use violence, thereby creating negative mindsets and opinions of other groups and limiting the efforts towards forgiveness, reconciliation and repentance. Mindsets that view the other group as the enemy breed distrust and mutual suspicion, which does not bode well for managing conflict. The erosion of trust limits efforts towards unity and amicability. In other words, politicians who make negative comments have the tendency to mar peace-building efforts (Best, 2011).

The attempt to manage conflict requires interaction between groups. However, the segregation of some residential areas and markets poses a great threat to forgiveness and reconciliation. These segregated spaces have led to the creation of 'no-go' areas which have negatively affected 'patterns of residency, business, transportation and trade. In plateau state, for instance, areas around the University of Jos, known as Angwan Rogo, Ali Kazaure and Nassarawa Gwom, are predominantly inhabited by Muslims. The Igbo (mainly Christians) reside in Apata, while Christians live in segregated areas in the neighbourhood. Deep-seated animosity, anger and lack of trust have made it harder for Christians and Muslims to interact and work together, which has contributed to further segregation. Segregation as a result of the fear of attacks, lack of trust, and increased animosity will challenge any effort to manage conflict because one group cannot rely on the other for their safety (Krause, 2011). Some states in Nigeria, especially in the northern parts of Nigeria are politically and economically imbalanced and the systems have remained a major limitation to successful conflict management and longer term conflict transformation efforts in the country.

These are deep-rooted issues that have created despair and dissatisfaction and

fuelled deep grievances easily triggered by violence and more exclusionary acts. Nigeria as a whole now needs to move from a place of 'religious balancing in its state-society relations and address more effectively the underlying causes of media insensitivities, marginalisation, and managing disputes over resources and development. This is a serious stumbling block for the religious leaders in their concerted efforts to preserve peace. The feeling of inequality, favouritism, injustice and uneven development have to be addressed; otherwise the efforts of religious actors and institutions will deal merely with surface problems and only put a temporary lid on conflict triggers and escalation (Ashafa, & Wuye, 2006). Discord among religious leaders and religious institutions also represent another limitation to preserving peace in their respective communities. The lack of unity between Christian and Muslim leaders has, on many occasions, impeded peace-building efforts. In most cases, crisis lingered on because of a lack of consensus among Christian and Muslim leaders. Intolerance, ignorance, lack of true love, denominational differences, sectionalism, leadership tussles, and a lack of unity among Christian and Muslim communities contributed immensely to the slow pace of peace-building efforts in the country (Best, 2011).

While workshops and training have helped religious leaders to interact better with each other, much more is needed in the development of skills such as negotiation, accommodation, mediation and other non-violent approaches to peace-building. Many are unequipped to prevent violence in their communities or manage conflicts. The lack of understanding and requisite skills, such as those listed above, limits conflict management. Without training that tackles issues such as ignorance and stereotypes, for example, it becomes very difficult to create space to forge stronger relationships and build bridges between Christians and Muslims. Without an understanding of how religion is manipulated and manifested in society, it becomes difficult to understand how it can contribute to peace and security (Sisk, 2011). Religious leaders are useful in creating a shift from very simple and basic notions of tolerance to deeper and more meaningful coexistence. However, this cannot be done if they are not equipped and sufficiently educated on what coexistence entails, how it can be achieved, and how they can contribute to it. Without these capacity-building exercises in conflict-management and peace-building, their contributions to peace will reap very few results. With the right capacity, religious leaders can find solutions to communal problems that trigger violence and cause societal division (Svensson, 2007).

Conclusion

Sustainable peace requires not only political will from all sides, but also the collective efforts of the international community, civil society and fundamentally, religious leaders. There is the need to expand the space for dialogue to encompass religious leaders and other actors who have a voice and influence within their respective communities. The religious leaders are the closest to the citizens at the grassroots. They have closer influence, and should therefore bear the burden of living in peace right from their hearts, families and communities. Know that religion has a strong in-

fluence on people's belief or faith and conviction. Our religious practice should bring positive change to society and enhance mutual relationships among us in order to live in peace with one another. They have the natural propensity to teach and influence others to be followers of a peaceful life. The paper therefore recommended that therefore, for the nation to be at peace and security consciousness for a sustainable development, the religious leaders need to courageously tell the ruling class the truth at the slightest opportunities. The religious leaders in their various worship centres need to preach more of peaceful coexistence than prosperity, emphasis on the importance of peace in the sustenance of wealth among the members. Religious tolerance is a sine qua non to peaceful coexistence in a multi-religious nation like Nigeria with two dominant religions (Christianity and Islam). Religious leaders need to preach tolerance in their various worship centres. Everyone is a sociopolitical animal and as such cannot be disconnected from the political events in the country. Religious leaders need to play the role of promoting equity and justice rather than involving patriotic politics devoid of peace or using their members to promote politics of bitterness.

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The Impact of *Sukūk* (Islamic Bonds) as Alternative Sources of Infrastructural Development in Nigeria

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Abstract

The paper examines the feasibility and benefits of introducing sukūk into the Nigerian capital market. A sukūk is an Islamic financial certificate similar to the conventional bond in Western financial system, that complies with Islamic religious law commonly known as Sharī'ah. Since the conventional Western interest-paying bond structure is not permissible in the fold of Islam, the issuer of a sukūk sells a certificate to an investor group, and then uses the proceeds to purchase an asset, of which the investor group has partial ownership. The paper argues that Nigeria will gain a lot in term of economic and strategic advantages by using sukūk as an alternative source of funding for government programs. A brief overview of the global sukūk market was provided as well as the Nigerian debt market. This research work explores the opportunities that abound with the use of sukūk instruments for infrastructural finance in Nigeria and also provides the legal and regulatory framework for the issuance of sukūk in Nigeria. There is growing demand for Sharī'ah compliant finance services in the Islamic countries as well as the world at large as an alternative to conventional instruments. In the conventional financial system, the fixed income securities play a major role in raising capital and in the world economy. Post crisis fund raising activities through bond offerings have again proven the important role played by this segment of the financial system. In Islamic capital and money market, sukūk is anticipated to play a similar role as it gives the industry the option to issue an instrument with a fixed rate of return, while at the same time, sukūk structuring also takes into account the removal of non-sharī'ah compliant features such as gharar (uncertainty), ribā (interest or usury) and maisir (gambling). The International Islamic Financial Market (IIFM) sukūk report starts with the overview of the sukūk market and emergence of fixed profile instrument covering international sukūk issuances in greater depth as compared to the domestic issuances.

Keywords: ribā, salām, ijārah, mudārabah, mushārahah, murābaha

Introduction

RECENT INNOVATIONS IN ISLAMIC FINANCE HAVE CHANGED THE DYNAMICS OF THE Islamic finance industry. Specially in the area of bonds and securities, the use of *Sukūk* or Islamic securities have become increasingly popular in the last few years, both as a means of raising government finance through sovereign issues, and as a way of obtaining company funding through the offer of corporate *sukūk*.

Sukūk has developed as one of the most significant mechanisms for raising finance in the international capital markets through Islamically acceptable structures.¹ Multi-national corporations, sovereign bodies, state corporations and financial institutions use international *sukūk* issuance as an alternative to syndicated financing. The essence of *Sukūk* is to provide *Sharī'ah* compliant instruments for investment which do not involve interest and uncertainty (*Gharār*). The *Sukūk* market has been a primary area of growth, providing an avenue for the short and medium-term placement of funds by investors. This development has been fuelled not only by the desire of institutions to raise funds in a *Sharī'ah* compliant manner but also by investor demand for such products. *Sukūk* are entitlement to rights in certain assets inclusive of some degree of asset ownership. These *Sukūk* are more commonly based on *Ijarah*, *Salam*, *Mudaraba*, *Musharaka*, and *Murabaha*, *Istisna* mode of finance and on the basis of pooled portfolios. *Sukūk* promises the global financial arena many opportunities for managing the capital needs of the emerging economies of the Islamic world in a manner consistent with Islamic values². The Paper explores the opportunities that abound with the use of *Sukūk* instruments for infrastructural finance in Nigeria and also provides an overview of the legal and regulatory framework for the issuance of *Sukūk* in Nigeria.

Statement of the Problem

Sukūk as an Islamic financing instrument

Sukūk is a suite of financial instruments that are used for raising funds, and they are considered financial instruments for the purposes of resource mobilisation in both public and private sectors. *Sukūk* can be defined as “certificates of equal value representing undivided shares in ownership of tangible assets, usufructs, and services or (in the ownership of) the assets of particular projects or special investment activity³. *Sukūks* can be issued under different structures to accommodate the unique nature of different transactions. Some of these structures include:

1. *Salām*: A structure based on spot payment with future delivery of asset.
2. *Ijarāh*: A *sukūk* structure involving the sale and lease-back of assets in existence e.g. real estate, plant and machinery, aircraft, ships. Other tangible assets can also be structured as a master lease or lease.
3. *Mudāraba*: A partnership or fund management contract between an investor (*Rabbul-māl*) and a manager (*Mudārib*).
4. *Mushārakah*: *Sukūk* structure involving a partnership between the Special Purpose Vehicle Entities (SPV) and obligor to jointly own either ready assets or to construct or manufacture assets (real estate or project financing).
5. *Murābahah*: *Sukūk* structure based on a cost plus profit contract whereby the asset is delivered now with a deferred payment⁴.

The Nigerian Securities and Exchange Commission (“SEC”),⁴ the apex regulator of all securities related transactions in Nigeria, explicitly recognizes the following *Sukūk* structures under Rule 571 of the SEC Rules⁵:

- *sukūk ijarāh* – (lease contract)

- *sukūk mushārahah* – (sharing contract)
- *sukūk istisna* – (exchange contract)
- *sukūk murabahah*– (financing contract).

Objective of the study

The main objective of this study is to analyse the role of *sukūk* as an instrument for capital market development and resource mobilisation for the economic development of the public and private sectors. The research showcases 6 countries in different stages of *sukūk* market development, including 5 Organisation of Islamic Cooperation (OIC) member countries and a selected non-OIC member country. Based on this analysis, the study provides policy recommendations to promote *sukūk* at both domestic and global levels. It also envisages to facilitate the building of a cohesive *sukūk* development roadmap that Organisation of Islamic Cooperation (OIC) member countries can adopt. The study specifically covers the following objectives:

1. The key building blocks in developing a *sukūk* market, including examining the theoretical and legal natures of *sukūk*, the institutions involved in developing the *sukūk* market, the parties involved in *sukūk* issuance, and the requisite conducive environment.
2. Comprehensive assessment of *sukūk* structures, issuances and investments, including topics and challenges vis-a-vis operational aspects, such as legal and regulatory issues, *Shari'ah* governance, innovation in *sukūk* structuring, the nature and application of *sukūk* structuring techniques, risk analysis, rating and pricing.
3. Case studies of *sukūk* development in 6 Organisation of Islamic Cooperation (OIC) and non- Organisation of Islamic Cooperation (OIC) countries, including the growth of their *sukūk* markets, analysis of their *sukūk* issuances, structures and investments, the challenges and drivers affecting the development of the *sukūk* market, and policy recommendations to address the issues arising and spur the growth of the *sukūk* market. Based on the objectives and scope of the study, the following methodology has been adopted to investigate the various aspects of *sukūk* development in the OIC and Nigeria as a country:

Methodology of the Study

1. Desktop Research—This involves the review of the written literature, information, documents, country experiences, practices and works of relevant international institutions, and open sources of relevant national institutions. To enrich the study, it also involves analysis of data from industry and economic reports, research publications, macroeconomic data, and surveys of Organisation of Islamic Cooperation (OIC) countries. Primary data from Bloomberg and Eikon-Thomson Reuters have been used to assess information on the market shares of various segments in the Islamic financial markets, including *sukūk*, to provide a comprehensive assessment of *sukūk* structures and issuances across jurisdictions by different entities—corporate, quasi-sovereign and sovereign.

2. Survey and Interview (online survey, phone calls, face-to-face meetings and field visits)—This involves the development of survey questions and semi-structured

interview questions on the core scope of the study, i.e. the development of the *sukūk* market and its role in the Islamic capital markets (ICMs), from various perspectives—issuances, structures, investments, enabling infrastructure, issues and challenges. A series of interviews have been conducted with various parties involved in the *sukūk* market, such as issuers, lead arrangers, investment bankers, investors, legal advisers and regulators. The results from the interviews provide some insights into the challenges faced and the necessary improvements required to further develop the *sukūk* market, particularly in countries in the infancy and developing stages.

The selection of subjects for case studies was based on the diversity of regions and the different development stages of their *sukūk* markets in terms of their legal and regulatory frameworks, size and segments. Looking at historical trends and the study proposal to create a development roadmap for *sukūk* markets, lists the countries chosen as case studies. Five OIC member countries have been selected along with Hong Kong—a non-OIC member country, based on its developed capital markets and increasing importance as a *sukūk* issuer in South East Asia.

Significance of the Study

At the end of the study, the following objectives and advantages of *sukūk* will be achieved.

Nigeria's population of approximately 200 million⁶ citizens continues to rise and is expected to reach about 300 million by 2050. The country is urbanising at one of the fastest rates in the world⁷ and this has led to development of large-scale urban infrastructure projects, as well as a significant demand for the renewal and modernisation of aging infrastructure, making the Nigerian construction growth one of us the fastest in the world⁸.

In view of the foregoing, the major justification and advantages of *Sukūk* issuance in Nigeria is the need to close the vast infrastructure funding gaps across the country. Historically, the US, Europe and recently China have been Nigeria's leading funding partners and provided the largest sources of infrastructure financing. However, amidst the Euro zone crisis and the political conditions attached to accessing these funds that come with these funding, it is imperative for Nigeria to diversify its sources of funding. It is in this regard that *Sukūk* is deemed to be relatively advantageous compared to other sources of infrastructure financing, because it is asset-based or project-based, which promotes financial stability by linking the financial sector with other real sectors of the economy⁹.

Theoretical and Legal Framework for the Issuance of *Sukūk* in Nigeria

The regulatory framework which governs the issuance of *Sukūk* in Nigeria are derived from a body of legislations which include the Investments and Securities Act (ISA) 2007, the SEC Rules and Regulations 2013 and relevant Bond Laws which are

required to be passed by the State and National Assemblies to authorise a sovereign *Sukūk* bond issuance.

In line with its objective of developing the Islamic capital market in Nigeria, the SEC introduced new rules to regulate the issuance of *sukūk* in Nigeria on February 8, 2013, pursuant to its powers under Section 313 (6) of the ISA, 2007. Rule 572 of the SEC Rules makes all public companies (including Special Purpose Vehicles), state governments, local governments, and Government agencies as well as multi-lateral agencies eligible to issue, offer or make an invitation of *Sukūk* subject to the SEC's approval. The Rules apply to any:

- i. *Sukūk* which are offered by local or foreign entities that are within the regulatory purview of SEC;
- ii. *Sukūk* which are denominated in Naira or in foreign currencies; and
- iii. *Sukūk* which are listed, convertible, exchangeable, redeemable or otherwise. 10

Also, in addition to the advisers who advise on bond issuances¹¹ an issuer of *Sukūk* must appoint a *Sharī'ah* adviser who shall:

- Advise on all aspects of the *Sukūk* including documentation and structuring;
- Issue *sharī'ah* certification which outlines the basis and rationale of the structure and mechanism of the *Sukūk* issue, the applicable *Sharī'ah* principles used for the *Sukūk* issue and relevant *sharī'ah* matters relating to the documentation of the *Sukūk* issue;
- Ensure that the applicable *sharī'ah* principles and any relevant resolutions and rulings endorsed are complied with; and
- Apply *ijtihad* (reasoning) to ensure all aspects relating to *Sukūk* issuance are in compliance with *sharī'ah* principles.¹²

The FMDQ over the counter (OTC) Securities Exchange, a SEC registered self-regulatory OTC securities exchange has also issued its listing rules for *Sukūk*. To be eligible for listing under the FMDQ Listing Rules, the *Sukūk* must meet the criteria outlined below:

- Must be issued through Auction, Private Placement, Syndication, Reverse Enquiry and such other method as may be permitted by FMDQ and the SEC.
- Must be issued within the framework of the below named structures:
 - a. *sukūk ijarah*.
 - b. *sukūk musharakah*.
 - c. *sukūk mudharabah*
 - d. *sukūk murabahah* (memorandum listing)
 - e. such other *sukūk* structures as may be approved by the commission
- All *Sukūk* expressly prohibited by *Sharī'ah* law and in accordance with the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI) Standards from being traded would automatically qualify for Listing under the Memorandum Listing, and shall be admitted to the FMDQ Platform and be declared non-tradable.
- The minimum size of the single Issue shall be N1,000,000,000.00 (One Billion Naira) and where the *Sukūk* is issued under a Programme through a

Shelf Registration, the minimum size of the Programme shall not be less than N5,000,000,000.00 (Five Billion Naira).

Potentials for Sukūk Market in Nigeria

Over the last decade (the first issuance of sovereign *sukūk* bonds in Nigeria was in 2013 by Osun State Government, the federal government of Nigeria, state governments, government-owned enterprises and private sector companies have been involved in the successful issuance of *sukūk* bonds. These Bonds have, in some instances, been oversubscribed by the Nigerian public and the proceeds dedicated to infrastructure financing projects across the country.

Sukūk bonds have been utilised for notable infrastructure projects in Nigeria, such as:

- Construction of luxurious apartments in Ikoyi–Lagos by Lotus Capital Ltd using N1 billion private *Sukūk* of *Al-Istisna*.
- Construction of 26 Schools by Osun State government using *Ijarah Sukūk* of N11.4 billion.
- Construction of Roads by FGN using *Ijarah Sukūk* of N100 billion

Sukūk bonds may also be used for any of the following infrastructure projects¹³:

Sample projects

Mass housing

road, railway, seaport and airport construction

Murabahah

Construction of schools, hospitals, mosques and churches etc

Acquisition of meters for DISCOs, and equipment for generating companies

Refineries

Suitable contract

Musharaka (joint ventures)

Istisna (construction financing) non-oil export

Ijarah

Murabaha and *Ijarah*.¹⁴

Evolution of *Sukūk* as an Islamic Financial Instrument

The evolution of *sukūk* can be traced back from its classical use to its development in contemporary times. Early utilization of the term “*sukūk*” in classical literature can be traced back to the 1st Century AH, during the Umayyad Caliphate under the rule of Caliph Marwān ibn al-Hakam. A narration quoted in *al-Muwatta*’ of Imām Mālik (*Hadith* no. 44) The text is as follows:

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ . أَنَّ صُكُوكًا، خَرَجَتْ لِلنَّاسِ فِي زَمَانِ مَرْوَانَ بْنِ
 الْحَكَمِ مِنْ طَعَامِ الْجَارِ فَتَبَايَعَ النَّاسُ تِلْكَ الصُّكُوكَ بَيْنَهُمْ قَبْلَ أَنْ يَسْتَوْفَوْهَا فَدَخَلَ
 زَيْدُ بْنُ ثَابِتٍ وَرَجُلٌ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى مَرْوَانَ بْنِ
 الْحَكَمِ فَقَالَا أَنْجِلْ بَيْعَ الرَّبَا يَا مَرْوَانُ . فَقَالَ أَعُوذُ بِاللَّهِ وَمَا ذَاكَ فَقَالَا هَذِهِ الصُّكُوكُ
 تَبَايَعَهَا النَّاسُ ثُمَّ بَاعُوهَا قَبْلَ أَنْ يَسْتَوْفَوْهَا فَبَعَثَ مَرْوَانُ الْحَرَسَ يَتَّبِعُونَهَا يَنْزِعُونَهَا
 مِنْ أَيْدِي النَّاسِ وَيَرُدُّونَهَا إِلَى أَهْلِهَا .

Yahya related to me from Mālik that he had heard that receipts were given to people in the time of Marwān bin al-Hakam for the produce of the market at al-Jar. People bought and sold the receipts among themselves before they took delivery of the goods. Zayd bin Thābit and one of the Companions of the Messenger of Allāh, may (Allāh bless him and grant him peace), went to Marwān ibn al-Hakam and said, “Marwān! Do you make usury *halāl*?” He said, “I seek refuge with Allāh! What is that?” He said, “These receipts which people buy and sell before they take delivery of the goods.” Marwān therefore sent a guard to follow them and to take them from people’s hands and return them to their owners”.¹⁵

The above hadith refers to *sukūk* as a certificate, more specifically, commodity or grain coupons - entitling its holders to the receipt of commodities or grains when the *sukūk* is matured. The holders of these certificates used to sell the *sukūk* for cash before taking delivery of the commodities or grains upon maturity. This practice had led to the sale of the underlying assets that the *sukūk* represented before the holders took ownership of the commodities or grains. It was thus disapproved by scholars at the time.

According to Çizakça (2011), the Ottoman Empire (1299–1923) had been issuing similar financial certificates, known as *esham*, to finance public debt since 1775. These certificates had, as underlying assets, the right to collect taxes as a form of financial right.

In more recent times, the International Islamic Fiqh Academy of the Organisation of Islamic Cooperation (IFA-OIC) discussed the issue of *muqāradah* bonds in 1986 and 1988. The deliberations established the conditions of issuing *muqāradah* certificates and thus legitimised the concept of *sukūk*. The idea approved was that of a *muqāradah sukūk* (a term used by the Mālikī and Shāfiʿī schools of thought, which is similar to the term *mudārabah sukūk*), where the *sukūk* certificates represented:

... evidence of capital ownership, on the basis of shares of equal value, registered in the names of their owners, as joint owners of shares in the venture capital or whatever shape it may take in proportion to each one’s share therein (IFA-OIC, Resolution No. 30 (5/4), 1988).

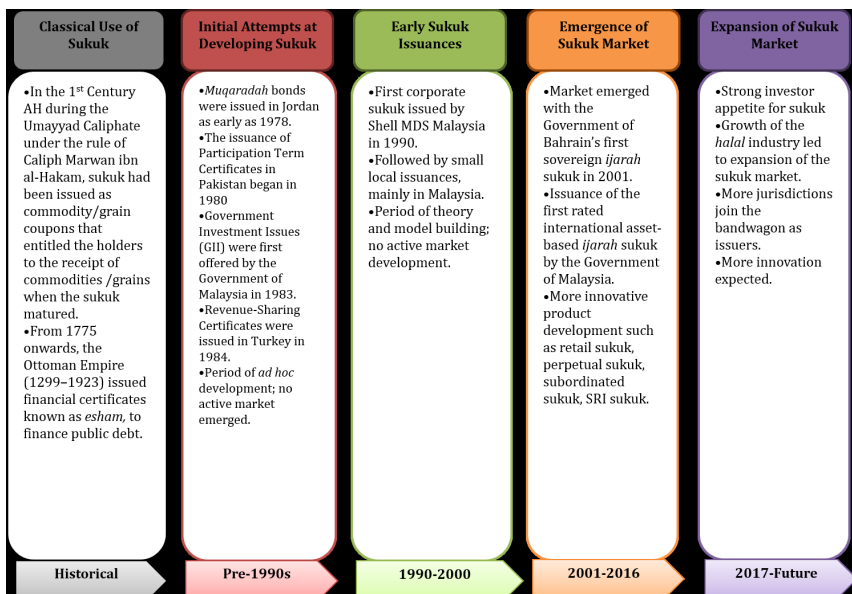
The International Islamic Fiqh Academy of the Organisation of Islamic Cooperation (IFA-OIC's) resolution on *muqāradah sukūk* had come after the Ministry of *Awqāf*, Islamic Affairs and Holy Places in Jordan initiated the process of issuing such *sukūk* in 1977. The Government of Jordan had been looking for *Sharī'ah*-compliant financing for the renovation of *waqf* properties and had sought to use the revenue generated by specific projects to back the *sukūk* issuance. To initiate the process, it had promulgated the *Muqāradah Bonds Act*, which came into effect in 1981.

Besides Jordan, several attempts were made by other countries to issue *sukūk* before 1990, notably Pakistan, Malaysia and Turkey. These issuances were, however, short-lived (except for Malaysian government issuances) due to the prevailing conditions at that time in those countries.

The *sukūk* market underwent a nascent stage in 1990-2000. RAM (2013) identified this period as the awareness-building phase by stakeholders, including potential issuers and investors. In Malaysia, much attention had been given at that time to the introduction of the *sukūk* market, the players, the concepts, the mechanisms and the structures of *sukūk*.

The *sukūk* market marks its actual emergence from 2001. There has been an increased number of *sukūk* issues amid significant market growth. *Sukūk* has also evolved as a financial instrument in terms of the various types of *Sharī'ah* contracts used in its structuring, the underlying assets backing the issuance, the types of *sukūk* issued and developments in terms of players, investors, markets and infrastructures, among others. Figure 2.1 summarizes these main phases of *sukūk* development.¹⁶

Fig. 1: Main phases of *sukūk* development



Source: ISRA (2017)

Islamic Financial Assets: A Theoretical Conception

Islamic finance offers an alternative financial paradigm. It is unique in nature to the extent that religious doctrines are avowed in the commercial and financial behaviours, transactions and sectors. The presumption that finance and economics are independent of religious considerations is myopic.

Prohibitions

The Islamic finance is based on the following set of prohibitions:

- i. Transactions in unethical goods and services;
- ii. Earning returns from a loan contract (*ribā* or interest);
- iii. Compensation-based restructuring of debts;
- iv. Excessive uncertainty in contracts (*gharār*);
- v. Gambling and chance-based games (*qimār*);
- vi. Trading in debt contracts at discount, and;
- vii. Forward foreign exchange transactions.

The above list of prohibition in Islamic financial service have important implications for the nature of financial assets, trading in these assets, risks of the assets and their mitigation for management of Islamic financial assets. There is a need to elaborate on some of these aspects as below:

Prohibition of *Ribā* (usury)

Ribā (usury) is any return or reward or compensation charged on a loan contract as well as in rescheduling debts. *Ribā* is strongly prohibited in Islām. Muslim scholars and jurists have rigorously discussed the rationale of the prohibition and its alternatives (Siddiqi 2004). The economic implication is that money is considered as a medium of exchange created to be sought not in itself but for other commodities. Thus, charging interest on loans is considered unjust since money is considered to be simply an intermediary between goods. Recently scholars have also placed increased scrutiny on not only the rationale for the prohibition of interest but also on the lack of theory in support of interest. Mirakhor (1995) provides an overview of recent discussions concerning this issue. He refutes numerous arguments that lend support for the existence of interest as a backbone for conventional financial markets. It is maintained that when money is loaned, the funds are used to create either a debt (in which case there is no warrantable rationale why the lender should accept a return) or an asset (in which case there is no justifiable reason why an unconditional assurance of interest should be imposed by the market).

Prohibition of *Gharār* (Excessive Uncertainty)

There are many strong references in *Islām* affirming all categories of transactions. The main justification is that gambling (*maysir*) invokes enmity among the parties. However, the definition of *gharār* involves a sense of legal trepidation. Commercial gain in itself is not illicit but one would be hard-pressed to find instances of modern-day business that did not involve a sense of uncertainty. Of imminent concern to *sharī'ah* scholars and practitioners alike is the scope of uncertainty that transforms commercial gain into unlawful *gharār*.

Gharār is a by-product of uncertainty. In an uncertain world of financial and commercial transaction, the issue becomes how one can take economic initiatives that can be free of *gharār*. There is an inherent lack of studies concerning decisions under uncertainty from an Islamic perspective. Al-Suwailem (2000), attempts to deal with this problem by putting forth a suggestive study addressing the need to differentiate between 'gamble', and 'decision under uncertainty'. It is argued that decisions under uncertainty, as opposed to gambles, imply evaluating the market value of causality such that the value of these causes will offset any potential losses. Gambling is overwhelmingly considered as amounting to *gharar* since it is a zero-sum game. However, if the situation is such that the players are providing a prize and that there is one 'neutral' player who does not contribute to funding that prize then the arrangement would become *sharī'ah* compliant. The neutral player transforms the arrangement from a 'zero-sum game' into one that is not. This dimension of *gharar* will be discussed further when discussing the applicability of embedded options and synthetic derivatives within *sukūk* structures. Similarly, a distinction can be made between gambling and investing in stock markets. Buying a lottery ticket may not be readily comparable to investing in the stock of a company. Whereas in a lottery the participant gains at the ultimate expense of everyone else, in a stock market or any other legitimate trade everybody can be a 'winner' if systemic economic conditions allow it to be so. Therefore, the lottery ticket amounts to a 'zero-sum game' but the stock market or any other legitimate trade does not necessarily.

Avoidance of Unethical Investments and Services

Sharī'ah scholars have been unanimous in disapproving investments in business sectors that may be deemed as 'unethical' such as casinos, tobacco companies, breweries, sex-business etc. Market discipline has transformed these ethical issues into stock screening methods. The screening methods of the Dow Jones and Financial Time's Islamic Markets Indices exemplify this. Muslims consider religion as more than just a prescribed set of rituals. It is a way of life embraced in the wisdom that there is no more comfortable approach to life. Accordingly, the definition of a Muslim is all-encompassing and is reflected by the individual's attitudes outside of places and periods of worship.

Alternative Basis of Financial Instruments

The applicability of Islamic financial contracts is unique. Islamic financial instruments not only need to afford the different parties a feasible profit but to do so in a manner compliant with the Islamic law. There are a number of traditional Islamic financial contracts, and through financial engineering new contracts can be designed in compliance with the prohibition of *ribā* and *gharār*. This paper provides here a very brief review of these.

Partnership Contracts

In tolerating profits as opposed to interest, Islamic finance allows partnership contracts. There are two principal forms of partnership contracts in Islamic finance that also employ the principles of profit and loss sharing. These are: 1) *mudārabah*, and 2) *mushāarakah*.

Mudārabah (co-partnership): This form of contract is structured between the supplier of capital and the entrepreneur who services it. One party supplies the capital to a second entrepreneurial party (*mudārib*) for the procession of some trade on the condition that the resulting profits are distributed in mutually agreed proportions while all capital loss is borne on the provider of the capital. In case of loss, the entrepreneur bears the brunt of the opportunity cost of time and labour.

It is argued that *mudārabah* offers functions comparable to interest. It offers the opportunity of pure finance in the sense that the owner of the capital can invest without having to personally manage the capital investment and without having to be exposed to infinite liabilities. However, *mudārabah* (and *mushāarakah*) are distinct from interest in that they maintain a fair balance between the owner of the capital and the entrepreneur who implements it. Distribution of profits is agreed according to a pre-determined proportion of the total and each party only loses what they put into the investment, be it capital or manpower.

It is important to note that in *mudārabah* and *mushāarakah* the principal amount of funds and a fixed profit cannot be guaranteed.

The predominant manifestation of *Mudārabah* is the ‘two-tier *Mudārabah*’ model. The first tier (liability side) is formed when depositors place their funds with an Islamic financial institution which takes up the role of the *mudārib*. *Mudhārabah* in fact is the investment deposits in Islamic banks. The bank then invests these deposits with entrepreneurs in the second tier (asset side) when the bank acts as the capital investor. Islamic financial institutions’ profits arise from a percentage of the returns from the second-tier *mudārabah*. In practice however, on the deposit side *mudarabah* is dominant in the form of investment deposits, but on the asset side, instead of *muhārabah* Islamic banks assets are in the form of debt receivables from *Murābahah*, *Istisna*’ etc.

Mushāarakah (Equity Partnership): The meaning of the Arabic word *mushāarakah* is derived from the word *sharikah* meaning partnership. A *musharakah* contract is very similar to the conventional sense of a partnership arrangement where

each party contributes capital in their specific capacity and each partner has management rights in proportion to their investment. However, the share of profit for each partner is determined as a proportion of the final total profit rather than a ratio of capital invested. In the event of a loss, each partner is obliged to lose only the amount invested in the project. Within the premise of *mushārah* there are two forms that Islamic financial institutions assume in the equity of companies. They are as follows:

Permanent *mushārah*: The bank partakes in the equity of a company and accepts an annual share of the profits on a pro rata basis. If the company is incorporated, this ownership is the common stock, if the company is not incorporated and is privately held this ownership is the share. In Islamic banks this *musharakah* is the capital of the bank.

Diminishing *mushārah*: This is a distinctive form of *mushārah* which eventually concludes in the ownership of the asset or the project by the client. Hence, it is temporary and similar to redeemable equity in a company.

Mudārah and *mushārah* are non-debt creating modes of financing. The principal amount of finance is not guaranteed. Therefore, the entrepreneur is not required to pay back the total amount of financing, nor is (s)he required to pay a fixed amount of profit. However, (s)he rather agrees to pay a pre-determined proportion of total profits. Khan (1991) argues that *mudarah* and *musharakha* are appropriate financial tools for the banking system with two major advantages. Firstly, they are consistent with banks' roles as financial intermediaries. Secondly, these tools can be employed for different periods of investment and with a diversity of entrepreneurs.

However, in practice the *mudārah* arrangements have a drawback in that moral hazard and asymmetric information become serious in the arrangement. A trustworthy entrepreneur is the cornerstone of the *mudārah* arrangement. Consequently, the fact that the bank or investor bears all the loss of the investment in the event of failure may encourage the entrepreneur to behave against the interests of the investor. As a result, investors may be averted from making large investments with a single entrepreneur. The *musharakah* arrangement may help offset these disadvantages of information asymmetries because of the provision for management control to the investors.

Exchange Contracts

Working capital financing is a keystone of every financial system. Apart from the religious and cultural discrepancies between different nations, financial institutions throughout diverse modern civilizations face similar business challenges. These include maintaining adequate capital ratios, financing inventories, fixed assets, and extending credit sales. A study of Islamic finance usually necessitates an analysis of what implications the religious rulings have on the operations of functioning financial institutions.

Islamic financial institutions are not allowed to extend lines of credit that bear interest receivables. Consequently, other avenues of working capital financing are

required and these are found in exchange contracts. These modes of contract do not entail intermediary relationships such as the partnership engagements discussed previously. The predominant form of an exchange contract is by the deferred trading principle (DTP). Three predominant forms of DTP contracts arise and these can be classified as: (1) Price deferred sale, (2) Object Deferred sale and (3) Object and price deferred sale.

Price Deferred Sale: If the buyer is in need of finance, (s)he can buy from a seller on credit and defer the payment of price for a future date agreed with the seller. The deferred price can be higher than the spot price. This type of debt finance is allowed in the *Shari'ah* and in fact is the backbone of contemporary Islamic financing.

The primary manifestation of a price deferred sale is the *Murābahah* contract. *Murabahah* has grown to become one of the most popular Islamic financing techniques and is estimated that 70 to 80 percent of total Islamic financing is afforded by this arrangement. The structure of the *Murābahah* contract is relatively straightforward and comprised a declared mark-up integrated into the selling price. To illustrate, a constructor may need to fund the purchase of equipment worth \$50,000. He can approach an Islamic financial institution to purchase the equipment for him and in turn buy it from the Islamic bank at a deferred price delayed for 6 months. The final sale price may be \$60,000 depending on the mark-up employed that would be in relation to a market reference and would include any associated transaction costs as well as a target profit margin.

Murābahah financing has numerous advantages that make it a very popular instrument with Islamic financial institutions. The risk bearing period for the bank is shorter than other financing techniques and the institution also identifies its profit as soon as the sale-purchase transaction is complete. The financier's assets are receivables (debts) that cannot be sold according to the *Shari'ah*. Of impending concern for Islamic banks is therefore, the liquidity of investments.

Object Deferred Sale: If the buyer has funds available at hand or if the seller needs to finance his production and supply, the buyer can pay in advance and receiving the goods will be deferred for a future date. The price paid in advance can be less than the expected future price at the delivery time.

Under this form of contract (*Salām*), the bank agrees to pay the price of an agreed commodity and its in advance, then delivering the commodity at a future date. An inherent risk in this arrangement is that the bank may not be able to sell the goods at that future date should the counterparty backtrack on his promise. Because of this risk posed to the bank, Islamic banks rarely enter into a *Salām* contract if there is no third-party guarantee. Pricing a *Salām* contract is also more intricate than a *Murabahah* contract and involves accounting for the credit risk of the buyer and expected change in value of asset over the time of the contract. If the contract spans over different countries, the bank will also have to add a discount or premium taking into consideration the forward exchange rate between the different countries.

Object and Price Deferred Sale: As a general, rule it is not allowed to de-

fer both object and its price. However, in modern times, scholars have given highly important exemptions where price and object both can be deferred. This provides us with the two most powerful tools of Islamic finance. The first is '*Ijarah* in obligation'. *Ijarah* (leasing) is a special case of exchange contracts. It can follow both object deferred and price deferred routes, whichever may be suitably designed. It can also be that an *Ijarah* in obligation means a rentable asset may not exist but a rent contract for it can be implemented. For example, an apartment may not exist and is to be constructed after two years. It can be rented now for 7 years. The rents can either be received now or later. If the rents are received later, perhaps after the 7 years lease period, it means that both the rent (price) and the apartment (object) are deferred. The apartment in question can be sub-let, that is, the rent contract (the usufructs) sold to a third or fourth person. The second example of object and price deferred sale is *Istisna'* where the project, road, etc. does not exist and needs to be constructed and delivered in the future. The price in this case can also be paid in later. Hence, both object and its price are deferred.

Financial Assets

From the above premises and contract forms the following Islamic financial assets are derived. One classify these in accordance with their tradability on the secondary markets.

Tradable islamic financial assets:

- a. *Mudārabah* Certificates: Certificates of permanent ownership in a company and businesses without control and management rights.
- b. *Mushārahah* Certificates: Certificates of permanent ownership in companies and businesses with control and management rights.
- c. Redeemable *Mushārahah* certificates (*Mushārahah* Term Finance Certificates; MTFCs): Certificates of temporary ownership in businesses and companies with/without control and management rights.
- d. Fixed Rate *Ijarah* Certificates: Ownership of durable assets given on rent and on ownership of usufructs of durable assets. Rent is fixed for the period of the contract.
- e. Floating Rate *Ijarah* Certificates: Ownership of durable assets given on rent and on ownership of usufructs of durable assets. The rent is re-priced periodically in accordance with movements of a specified benchmark in the framework of a Master *Ijarah* Agreement.

Non-Tradable Zero-Coupon Certificates:

- a) *Istisna'* and/or *Murābahah* Certificates: The ownership of debt arising from an *Istisna'* and/or *Murābahah* financing. For example, construction of a road project is carried out on the basis of a cost plus arrangement where the cost is \$100 million and the mark-up rate is 10%. The \$110 million will be paid back in installments without differentiating the principal and coupons. The \$110 million can be in the form of non-tradable debt certificates that are similar to zero-coupon bonds in some of its features. Debt cannot be traded in Islamic law. Therefore, these certificates are not tradable.
- b) *Salam* Certificates: In *salām*, funds are paid in advance and the commodity becomes

debt. The funds paid can also be in the form of certificates representing the debt. These certificates are also non-tradable. 17

Conclusion and Recommendation

Nigeria as an emerging economy in Africa has the potential to be among the 20 largest economies in the world but its lack of infrastructure has deprived its citizens of massive development opportunities. A number of emerging African countries such as Gambia, Senegal and Kenya etc, have in recent years utilised *sukūk* bonds to build infrastructure and achieve their developmental goals. An increase in the use of funding generated from *sukūk* may therefore become the solution to Nigeria's long-term infrastructure development quagmire, precarious and entrapping position.

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