

WOMEN, ISLAM AND CURRENT
ISSUES IN DEVELOPMENT



Essays

In Honour of
Dr. Lateefah Durosinmi

Edited By:

Wole Abbas

Jade Mohammed

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**'Wole Abbas
&
Jade' Mohammed**

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All praises and adoration is due to the Almighty Allah (S.W.T) without whose permission the thought of this project would not have surfaced or blinked not to mention its realization! It has however pleased Almighty Allah to make use of various persons and institutions to bring this work to fruition. To this end, we register our gratitude as follows: To Federation of Muslim Women's Associations in Nigeria (FOMWAN) and Muslim League for Accountability (MULAC) for granting the permission to use some of their past commissioned papers; To all contributors without whom there will be no work to edit; To the planning Committee for undertaking the task of kickstarting the book project. They are Alhaja Rafiat Sanni; Alhaja Lateefat Giwa, Sis. Mistura Sanni, Sis. Mistura Sanusi; Sis. Surura Bello and Sis. Jade' Mohammed and all those who took keen interest in the project.

We re particularly grateful to all our editorial consultants and our mother in Islam, Hajia Aisha Lemu for agreeing to write the foreword.

To all we say *Jazakumllahu Khayran*.

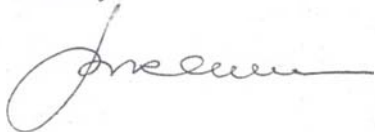
Special thanks to the publishers for their interest in the book project.

FOREWORD

It is with pleasure that I commend the production of a new book in honour of Dr. Lateefah Moyosore Durosinmi titled "Women, Islam and Current Issues in Development". The book is significant in providing reference materials and Islamic perspectives on various aspects of our national life and development.

It is therefore not just a book in honour of a worthy Muslim woman and activist, but also a contribution to a pool of literature that moves humanity forward within the framework of Islamic guidelines.

I therefore recommend this book to all those who are interested in this field. I seize this opportunity to congratulate Dr. Durosinmi for the well-deserved honour, as well as the Project Committee for a job well done. May Allah (SWT) reward them all abundantly.



23/9/09

DEDICATION

TO

ALHAJA (DR.) LATEEFAH DUROSINMI

AND

All Muslim Women Activists in
Nigeria and beyond who incessantly
toil for the ideals of social Justice
for all and women in particular.

PREFACE

In contemporary times, it is fashionable to honour eminent personalities with writing of a book. It is also a pastime of many Nigerians to think, discuss and write about many developmental problems facing our nation. Fulfilling these twin objectives is what has resulted into this book.

This book which contains twenty-two chapters is a contribution to many discourses on the Nigerian nation as a member of the global community and its developmental issues with greater emphasis on women and education and coming from the stable of Muslims.

The book covers such issues as Muslim Women's Education, Muslim Women in Polygamy, Muslim Women Leadership, Women in Organizations (particularly FOMWAN), Islamic Parenting and Child Rights. In all these, the importance of education of Muslim women and their participation in national development from the family level to the centre of politics is brought to the fore and without resulting into any state of disharmony. Although children have rights and parents their duties, the system of inbuilt checks and balances within the Islamic framework guarantees effective individual development and ultimately the development of the nation. It is therefore not only necessary but required for Muslim women to stand up in activism and resist all forms of injustices.

In the book is also a diet on Health and Technology wherein recipe for prevention and treatment of breast as well as cervical cancer is served; indeed health of women is the health of the nation, thus requiring keen attention.

It is a promise of the almighty Allah that human beings will face trials and tests from Him. Thus the chapter on Food Technology reminds us that success in the toil and struggle of persons can only be achieved if Allah permits (Q.90:1-5, Q. 55:33), hence all effort directed at any technological advancement should be in conformity with the laws and guidance of Allah (SWT).

In other chapters, economic issues of the individual and the national are discussed. The wealth of the individual is the wealth of the nation. A Yoruba adage says "*ebi kii wonu ki oro miran wo*" – A hungry person is an angry person; and an angry person is next to being mad. But Muslims must seek lawful means of creating wealth. There is thus the need for further research in this area so that Muslims are not

excluded from the wealth of the nation and be perpetually retained in the cycle of poverty.

In all the treatise, there is the latent as well as the overt requirement of justice as this is Allah's command. (Q. 4: 135; 16: 90). The ultimate goal in Islam is not to attain mere comfort but *falaah* – eternal prosperity and contentment. Every Muslim must therefore bear in mind in all situations that there is one day everybody must constantly be conscious of, the day of resurrection and judgment.

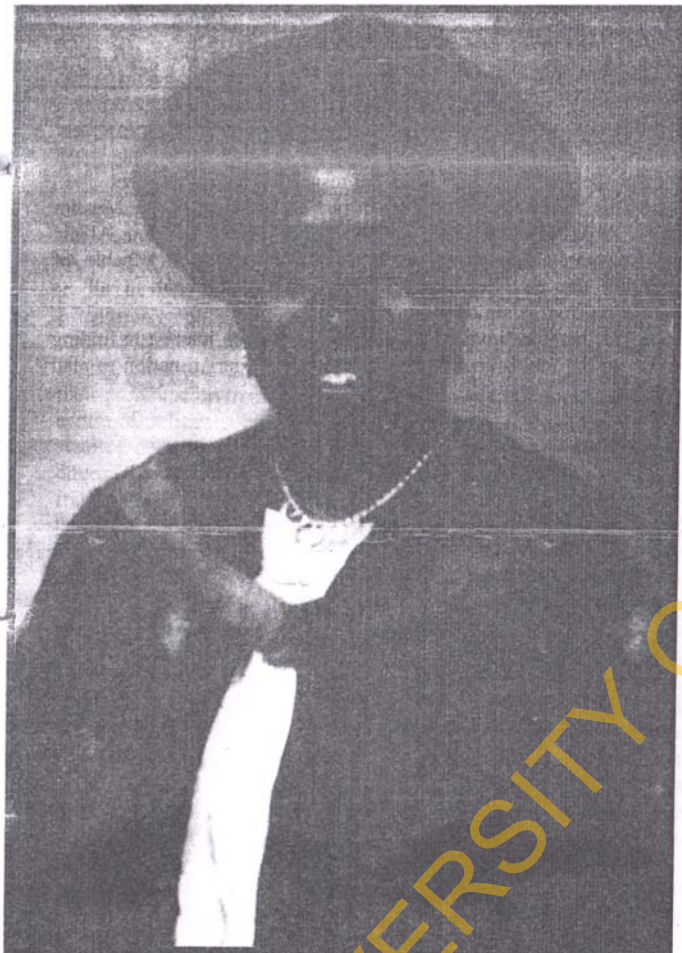
This book therefore seeks not just to honour a worthy Muslim woman, activist, scientist, educationist and a mother in Islam, Alhaja (Dr.) Lateefah Durosinmi, but also to offer solutions capable of redirecting the nation towards sustainable development in all its ramification from Islamic perspective.

We therefore invite every one who has keen interest in finding solution to the multi-faceted problems of the Nigerian nation to read this book.

'Wole Abbas

&

Jade' Mohammed



Dr. (Mrs.) Lateefah Durosinmi

BIOGRAPHY

Dr. Lateefah Moyosore-Oluwa Adunni Durosinmi (Mrs.) was born on July 7, 1957 to the Williams family of Olowogbowo/Koseh Street, Lagos Island, Lagos State, Nigeria. Her father was Late Alhaji Tijani Akanni Kolawole Williams (a.k.a T.A.K.) and her mother, Madam Wusamot Abeni Kareem. She had a well grounded background in Western Education and Islamic upbringing – her father being a retired Sales Manager of Asbestos Cement Products Company, Ikeja, Lagos and her grand father – Alhaji Issa Williams, a pioneer member of Ansarudeen Society, Lagos. In fact, it was recorded that late Alhaji Tijani Akanni Kolawole Williams was born on the day Ansarudeen Society was formed in Lagos.

Dr. Lateefah Durosinmi's mother hailed from Kareem/Tinubu family of Lagos, that is her father and mother's side respectively. She with her husband taught virtues of piety, contentment, hardwork, honesty and integrity to their children. Some of the siblings of Dr. Lateefah Durosinmi include Alhaja Airat Fahm, Mr. Kareem Toyin Bada and Mr. Hakeem Williams – a pilot. Dr. Lateefah Durosinmi thus started to thrive on the love of Allah, parents and siblings alike early in time.

For her primary education, Dr. Lateefah Durosinmi attended Patience Modern Girls' (Private) School, Olowogbowo, Lagos while she had her secondary education at Girls' Secondary Grammar School Gbagada, Lagos as a boarder.

Between September 1974 and June 1976, she had her Higher School Certificate ("A" level) education at the Federal School of Science, Victoria Island, Lagos. She immediately gained admission to the University of Ibadan to study Chemistry. She was a Scholar of the Lagos State Government. In October 1986, she obtained a Master of Science (M.Sc.) degree in Analytical Chemistry from the same university.

Dr. Lateefah Durosinmi met her heartthrob, Muheez Durosinmi, then a Part IV medical student after a jumat service at the University of Ibadan in January 1977. It was a reunion so to say as both had known each other as distant family friends on the platform of their Uncles in their childhood in Lagos. Late Alhaji Imam Mustapha Ekemode – a big uncle-in-law to Dr. Lateefah was the Chief Missioner of Ansar-ur-deen Society and the Coordinator of Muslim programmes on *Radio Nigeria, Lagos* while Alhaji Liadi Egberongbe, Dr.

Muheez's maternal uncle was his assistant, hence both families associated closely.

Dr. Lateefah Durosinmi got married on May 9th, 1981 and continued with her postgraduate studies with the encouragement and support of her husband. She moved to Obafemi Awolowo University, Ile-Ife in 1987 in company of her husband and was appointed an Instructor in Practical Chemistry and a Fellow of the Postgraduate School of the same University in 1988. In 1989, she became an Assistant Lecturer in Inorganic Chemistry and a full Lecturer in 1992 having completed her research work in Synthesis, Characterization, and some properties of Amino-Phosphoric Acids for the award of the degree of Doctor of Philosophy (Ph.D.) in Inorganic Chemistry.

She has since been committed to teaching various courses at undergraduate and postgraduates levels and supervision of student research projects in her department as well as undertaking various administrative duties in the University. She has also participated in various academic and scientific conferences in Nigeria. Between 1994 and 1995, she was a Postdoctoral Research Fellow in Loughborough University of Technology, Leices in the United Kingdom.

She is the current Acting Dean Students' Affairs of Obafemi Awolowo University, Ile-Ife. Since 1979, when Dr. Lateefah Moyosore-Oluwa Durosinmi obtained her first degree and observed the mandatory National Youth Service in Kwara State; she has remained committed to Science education and scientific research. She was a Chemist II, Quality Control Laboratory, Lagos State. Water Management Board, Iju Water Works, Lagos State (1980/81) and Chemistry Teacher ('A' Level), at the famous St. Anne's School, Moletu, Ibadan (1981-1985). Her activist spirit did not only manifest in academics but also in her service to her religion, women and youths in particular. She recalled that her inspiration for Islamic activism grew during her M.S.S. days at the Federal School of Science when various Muslim leaders gave talks to the young Muslims. She particularly recalled that Alhaji Olatunde and Alhaji G. Otioti were two of such leaders.

Dr Durosinmi has attended and presented papers at Islamic Conferences at the Local, National, and International Levels. It is believed in some quarters that for a woman to make it to the top, she has to stay single, and strong! This principle, idea, or philosophy, name it, has been wholly debunked by Dr. Lateefah Durosinmi who has successfully coordinated her family affairs without derailing from her

career responsibilities and or progression as well as waxing stronger in her services to humanity in various ways.

Someone has also asked the question, *is a husband always a necessary condition for a happy home? Those who have them know that some are more of a burden rather than an asset* (See *A Woman's Struggles, Triumph in The Nation*, Wednesday, December 6, 2006). Alhamdulillah that Professor Muheez A. Durosinmi does not belong to the group of the burden but that of the asset and indeed a good example of a Muslim man. He represents everything positive in the life and struggle of his dear wife. This is in obedience to the injunctions of Allah as contained in Q2:187 viz: "They are your garment and you are a garment for them" and that of the Holy Prophet Mohammed (SAW) especially as contained in His last sermon viz *Do treat your women well and be kind to them, for they are your partners and committed helpers. Remember that you have taken them as your wives and enjoyed their flesh only under God's trust and with his permission*. They thus both share the belief and philosophy that all hands must be on deck to help the course of humanity, education, women, youth and Islam in particular, hence, both are not resting on their oars. As such, both are members and role models who have continued to inspire many young ones in the Muslim world and outside of it. They are thus blessed with many friends, families and children. Their biological child however is Dr. Miss. Rafiat Durosinmi who has also stepped into the shoes of her parents by doing humanitarian or social works amongst her peers.

Dr. Lateefah Durosinmi has had the fortune of meeting and working with many notable Nigerians and Non-Nigerians alike, Muslims and Non-Muslims alike. Of particular mention are Dr. Abubakri Sanusi, a Consultant Nephrologist and the Chief Imam of the Obafemi Awolowo University Mosque, Ile-Ife, and Alhaja Lateefa Okunnu, a past National Amirah of FOMWAN and former Deputy Governor of Lagos State whose resilience resourcefulness and enthusiasm in working for the course of Islam has continued to be a source of motivation for her.

Dr. Lateefah Durosinmi is the current National Amirah of FOMWAN.

Success is indeed a journey and not a destination. This is wishing the family a continuously rewarding life as they continue in their world of service to Islam and humanity in general.

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MUSLIM WOMEN ACTIVISM IN NIGERIA

By

M. A. AMBALI*

Activism and rights cannot be separated because one emanates from the other. In similar manner that men are classified into grassroots populace and activists, women fold comprise grassroots class and the champions of the protection of their rights. They can be well accorded the status of the activists and the champions of women's rights. Indeed the status is as old as Islam itself and it has to continue as long as the rights of women fold are trampled upon or threatened by individuals or societies. A good number of events eloquently speak volumes of the agitations for the rights of women by women activists before the Prophet, peace be on him. They ranged from one subject matter to another.

Hind bint 'Utbah wife of Abu Sufyan led a group of women to the Holy Prophet, peace be on him, to make allegiance. Their dialogue went as follows:

Prophet: Do you promise me that you shall not associate anything with Al-Mighty God, Allah?

Hind: How do we expect that association of anything with God which, is not taken from men, shall be taken from us?

Prophet: That you will not commit theft?

Hind: Abu Sufyan (her husband) is a miser. If I pinch something out of his wealth, I do not know whether it will be legitimate or forbidden?

* M. A. Ambali is a retired Justice and former Grand Khadi, Sharia Court of Appeal, Kwara State

- Abu Sufyan: Cut in and replied her that what she has taken in the past is over. Then the Prophet smiled and then recognized her and said: are you Hind bint Utbah?⁴
- Hind: Yes, it is me. Forget and forgive what has passed. May God pardon you.
- Prophet: Do you promise me that you will not commit illicit cohabitation?
- Hind: Does a responsible woman do it?
- Prophet: Do you pledge before me that you will not practise infanticide?
- Hind: We reared them and you (men) killed them when they are grown up. You and they know best: (She cleverly referred to her son Hantala who fell at Badr war in the hands of the Muslims). Umar, may Allah be pleased with him, laughed heartily.
- Prophet: You will not commit any act of abomination?
- Hind: That's bad: All you directed us to do is uprightness and good manners.
- Prophet: You will not disobey me in the order that you do good.
- Hind: I swear by Allah that we cannot provide this forum while we harbour in our hearts, to disobey you in any respect⁷

Like **Hind**, **Umma Salmah** was another forthright woman activist who came to the Prophet, peace be on him, and said: Why did Qur'an concentrate on men only about the reward of **Hijrah**, sacrifice to leave Makkah or home for Madinahh and the maximum sacrifice, **Jihad**, participation in wars in the cause of God.⁸ In reply to her bold remarks Qur'an 3: 195 was revealed, saying:

And thus does their Sustainer answer their prayer: "I shall not lose sight of the labour of any of you who labours, in my way be it man or woman.

⁴ Her name rings bell because she committed atrocity over the corpse of martyr Hamzah, may God be pleased with him, during the **Hud** battle.

⁷ Mahmud Shaltuti, Women in the Qur'an, Al-qur'an International Islamic Center for Population Studies and Research, Al-Zahar, Cairo Page 2.

⁸ Ibn Kathir, Tafsilur Qur'an Al-, Volume 1 page 441.

In the same manner that Umma Salmah's remarks provoked Qur'an 3:195, Salmah, the guardian of Ibrahim, the son of the Holy Prophet, peace be on him's, discussion with the Prophet led the latter to say:

A pregnancy attracts the reward of 270 day's fasting and uninterrupted 270 midnight **Nawafil**, voluntary prayers. Each drop of milk a mother uses to feed her child earns her a reward. For every sleepless night a nursing mother qualifies for the reward of setting 70 slaves free to seek God's favour.....The grace of God is not farfetched. He rewards every good deed either in the service of God or in the interest of humanity.⁵

The significance, appreciation and the rewards of the role of women in family favourably compare to those of **Jihadists** and **Fuqaha**^c-jurists.

Asma^cu bint Abubakar, may Allah be pleased with her and her father, was another woman who displayed unparalleled courage and instilled it in her child, Abdullahi Ibn Zubair, may Allah be pleased with both father and son. The son held unto power in **Hijaz** that is **Makkah** and **Madinahh** regions in the early days of crisis after the demise of the Prophet, peace be on him. He was afraid of the onslaught of the rival enemies and went to her mother, **Asma^cu** for advice. Their discussion was as follows:

Abdullahi B. Zubair: Dear mother, those who stood by me lacked the fortitude to resist the attack of the enemies. What do you recommend?

Asma^cu: By God, you know best about yourself. If you are on the right path, then go ahead as people of the same belief did. But if you desire the world, what a poor servant you are: You have destroyed yourself and your followers.

Abdullahi b, Zubair: My mother, I fear that they will mutilate me after killing me.

⁵ Selected passages in **Sunnah** pages 349-2450 of the Place of Women in the Muslim Family organized by International Islamic Centre for Population and Research Centre in Cairo.

Asma^u:

A ram does not bother its being butchered after it had been slaughtered.**

Khawlah bint Tha^lab represented the opinion that the female members of the humanity is not expected to remain passive, nodding dump assent to all laws and practices imposed by males in the name of cultural norms, unjustly. To reject a degrading practice, Khawlah protested to the Prophet, peace be on him, against the Arab practice of **Zihar**.^{††} As such 58th chapter of the Qur'an was revealed. Its title **Al-Mujadalah** means, the woman who argues her case.

INHERITANCE ORDINANCES

Qur'an 4:12 – 15 which discusses the cardinal points of inheritance was revealed at the instance of a woman and in the interest of the weaker sex generally. It was the wife Sa^d b. Ar-Rabi^u who came to the Prophet, peace be on him. She took along her two daughters whose father became martyr in the battle of ^oUhud. She told the Prophet, peace be on him, that their uncle took possession of the estate of their father leaving nothing for the children. She complained further, there was nothing to make them attractive for marriage. The Prophet, peace be on him hesitated for obvious reasons. What the children's uncle did was not strange in the pre-Islamic days and there was then no revelation to the effect. Later the verses of the law of succession were revealed as a result of the bold step taken by the widow.^{‡‡}

Another vocal woman in the early days of Islam was **Asma^u bint Yazid Al-Ansariyyah**. She faced the Prophet, peace be on him and said:

I prefer you to my father and mother, Apostle of God. I am a delegate (advocate) of women before you. God sent you to both men and women. We believe in you and your God. We women are marginalized whereas we are the pillars of your homes and carriers of your pregnancies. But you men take precedence over us individually and collectively. You have the

** The place of Women in the Muslim Family, Report of the Seminar organized by International Islamic Center for population Studies and Research, Al-Azhar, Cairo in 1975 to mark International Day for Women, Page 148 and Page 204. The words of courage came from her at the age of 100 years.

†† Zihar was abominable way pre Islamic Arabs used to terminate their marriage by making the backs of their wives equivalents of their mothers.

‡‡ Ibn Kathir, Tafisrul Qur'an Al-Azim, 2nd Edition 1998-1418 Darul Salam, Press Riyal Volume 1 page 608.

advantages of having the rewards of visiting the sick, taking part in funeral services, pilgrimage after pilgrimage... We look after your wealth, wash your clothes, bring up your children, shall we have shares in the rewards and the other benefits?^{§§} This list cannot be exhausted.

TWO MAJOR STIGMATIZATIONS.

Two stigmatizations account for the inferiority complex between the male members of the human society and their female counterparts. One of them is wrong interpretation of Qur'an 4:1.

Oh Mankind, be conscious of your Sustainer, who created you from a single soul and of its kind created its mate and from them twain spread men and women. Qur'an 4:1.

The acceptable interpretation of this verse then is that Hawa belonged to the same substance as Adam, possessing identical aptitudes and propensities. Islam therefore rejects the biblical story and the **status quo**, which it created. Islam holds that both sexes are mutually complementary, since no one can survive without the other. More than anything else both genders have identical mission in life – to work and earn salvation.

How then did the myth of inequality in term of origin get to the heads of some Muslims? It is due to the errors in the interpretation of an **Hadith** which was wrongly linked and used to explain, Qur'an 4:1. The **Hadith** reads:

Women have been created from a rib, and surely, the most crooked part of a rib is the best part thereof. If you set yourself to straighten it, you will break it.^{***}

In the first place the **Hadith** is an argument against the fallacious myth. It does not mention Hawa but speaks generally of women. In

^{§§} Mahmud Shaltuti Op cit.

^{***} Ibn Kathir Op cit page 596.

addition, no wife is created from her spouse. This ordinary meaning is too causal to make sense. So there is need to look beyond the literal meaning of the wording of the **Hadith**. Usually when literal interpretation fails to convey the sense or the idea expressed, good audience takes to its idiomatic meaning. There is every need to take cognizance of the beauty of the figurative expression of the Prophet, peace be on him. The word **Dil'** translated as rib stands for the peculiarities of women which distinguish them from their male counterparts. The **Hadith** describes them as the best traits in their character and nature. Men too have certain peculiarities. It is the combination of the male and female peculiarities that make life worth living. To fail to recognize these traits in women in dealing with them is to destroy the most attractive and winning aspects of their personality.

The second stigmatizing myth is the fallacy that Satan used Hawa to capture Adam, peace be on him. In the correct interpretation of the relevant Quranic verses, both Adam and Hawa were held severally and jointly liable for their respective role, leading to the proverbial fall of Adam. This opinion has support from Qur'an 2:36 and 7-27. The former runs as follows:

"And We said, "O Adam dwell thou and your wife in the garden and eat therefrom plentifully wherever you will but approach not this tree, lest you be of the wrong doers. But Satan caused them both to slip by means of it and drove them out of the state in which they were...."

وَكُنَّا يَا آدَمُ اسْكُنْ أَنْتَ وَزَوْجُكَ الْجَنَّةَ وَكُلَا مِنْهَا رَغَدًا حَيْثُ شِئْتُمَا وَلَا تَقْرَبَا هَذِهِ الشَّجَرَةَ فَتَكُونَا مِنَ الظَّالِمِينَ . فَآزَاهُمَا الشَّيْطَانُ عَنْهَا فَأَخْرَجَهُمَا مِمَّا كَانَا فِيهِ ...

This verse strengthens the stand that each is accountable to God for his or her actions and inactions. The removal of the two stigmatizing myths places woman and man on the same plain in terms of responsibility and equality of origin. The complementary attributes of the two sexes are emphasized in (Qur'an 2:187)

They are apparel for you (men) هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ .
and you are apparel for them.

The beautiful figure of speech described the mutual positions of the spouse. It goes beyond satisfaction of sexual urge and extends to safeguarding each other against evil and scandal mutually. It is an accurate expression of mutual love, comfort, protection and embellishment of each other in the way that our good garments enhance our satisfaction, fulfillment, beauty and dignity. The role of each is indispensable. In addition one sex cannot replace the other in its assignment in the micro society called family as well as the larger society of human race.

Ratio 2:1 in succession law: The principle of Islamic Law of succession whereby female heirs take half of what their male counterparts take is the most recklessly criticized as a form of gender discrimination. Why did Islamic Law fail to complete the circle of revolution of gender equality it introduced through the revelation of Qur'an 4: 11 -16? In the first place, it is not in all occasions that the ordinance: **to the male, a portion equal to that of two females**^{†††} applies. It is therefore out of place to use it as basis to arrive at the conclusion that Islamic Law regards and treats females as halves of their male counterparts. In Islamic Law of succession itself, both genders are treated equally in certain circumstances: In a situation where the deceased is survived by his or her parents and children, Qur'an 4: 11 orders thus.

For parents, a sixth share of the estate is to each (father and mother of the deceased) if he is survived by any child. ... وَلَا يُؤْتِيهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا الشُّبْحُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ ...

Another instance is from Qur'an 4: 12 where God said:

If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister **each** of the two gets one sixth but if more

وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ وَلِكُلِّ وَاحِدٍ مِّنْهُمَا الشُّبْحُ فَبَيْنَ كِلَيْهِمَا أَكْثَرُ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثَّلَاثِ .

^{†††} Qur'an 4:11

than two, they are (equal) sharers in one third of the estate.

These three examples expose the fault in the allegations. Every system has its own peculiarity. Qur'an 4:35 imposes the maintenance of a female child, like that of her male counterpart, on their father from infancy till the latter attains adulthood and he is capable to earn a living while that of the daughter hangs on him till she is married and the marriage is consummated.^{†††}

Then her maintenance shifts to her husband. It means, in Islamic society, as daughters or wives, the females are maintained and as fathers or husbands the males bear the responsibility. Hence the principle of ratio 2:1 in men's favour.

It is a fact, well known, that not all men discharge this duty. Yes, but that is no basis to call for the amendment of the Divine orders. If we continue to change laws because men flout them, there shall be no end to it. In Islamic society it is the Laws that mould the citizens' way of life and not the reverse.

For here it has been neither the nation nor the people which has made the Law; it is the Law which has made and moulded the nation and the people^{§§§}

Some critics argue that in the interest of equality and changes in our societies, there is need to change that ordinance. Readily the adherents of Islam will recall Qur'an, saying:

And when our clear Signs are recited unto them, those who do not hope for meeting with Us say: Bring a Qur'an other than this or change it. Say, "It is not for me to change it of my own accord. I only follow what is revealed to me.

وَإِذَا تُتْلَىٰ عَلَيْهِمْ آيَاتُنَا قَالِ الذِّكْرُ لَا يَرْجُونَ لِقَانَا إِنْ كُنَّا بِفِرَاقٍ غَيْرِ هَذَا أَوْ يَدُلُّهُ فَمَا يَكُونُ لِي أَنْ أَبْدِلَهُ مِنْ تِلْكَ الْقَائِمِ نَقْمِي إِنْ أَتَيْتُ إِلَّا مَا يُوْحَىٰ إِلَيَّ إِنْ كُنْتُ مِنْ عِندِ رَبِّي عَذَابٌ يَوْمَ عَظِيمٍ.

††† As-Sayyid ʿUthman b. Hasanain Al-Maliki, 1982/ 1402 Sirajus Salik, Commentary on Ashalul Masalik, Darul Fikr, Lebanon, Volume II, page 118.

§§§ F.H. Ruxton Lucas & Company, London, Maliki Law page 1.

Indeed I fear, if I disobey my Lord, the punishment of an awful day:^{****}

IS A FEMALE WITNESS HALF OF HER MALE COUNTERPART?

Why should the evidence of two competent women be equal to that of one male competent witness? An Islamist will respond as follows: He will cite Qur'an 2: 282 and go further to say that is Wahy –revealed message. No muslim has power to change it out of his/her will. He will find support from Qur'an 10:15 quoted earlier in the paper to support the immutability of Sharia.

In Islam there is but one Law, and it is the Religious Law, signified in the word **Sharia**. In other words it is the only supreme Law; for it emanates from God, who decreed its main bases in the Koran. With **Muhammadans** the law is also dogma^{††††}

Further justification will be indisputable strains and rigours to which women are exposed and which cut across their entire life span. They range from cyclical and psychological strains of monthly course, early pregnancy burden, labour room experience, the mixture of pain and joy of child bearing, child care and breast feeding, the ante-natal and post natal depressions, the fear of the on set of menopause, their attendant lethargy...

It cannot be readily ascertained in which of these states of mind did the incident occur and upon which they are to give evidence. Or what they will be experiencing out of all these at the time they are to testify.

Germaine Greer, a feminist author said:

You can't try to postpone the inevitable. The whole thing about women is that they change. We are the changeable sex. Men, poor old things seem to me to just go on in the same groove for their whole lives^{††††}

**** Qur'an 10:15.

†††† Ruxton F.H. (1916), **Malik Law**, London Luzac & Company page 1.

†††† Shamshad Khain, (1992) **Why Two Women Witnesses** Taha Publishers Limited, London page 12

The stains and stresses have a lot of effect on them but God is so kind to endow them with forgetfulness which is a blessing, to usher in relief. They do not make women inferior to their male counterparts. They only illustrate that they are different to enable them fulfill the purpose for which they are created.

MUSLIM WOMEN IN PUBLIC OFFICES

For the purpose of this discourse public offices shall be categorized into (a) key offices ranging from heads of ministries, public and private enterprises and other key areas of public services such as Health, Education, Security, industrial sector, banking, finance and many other segments of the public service including political offices at all levels. (b) Judicial appointments of all categories, such as magistracy, State and Federal High courts of Justice, Sharia Courts of Appeal, Court of Appeal and the Supreme Court (c) Holding the highest office in the country as the President or Prime Minister as the case may be.

Precedent

Umar b. Al-Khattab, may God be pleased with him, gave Ash Shifau Al-^ʿadawiyah the responsibility to supervise the affairs of the market of Madinah. She was respected for her intelligence, honesty and capacity. It is on the basis of this that the view rests that as long as a woman possesses the attributes of a leader she can head public institutions such as schools of all grades, health institutions of all grades, security outfits, financial houses, law firms etc as long as she possesses the qualification, merit and attributes to discharge the responsibility. Nothing and nobody, for any reason should stand in the way of muslim women because their services are needed like their male counterparts in this competitive world of ours.

MUSLIM WOMEN AND JUDICIAL APPOINTMENT.

Hardly can this be thoroughly discussed without dividing societies to purely Islamic ones like Saudi Arabia, Iran, Pakistan and other Muslim societies which are not governed by Islamic law such as Egypt, Sudan, Senegal, Nigeria, for example. In the former, women cannot hold judicial offices. This is the opinion of all the four

orthodox schools, although the minorities hold contrary views.^{§§§§} The radical views were championed by Ibn Jari At-Tabariy and Ibn Hazm. Both allow women to adjudicate on all matters.^{*****} Some hold that women can adjudicate only on issues related to family law. In between the two views, are those who support women's adjudication in family Law disputes mainly and at best civil matters.

The strongest reason in support of the orthodox and majority view of the jurists is strains and anxieties to which women are generally exposed by their nature, which make their testimony require second opinion. The maxim is where you cannot testify, you cannot adjudicate. This is because, in the case of testimony it cannot be stated with certainty the prevailing condition(s) during the acquisition of the information. Similarly it cannot be guaranteed that the female judge is not under one of the naturally tense situations to which women are subjected.

We should however not rush to decision. The majority opinion operates in Islamic states because they are governed in *toto* by Islamic Law. It shall not be the same in the muslim societies which are not governed by **Sharia**. It is the constitutions of such states that govern who does and who does not qualify to hold judicial offices.

CAN A MUSLIM WOMAN HEAD A NATION?

Ordinarily and very promptly a good number of Islamists will say, being Head of a State or Government is reserved by Islamic Law for men and it is a no go area for their female counterparts. Readily, they will refer to Qur'an 4: 34.

Men shall take full care of women with the bounties which God has bestowed more abundantly on the former than on the latter and they may spend out of their possessions.....

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا.

The jurists who hold this popular view rely very heavily on the first part of the verses under reference that men are the

^{§§§§} Nasir At Tariqiy, (1914/1414) *Al-Qadai fi 'ahdi 'Umar b. Khattab* Taobah Press, Riyad Volume 1 page 212.

^{*****} *Ibid*.

guardians/superintendents/ protectors of women. They then concluded that women cannot be the head of a nation since they are to be catered for within the family.

The opponents of this interpretation drew our attention to the fact that this verse deals with family matters only. This becomes very clear and very convincing when the following part of the verse, discussing the duty of the men to maintain their families, the reciprocal duties of the women in the family set up and guidelines to follow to resolve conflicts in the family is read. It says:

And as for those women whose ill will you have reason to fear, admonish them (first), then leave them alone in bed.....

And if you have reason to fear that a breach might occur between a (married) couple appoint an arbiter...

The circumstance of its revelation supports second view that the verse deals only with marital affairs and duties. Habibah b. Zaid b. Zuhair misbehaved to her husband, Abu Said b Ar-Rabi^c and he slapped her. Her father took her to the Prophet, peace be on him, to complain, that he gave Abu Said the apple of his eyes as wife but he slapped her. The Prophet, peace be on him ordered retaliation. The verse was revealed on how to correct an erring Muslim wife.^{††††}

The proponents concede that the wordings of the verses of the Holy Qur'an are as important as the circumstances of their revelation. Rightly both **Lafz**, wording and **Sababun-Nuzul**, circumstances of revelation go a long way to determine the applicability of a verse to a situation under consideration. The contention then between the two groups: majority and minority opinion holders is whether to give the **lafz** in Qur'an 4:35 generic interpretation or restrict it to the family matters based on the circumstance of its revelation. It is very clear that the case herein (Q.4:35) is quite different from the elastic interpretation of the popular statement **As-Sulh Khair**, meaning reconciliation is better contained, in Qur'an 4:128. Interestingly both discuss family matters. Qur'an 4:128 reads:

^{††††} Ibn Kathir Op cit .

And if a woman has reason to fear ill-treatment from her husband...It shall not be among for the two to set things peacefully to rights between themselves! For peace is best.....

Another instance of quranic verse of generic interpretation is Q.22:37

..... (Mind you) Neither their flesh nor their blood reaches Allah what reaches Allah is your righteousness.

Although Qur'an 22:37 discusses animal sacrifice, the concluding part conveys universal meaning that applies to all modes of worship and deeds. This cannot be said of Qur'an 4: 35 where the circumstance of the revelation is more determinant of the interpretation rather than its wordings.

The popular statement of the Prophet, peace be on him, that **All actions shall be judged by the intention behind them:** إنما الأعمال بالنيات was made in respect of **Hijrah**, it has generic interpretation.

The minority view concedes that Qur'an 4:35 makes the man the head of the family under any circumstance. It however makes a clear distinction between the functions of a man as head of family and a head of a nation. In the former he protects, guides and provides money to maintain the family, while in the latter he manages the resources of the society for the well being of the society. This is an answer to the majority view that since a woman cannot head a family, which is a small component of the larger society, she cannot head the nation.

The arguments against leadership of women go further to say that neither the Prophet, peace be on him, nor the Caliphs, may God be pleased with them, appointed women as leaders of any society. The minority challenged it saying there was no clear - cut order against it. They say:

It is only what law forbids that الحرام ما دل الدليل على حرمة is unlawful.

The strongest support for the view of the minority comes from the story of Biliqis, the Queen of Sabai as contained Qur'an 27: 32: 34

She added: "O you nobles! Give me your opinion on the problem with which I am now faced; I would never make a (weighty) decision unless you are present with me".

They answered: "We are endowed with power and with mighty prowess in war – but the command is thine; consider, then, what thou wouldst command.

Said she: Verily, whenever kings enter a country they destroy it and turn the noblest of its people into the most subject. And this is the way they (always) behave.

قَالَتْ يَا أَيُّهَا الْمَلَأُوْا أَفْئُوْنِي فِي أَمْرِي
مَا كُنْتُ فَاطِعَةً أَمْرًا حَتَّى تَشْهَدُوْنَ
قَالُوا نَحْنُ أَوْلُوْا قُوَّةً وَأَوْلُوْا بِآسِ
شَدِيْدٍ وَالْأَمْرُ إِلَيْكِ فَانظُرِي مَاذَا تَأْمُرِيْنَ
قَالَتْ إِنَّ الْمُلُوْكَ إِذَا دَخَلُوْا قَرْيَةً
اقتدوها وجعلوا أعزرة أهلها أذلة
وكذلك يفعلون.

The stories contained in the Qur'an are not for entertainment like moon light stories. They were events from which muslims in particular and mankind in general should learn. In the story of Bilqis as a ruler, Quran commends her wisdom to discern truth from falsehood, her genuine concern for interest and wellbeing of the ruled and the attribute of consultation before taking major decisions. These attributes remain features of good governance for ever, both in an Islamic or non Islamic states. Why on earth did Qur'an use the leadership of Bilqis to teach the art of governance, if a woman cannot lead a nation remains a pertinent question for us to answer. The universality of the verses of Biliqis rulership negates the generic interpretation of Qur'an 4:35.

In Nigeria, like other Muslim states which are not Islamic states, it is the constitution of the country that governs who leads and who does not. In addition we should put the chauvinism of our male political class where it belongs. Where in Nigeria, and to what public office, executive or legislative, manned today by men do we follow

Islamic Law? If we do not talk of Islamic Law in the offices occupied by men, what hypocrisy or male chauvinism is worse than saying Muslim women in Nigeria should not vie for such positions?

In the Farewell Address given by the Prophet, peace be on him, during the Farewell **Hajj**, he expressed serious concern and fear over three things. One of them is the status Islam accorded women. That shows that the rights will ever be threatened unless resisted. The champions of the resistance are the Muslim Women Activists and their brother-sympathisers of the women's rights. The victory of the women activism is justice and its defeat is to perpetuate injustice.

PROSPECTS AND CHALLENGES FACING THE GLOBAL UMMAH AND HUMANITY

By

HABIBA MUDA LAWAL*

INTRODUCTION

Perhaps, the first place to begin is re-emphasizing who is a Muslim.

A Muslim is a man or woman, boy or girl that believes in the Kalimat Shahada "I bear witness that there is no deity except Allah, and Muhammad (SAW) is the messenger of Allah".

Ummah literarily translated means a "community". However Islam has its defined characteristics of a Muslim Community. The first of such is the reference verse found in the *Suratul Al-Imran*.

Therefore, the aim of this paper is to assess the prospects and challenges facing the Global Muslim Ummah i.e. the Muslim Community. Thus, can there be such a thing as 'progressive Islam' in the difficult times we live in? What are the **challenges and prospects** of this latest wave of Islamic thought? These are some of the questions that will be addressed in the course of this paper.

While challenges facing the Muslim *Ummah* are stupendous these times, the prospects are even brighter.

PROSPECTS

Islam is not a monolithic religion, but, like its practitioners, has many faces and different ethnic identities: it is a faith that celebrates peace and honours diversity: it also values knowledge and understanding as a fundamental principle of both spiritual and secular lives. One out of the five people around the world is a member of the

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Islamic faith. Predominately Muslim nations stretch from Bosnia to Bangladesh to Nigeria to Indonesia (the largest Muslim nation). The Muslim Ummah population spreads over the continents of Asia, Africa, Europe and Latin America. 57 countries of Muslim Ummah form one third of the UNO membership and the Muslim Ummah controls all the waterways and land routes. Muslims own 60% of the Mediterranean, the cradle of all civilization; in fact the sea is a Muslim lake. They hold 60% of the world oil wealth beside many strategic minerals. Apart from the mammoth market provided by the huge population, it has tremendous economic potentials. This includes 50% world's oil production and approximately 40% of world's export of raw materials. The income spectrums of Muslim countries are evenly spread, from very rich to really poor.

There is therefore, a lot of promise of trade and investment between the OIC nations. Accessibility to finance, easy and competitive transportation links, standardized marketing and management strategies as well as easy access to information on available resources are some of the key issues that would help to augment intra-trade within the Muslim *Ummah*.

If one wants to see the wide interplay and dizzying range of Muslim cultures, one place is the holy city of Mecca, where Muslim pilgrims gather from every corner of the globe to fulfill a sacred duty. While the precise figures remain elusive, there is no dispute that the numbers are on the rise. Islam's appeal lies in the simplicity of its principles, in its harmonious interplay of faith with reason, its vision coordinates the sacred and the secular into a comprehensive whole. Due to Islam's stress on equality and brotherhood of its community, it has special appeal for the historically oppressed. Thus, mosques, Islamic centers and schools truly represent a melting pot for the Muslims all over the globe. A remarkable phenomenon of the first half of the 20th century was the cultural "Westernization" of the "Muslim World". This has been reciprocated in the latter half by the demographic "Islamization" of the Western world, consolidating Islamic presence in the West through migration and conversions to Islam. The West has lured Muslim professionals and experts from their native lands contributing to the drain of where they came from. Now, along with the growth of Muslim population, the West has witnessed the birth of Muslim professional associations of engineers, educators and scientists.

CHALLENGES

However, in spite of so much assets and strengths, the *Ummah* is like a disabled giant. Major reasons for that is the unrepresentative governments followed by massive illiteracy, low quality of governance, lack of operational commitment to Islam, especially by the elite, people-government polarization with lack of credibility of the latter, lack of real reforms and misusing Islam for ulterior motives. The fragility and ineptness of institutions, which if do exist, prevalent permissiveness and promiscuity, riled up ethnic issues and finally Cabal, subversion and espionage, both from within and without. The Organization of Islamic Countries (OIC) which is an association of all Muslim Ummahs is confronted by a number of challenges that is threatening the peace and stability, economic development, faith and the fundamental elements of their way of life. These were some of the many **challenges** voiced by delegates during the Inaugural OIC Business Forum, which was held on the sidelines of the 10th OIC Leaders Summit in October 2002. The heads of state/government of the Islamic states have so far participated in 13 summit meetings in which they have voted for the establishment of an Islamic common market, Islamic television, Islamic army, disarmament supervision body, Islamic tribunal, Islamic university, and the list goes on. However, the resolutions of the Islamic body have remained on paper only.

ECONOMY

Though there is a lot of promise of trade and investment between OIC countries, because of its potentials and resources. Member countries' share of world trade only stands a little over 6%. The large amount of resources available amongst the Muslim Ummahs remains largely untapped due to the lack of technological capability and more importantly, the absence of visionary policies. Clearly, there is a lot of promise of trade and investment between the OIC nations. Accessibility to finance, easy and competitive transportation links, standardized marketing and management strategies as well as easy access to information on available resources are some of the key issues that would help to augment intra-trade.

The Ummah is burdened by neo-colonial history and policies that are detrimental to their interests by others. To make such policies effective we have ineffective and non-genuine regimes, that are called surrogate governments, and the UNO is an effective instrument of neo-

colonialism coupled with the Breton Wood institutions ensuring market and state capitalism, the environmental exploitation by the consumptive developed nations, worst of which is the dumping of radio-active material in the third world countries. While the developed nations find it economical to dump this waste in others' yards than to neutralize it, this is a serious threat to human and other life for a long time to come. Larry Summers once referred the dumping of radioactive waste as a typical expression of neo-colonialism.

INVASION AGAINST MUSLIM UMMAH

The political installations of surrogate governments in Muslim countries are the most blatant forms of invasion of the Muslim Ummah; in addition to the economic exploitation and trade invasion and mortgaging of developing economies. The subtlest and yet lethal with long lasting effect is the cultural invasion made in the forms of encouraging permissiveness and promiscuity among the Muslim masses, particularly the educated and the youth. Alongside is distortion of history in the sectors of archeology, anthropology etc. Destabilization of technology, assault by media, strategic intelligence and introducing the sweetened ideas of pluralism, secularization and other pantheistic perceptions are also some of the challenges faced by the Muslim Ummah.

THE ISSUE OF 'FUNDAMENTALISM'

It seems that whatever cannot be attacked on the basis of religion, can be attacked in the guise of politics. Hence, the birth of the unfounded concept of 'Fundamentalism', the feigned concern about 'Fundamentalism,' and the subsequent attempts to link 'Fundamentalism' to illegal actions. Let us look further at the terminologies and perceptions.

- If by 'fundamentalists' it is meant those who align themselves with the fundamentals of their faith, then every true believer of every faith tradition is duty-bound to be a fundamentalist.
- If 'fundamentalism' is equated with fanaticism or extremism, then Islam explicitly distances itself from those things. The Qur'an clearly states that Muslims are "those who are balanced, followers of the middle path" [Qur'an 2:143]; while the Prophet Muhammed stated, "destroyed are the extremists."

Extremists are found among people of all ideologies. They do not represent the faiths, nor are they the model sample for judging people of faith. The question implies that 'extremism' and 'fundamentalism' are synonymous and that this extremism is a component of Islamic ideology. Both assumptions are incorrect.

The first definition in Webster's dictionary for 'fundamentalism' is 'a movement in twentieth-century Protestantism emphasizing the literally interpreted Bible as fundamental to Christian life and teaching.' How and why this term has been sufficed to Islam and Muslims, with distinct negative connotations, is as mysterious as it is diabolical. It is unfortunate that the media often reinforces the negative stereotyping of Islam with images of radicalism, terrorism, and militancy. This negative portrayal is unjustified and certainly inaccurate. All people of faith are expected to live by the fundamental principles of their faith, but none has the right to be extremists.

The term has been appropriated forcefully by some Western writers for use in derogatory contexts. Today, even the press in Muslim countries uses it uncritically. Yet, its meaning was never made clear. The term has been used to refer to a host of groups, which apparently have no common denominator. For example, it has been used to describe countries such as Iraq, Libya, Syria, Iran and Saudi Arabia. It has been used to describe political activists who happen to be Muslims, and to describe devout Muslims who have no interest whatsoever in politics. In short, it has been used to lump several categories together, innocuous as well as dangerous, constitutionally protected as well as criminally prosecutable. It lumps all of them all in one single neat package, which is then presented to the American public as hostile, dangerous and threatening force emanating from the Islamic tradition. As a result of this subconscious suggestion and the equivocation on the meaning of the word "Islamic Fundamentalism," every observant Muslim, every covered Muslim woman, every mosque-frequenter, has become a suspect and protected religious minorities have been turned into unprotected 'extremist political groups'.

The association of Islam with 'fundamentalism' has raised a plethora of problems. The term itself, when coupled with negative connotations, appears at least linguistically and psychologically to signify that the problem lies with the fundamentals of Islam. This kind

of silent suggestion is very damaging to Muslims because it does not provide an opportunity for a conscious rebuttal.

THE QUESTION OF IDENTITY

Islam being associated with terror and equated with fundamentalism poses a double-edged sword. One is made to feel guilty by association and there is almost a demand that if you are a Muslim then clearly distinguish yourself from the (false) perceptions that prevail. Despite multi-racial, multi-ethnic and multifaceted differences and tensions throughout the globe today, Muslims are often portrayed as a homogenous bloc. Some simply fail to acknowledge the global diversities and instead view the population as a unified force, without dissension or distinction. Few believe the answer is isolation from all non-Muslims; many either shroud their identity or abandon the religion altogether. Most are struggling with trying to be good Muslims and good citizens. Neither isolation nor absorption is generally seen as a goal in the conversations among Muslims who are searching for guidelines and principles that can speak to the majority of the members of the complex body that is American Islam.

Can Muslims, recover the dynamic principle of *ijtihad* – sustained and reasoned struggle for innovation and adjusting to change – that has been neglected and forgotten for centuries? Can Islamic civilization avoid the future being programmed by globalization and create an alternative modernity, that is, not destructive to tradition but adopt it critically, challenging feudalism and patriarchy and authoritarian knowledge politics, and creating a world, modern, but different from the West?

The possibilities are mixed. With the ascension of the West, Muslims have internally adopted the Orientalist codes, seeing themselves not through their own historical eyes – gaze – but through the lenses of Western categories. What results then are imitations of the West, instead of multiculturalism or anti-West rhetoric for local power politics. The strength of globalization in terms of shaping the world economy as well as world culture – the politics of idea production, how Hollywood movies shape world notions of self-do not bode well for other cultures (except in exoticized forms).

The hallmark of a Muslim (Believer) is that he cannot be bitten twice from the same hole. But today the position of Ummah, and particularly that of the rulers of Moslem States, is such that they are bitten not twice but again and again because of lack of Faith and

Muslim's characteristic wisdom. This does not end here. They make rounds of the same hole and show respect to it. This is not a mere parable.

THE TRUTH ABOUT ISLAM AND MUSLIMS

- Muslims need to separate the essential and fundamental issues from secondary and non-essential. They need to prioritize and emphasize the fundamental essentials. The crucial element that the parents could impart these generations is a coherent, rational and cogent perception of Islam with patience, courage and understanding.
- Muslims still have to learn how to leverage their increased visibility and access in a way that results in their inclusion in policy discussions, shaping policy and impact the general public opinion, by becoming an influential constituency.

ISLAMIC PARADIGM

Generally this alternative paradigm as articulated by various Muslim writers consists of the following: There are ten such concepts, four standing alone and three opposing pairs. *Tawheed* (unity), *Khalifah* (trusteeship), *ibadah* (worship), *ilm* (knowledge), *halal* (praiseworthy) and *haram* (blameworthy), *adl* (social justice) and *zulm* (tyranny) and *istislah* (public interest) and *dhiya* (waste).

Tawheed articulates the larger Islamic unity of thought, action and value across humanity, persons, nature and God. *Khalifah* asserts that it is God who has ownership of the Earth. Humans function in a stewardship, trustee capacity, taking care of the Earth, not damaging it. The goal of the Islamic worldview is *adl*, social justice, and it is based on the larger needs of the people, *istislah*. To reach these goals, *ibadah*, worship or contemplation is a beginning and necessary step. From deep reflection, inner and outer observation, *ilm* or knowledge of self, other and nature will result. One's actions then are *halal*, praiseworthy and not *haram*, blameworthy. Moreover with this framework, *dhiya* (waste) of individual and collective potentials is avoided as is *zulm*, tyranny, the power of a few, or one, over many, or the power of a narrow ideology over the unity within plurality that the Islamic paradigm advocates. The science that emerges from it is not

educationist objective but synthetic and values based, focused on an emotional commitment to understanding Allah's world.

While the above presents an alternative paradigm of Islam, it is the vision of an *ummah*, a global community of believers and non-believers that defines this alternative globalism. At heart, Islam desires to reintegrate the individual as part of the natural order. While Western civilization has come to life in long drawn out battles against the tyranny of royalty (from the Magna Carta to the Glorious English Revolution) for Muslims it has been the most recent battles against colonialism and imperialism that has unleashed a humanistic spirit. The vision of the *ummah* "must be able to transcend cultural specificity [and] inhabit the realm of universal ideas."

This means that the vision of the *Ummah* must draw on the cultural resources from Islamic history using them to engage with other civilizations through inclusive dialogue. However, the universal must be stated within evolutionary terms, as part of the human unfolding drama. But behind this idealism lies the current reality of an Islam, that while dramatically increasing in numbers, is decreasing in conceptual unity, decreasing in its viability to create a new politics and economics, indeed, culture, that is; while Muslims trust in Allah, they are not doing enough to tie their camel – to become culturally and technologically innovative.

The levels of consciousness and goals aspired by the *Ummah* is listed in the order of their strength: establishing of *khilafa*, establishing an Islamic state, Islamisation of existing laws, revolt against east and west, discovering faith as binding force in the *Ummah* and attaining political autonomy.

The means for reviving Muslim realization through faith are:

- Reversion to Islam of both Muslims and others through *tabligh* and *dawa*, observance of religious imperatives in quality as well as quantity aspects, working for achieving greater political and economic cohesion and strength.
- Dissatisfaction for the existing un-Islamic practices and trends and divisive factors.
- Adopting Islam as a regime-maintaining strategy and a definitive quest for Islam as reaction to permissiveness and other poisons.

These levels of efforts are a measure of responses to re-establish our identity as Muslim Ummah.

Suggestions on what to do:

- (a) Review the memorandum of association of the Organisation of Islamic Countries organically and change the title of its' chairman' to 'Khalifa-tul-Muslimeen', saying this symbolic change will convey a totally different message.
- (b) Organize an Islamic defense force.
- (c) Establish Islamic common market and Islamic DFIs,
- (d) Use all possible means to introduce Islam in its original purity,
- (e) Organize Muslim communities living in the non-Muslim world as good ambassadors of Islam
- (f) Achieve media independence,
- (g) Reform and/or change surrogate regimes through internal means, not from without.
- (h) Establish supremacy of Sharia,
- (i) Set up an Islamic court of justice
- (j) Evolve strategic intellectual consensus (SIC) and
- (k) Establish an Islamic Council of Ijtahaad.

We are at the crossroads. We may join the march at the tail of the Western caravan... Or we may return to Islam and make it fully effective in the field of our own life, spiritual, intellectual, social and economic. The ultimate issue is with Allah; our duty is to trust in Him, and to have faith. Islam for one is not an ideology to create splits. In the light of Unity of Allah it is a unifying force.

Implementation of Islamic projects would definitely guarantee the solidarity of the worldwide Islamic Ummah (community). However, if the plans continue to remain on paper, the OIC can never fulfill its lofty mission.

Since Islamic states have one-fifth of the world's population and possess 80 percent of global energy resources, they should use their great potential and utilize the resources at their disposal to effectively influence international developments. A revitalized OIC would definitely be a major player on the world stage.

Furthermore, Muslims expect the Islamic forum to demonstrate its firm will through practical measures. If OIC officials fail to address the challenges facing the Islamic world today, tomorrow they will be

responsible for the bleak prospects of the upcoming generation of the ummah.

UMMAH AS AN INTERPRETIVE COMMUNITY – A PREFERRED FUTURE

Ummah as an operating framework for the future challenges and as a concept means three things:

- (1) The *Ummah* is a dynamic concept, reinterpreting the past, meeting new challenges.
- (2) The *Ummah* must meet global problems such as the environmental problem. "The *Ummah* as a community is required to acknowledge moral and practical responsibility for the Earth as a trust and its members are trustees answerable for the condition of the earth. This makes ecological concerns a vital element in our thinking and action, a prime arena where we must actively engage in changing things."
- (3) The *Ummah* should be seen as a critical tool, as a process of reasoning itself. To create a future based on the *Ummah*, equity and justice are prerequisites. This means a commitment to eradicating poverty. It means going beyond the development debate since development theory merely frames the issue in apolitical, acritical language.

This means rethinking trade, developing south-south trade as well as "new instruments of financial accounting and transacting ... and the financing of new routes and transportation infrastructure. But perhaps most significant is a commitment to literacy for all. It is only with access to appropriate education can *Ummah* consciousness take room and make possible the *Ummah* of tomorrow as a personification of the pristine morality of Islam endowed with creative, constructive, critical thought. But *Ummah* should not become an imperialistic concept; rather it requires that Muslims work with other civilizations in dialogue to find agreed upon principles. We need to recover that historically the *Ummah* meant models of multi-racial, multi-cultural, multi-religious, and pluralist societies. A true *Ummah* respects the rights of non-Muslims as with the original Medina state.

The issue at stake is not merely the future of the Islamic world but the future of the entire world. Can we move to a *gaia* of civilization, an interpenetrating dialogue of traditions where the

damage of five hundred years of the victory of the West is undone and the ways of knowing suppressed to achieve hypermodernity are tamed?

While the idealist vision of an alternative more pluralistic softer Islam remain, one that is future-oriented, ecological, community-based, gender equal and electronically-linked, we are struck with not an attempt to imagine a new politics for the Islamic world but to offer imagined histories. Moreover, attempts to create alternatives remain mired in strategic politics as with the Iranian revolution –in fighting for survival space – or with creating a fortress to stop globalism as with the Taliban.

However, is there a possibility of a future of Islam but no Muslims, that is, a future with continued struggles between factions in the Islamic world and between sects with the West continuing its millennium struggle against its projected other. A bright future is possible but not certain.

Does humanity have the wherewithal to do so? The signs are mixed. Just as the expansion of human rights continues, the battle of local and national leaders to hold on to privilege strengthens. Nationalism becomes a method of reducing some of the excesses of globalization but it does so at an incredible cost, creating a politics of identity that is generally culturally violent.

Still, without a vision of the future, we decline – we do not battle slavery, we acquiesce to injustice. The vision pulls us forward, ennobles and enables us. It calls out the best of us. Muslims have had glorious periods in human history; these can be recovered and used to move onward. Activists and technocrats, Muslims have called for a vision of the future with five key attributes.

- Self-reliant ecological communities.
- Electronically linked khalifa, politically linked
- Gender partnership – full participation of females – An alternative non-capitalist economics that takes into account the environment and the poor.
- The ummah as world community as guiding principle based on tolerance.
- Leadership that embodies both technical and moral knowledge.

These points may or may not come about. The structures of oppression, the weight of history pulls us away from our desired futures. But our desires give us agency. The future can be door into an alternative world. If we take this door, then the policy and

implementation question comes back but framed as: how can we make the moral, the rational, the easier path?

CONCLUSION

It is believed that the Muslim Ummah is now ready to take the necessary steps to improve our union and to speak with one voice. In promoting unity, however, we must move beyond speeches, slogans and mere rhetoric. Our union, while underpinned by the spirit of Islamic brotherhood, must also be supported by stronger economic cooperation and better people-to-people relationships among the Muslim Ummah.

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WOMEN LEADERSHIP UNDER THE SHARIAH

By

NIMAH MODUPE ABDULRAHEEM*

INTRODUCTION

In Nigeria today, women play a minimal role in the area of politics, not because they are incapable, but because of the ways and manners, men have decided to play politics in Nigeria. Even though the constitution guarantees their right of political activism, women are still far behind their male counterparts in this regard. Islamic law is one of the legal systems applicable in Nigeria; it equally guarantees the right of women in politics and in decision making of the nation. The controversial area is whether a woman can become a leader of the country or not. Arguments abound as to whether or not this is possible. This paper therefore examines the roles of law that guarantees the political right of women under the Islamic law with a view to determining their right to rule the nation.

WOMEN IN ISLAM

Before the advent of Islam, the world had degraded the woman and had almost outcast her.¹ It is in the midst of this darkness that engulfed the world that the divine revelation echoed in the wide desert of Arabia with a fresh, noble and universal message to humanity.² The Qur'an provides,

"O mankind, keep your duty to your Lord who created you from a single soul and from it created its mates (of

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¹ Shaikh N.M. Women in Muslim State (1991) Kitab Bhavan Pub. New Delhi, p. 17.

² Jamal A.Badawi, "The Status of Women in Islam" www.islamfortoday.com/htm. P. 50 & 14.

same kind) and from them twain has spread a multitude of men and women.³

It provides in another chapter as follows:

"He (God) it is who did create you from a single soul and there from did create his mate, that he might dwell with her (in love)."⁴

With the above quoted verses, Islam upgraded the status of woman from an ordinary chattel or slave and makes her a pair of her male counterpart. Islam recognizes the rights of women, and both enjoy equal rights in all spheres of life. Although some believe that among some early Arab nomadic tribes, matriarchal system was dominant, they nevertheless acknowledge that the ruling system was patriarchal. Human rights and an independent identity for women were not recognized. The most important short-term objective of the Prophet was to establish social institutions and a civil constitution giving woman an independent human identity, so that they would be recognized in the same way that men were, and no longer defined as slaves, chattel or a man's property.⁵ Therefore, women whose human status had gone unrecognized in the savage patriarchal society arose during the Prophet's great revolution. In Islam, rights must be taken and not given. The Prophet therefore prepared ground for women to partake in their own liberation and fashion their destiny.⁶ The revolution, which began by banning the burying of live female children,⁷ subsequently recognized women's civil, political and economic rights and independence.⁸

Muslims in history have experienced a significant declination from the general ideals of life as taught by Islam. It is therefore not at all surprising that their loss is equally great in the area of social guidance, which Islam offered regarding woman. Whenever weakness creeps into the faith of Muslim men, they tend to treat women oppressively and seek to exploit them. This is because most of the

³ Q4:1.

⁴ Q:7: 189.

⁵ Maryam Rajavi, "Women, Islam and Equality" (1995) www.islamfortoday.ht.3 p. 6 of 14).

⁶ Ibid, p. 7 of 14.

⁷ Q.16:58-59.

⁸ Ibid.

rulings of the Qur'an regarding woman were sent down as restrictions on men with a view to preventing them from transgressing against women, and only few Qur'anic injunctions impose restrictions on women.⁹

EQUALITY OF MAN AND WOMAN IN ISLAM

Man and woman are equal in Islam in the essence of human dignity or reward and accountability for personal conduct and matters pertaining to property rights, morality and religion.¹⁰ In this regard, the Qur'an says:

"Men are the protectors and maintenance of women, because Allah has given the one more (strength) than the other and because they support them from their means..."¹¹

The Prophet (S.A.W.) is also quoted to have said,

"Anas reported that the messenger of Allah said: Search for knowledge is compulsory upon every Muslim male and female".¹²

The above injunctions go to explain that men and women are equal in Islam, because they are created from the same sources, the only thing being that, because one has been created to be stronger than the other, he is said to be the protector and supporter of the other. In addition, the hadith of the Prophet relates to both men and women, to search for knowledge, and this simply points to the fact that one is not superior to the other in term of creation. Men and women share the essential ingredients of Islamic behaviour, which differentiate a Muslim from a non-Muslim, (like prayer, fasting, zakat, etc.). Moreover, this is of extreme importance because it breaks from the tradition of religion. For example, it was reported that before the birth of the Prophet, there was a gathering of Bishops in France to discuss whether women possessed soul or not, and that, if they do, what would be their purpose on earth, was it to worship God? Moreover, if they

⁹ Dr. Hassan al-Turabi 'on the Position of Women in Islam and Islamic Society' www.islamfortoday.com.hr. P. 21 of 27.

¹⁰ Mohammad Hashim Kamali, *Equality, Freedom and Justice in Islam* (1999) Ilmiah Publishers, Malaysia p. 85.

¹¹ Q. 4:34.

¹² Ibn Majah.

worship God, would they go to paradise? In the end, it was decided that women do possess soul – which was a break from previous tradition – but that their purpose was not just to worship God, but also to serve men.¹³ It has been argued that in matters of right, man and woman are equal. Those who avert that argument quoted the Qur'an, which provides as follows:

"And they (women) have right similar to those (of men) over them..."¹⁴

The other argument was that all human beings are equal, as the Qur'an does not discriminate between them based on sex, race, language, colour or place etc. However, in the sight of Allah, the noblest of them will be the man or woman who is the best in conduct.¹⁵

It has been further stated that nature has not willed a perfect equality in the two sexes, but a complimentary distribution of vocation and functions e.g. a man cannot conceive a baby, similarly, the natural attributes of man cannot be exercised by women.¹⁶ Thus, if there is a certain natural inequality between the two sexes, in many other aspect of life, they resemble each other. Therefore, their rights and obligations in this domain will also be similar. Hence, a woman is equal to a man in certain respect and not so in certain others. This could be understood better in the description of her obligation and her rights.¹⁷

Much as there is no controversy as to equality of man and women in certain areas. (like religion, property, human dignity, morality, reward and accountability), there is however a serious disagreement as to whether a woman can enjoy equal participation in political rights and participation in government. In addition, arguments abound as to whether a woman can become a leader of the nation or not. This therefore leads to the question; can a woman become a leader under Islamic law?

¹³ Sheik Ali -al-Timimi, "Islam Elevation of Women's Status" www.islamfortoday.com.htm.

¹⁴ Q2: 228. For the argument, see Muhammad Sharif Chaundry – 'Women's Right in Islam. (1997). Adam Publisher, Delhi, p. 159.

¹⁵ Q. 49:13.

¹⁶ Mohammad Sharif Chaundry *op. cit.* p. 160.

¹⁷ *Ibid.*, p. 61.

WOMEN AS LEADERS

According to a view, Islam does not permit a woman to lead the Muslim nation (Ummah) because she does not possess the qualities of leadership, and it shall be against her nature to entrust a woman with the task for which she is not capable.¹⁸ This kind of step will lead the Ummah to nothing else but destruction.¹⁹ This view quoted the Prophet to have said:

Men were destroyed when they obey woman.²⁰

Also there is another which reads as follows:

A nation which has entrusted its leadership to a woman cannot be successful.²¹

Notwithstanding the above, a fair investigation of the teachings of Islam into the history of the Islamic civilization will surely find a clear evidence of woman's equality with man in what we call today "political rights".²² This includes the right of election as well as the nomination to political offices. It also includes woman's right to participate in public affairs. In both Islamic history and the Qur'an, examples of women who participated in serious discussion and argued even with the Prophet are well stated.²³ This includes the right of election as well as the nomination to political offices. It also includes woman's right to participate in public affairs. In both Islamic history and the Qur'an, examples of women who participated in serious discussion and argued even with the Prophet are well stated.²⁴ Also during the Caliphate of Umar Ibn Khattab; a woman argued with him in the mosque, proved her point, and caused him to declare in the presence of people, that "A woman is right and Umar is wrong".²⁵

ARGUMENTS AGAINST WOMEN AS LEADERS

As for the eligibility of women to public offices, such as the office of president, prime minister, judges, governors, officers in

¹⁸ This cannot be said to be the true interpretation of the Shariah injunctions.

¹⁹ Shaikh N.M. op. cit. p. 64.

²⁰ Bukhari.

²¹ Sahih Bukhari (Muhsin Khan's trans), Vol. IX, hadith 219.

²² Jamal A. Badawi, op. cit. P. 11 of 14.

²³ Jamal A. Badawi, op. cit. p. 11 of 14.

²⁴ Ibid, he refers to Q58:14 and 60: 10-12.

²⁵ Ibid.

charge of commanding good and forbidding evil, and the head of public grievances, tribunal that partake in both religious and temporal authority, Islamic commentators held that only the first two are reserved for men but the rest are subject to disagreement.²⁶ According to a view attributed to Al-Mawardi, a woman cannot hold the post of a Caliph (Head of state and Prime Minister). This is because, these two posts entailed military leadership for which women were not eligible.²⁷ He quoted the following Qur'an verses to support his argument.

"Men are the protectors and maintenance of women because Allah has given the one more (strength) than the other, and because they support them from their means..."²⁸

"Women have rights similar to those that men have over them in a just manner, and then have a degree above them".²⁹

He also cited the hadith which says:

"A nation whose affairs are led by a woman shall not succeed."³⁰

However, these two verses have come for interpretation before the supreme court of Pakistan in the case of *Ansar Burney v. Federation of Pakistan*³¹ and the court held that the word "Qawwamum" (protector) and "one who manages the affairs of women" were interpreted to the effect that men spend of their property to support women. The superiority, if any, is not for natural proficiency in one and deficiency in another but is only on account of the liability to maintain.

Also, the hadith that was quoted is inconclusive, as this statement was only made when the prophet was informed that the Persiah had enthroned a daughter of Chosroe as Queen over them.

²⁶ Mohammad Hashim Kamali, op. cit. p. 89.

²⁷ Ibid.

²⁸ Q. 4:34.

²⁹ Q2:228.

³⁰ Sahih Bukhari (Muhsin Khan's trans), Vol. IX, hadith 219.

³¹ PLD (1983) FSC p. 7 quoted from Hashim Kamali, op. cit. p. 90.

More so, the hadith only speaks of prosperity/success and does not impose any prohibition on women to become leaders.³²

The consensus is said to have been that women are not eligible to become heads of state and prime minister, by analogy, however, this view has been extended to other public offices, which were said to have been reserved for men.³³ Imam Abu-Hanifa is however of the opinion that women can be judges in matters which they are admissible as witnesses. (i.e. cases of prescribed penalty (*hudud*) and retaliation, *Qisas*.)³⁴ Ibn Hazm is however of the opinion that except for the office of the caliphate, women are eligible to hold public offices.³⁵ He supported himself with following verse:

"God commands you to hand over the status to whom they belong".³⁶

The antagonists of women leaders also argued that Allah has placed the viceroys on the earth on Adam, the man and not the woman. They also quoted Qur'anic verse to support their argument that women are to console the man, produce and bring up children and not to aspire for political post.³⁷

ARGUMENTS FOR WOMEN AS LEADERS

The Protagonists of women as leaders argued that in Q. 60 verse 12, the Prophet is instructed to take oath of allegiance from Muslim women. This oath is not only a solemn promise on the part of every Muslim man or woman to uphold the Islamic values but also the belief in the unity of God, performance of like belief in the unity of God, performance of acts of worship – abstinence from evils like stealing, adultery, telling lie, killing etc. In addition, there must be a declaration on his or her part to remain loyal to the Muslim community and Islamic state through thick and thin and to protect it against internal disruption or external invasion. A Muslim woman being equal citizen of the Islamic state has equal obligation and consequently equal rights with man. Therefore, the idea of the oath of allegiance not only

³² See Mohammad Sharif Chaundhry p. 167 and Hashim Kamali, p. 98.

³³ Hashim Kamali *op. cit.* p. 97.

³⁴ See *ibid.*

³⁵ *Ibid.*

³⁶ Q. 4:58.

³⁷ Mohammed Sharif *op. cit.* p. 169.

imposes certain liabilities on the citizen's men or women, but also confers reciprocal rights on them. If this idea is developed further and taken in the modern sense, it would include the right to vote, right of representation, right to elect the public representatives, head of state and government and to participate in social political activities of the state. From the idea of mutual consultation in Q. 42:38, we can safely conclude that the Qur'an vests the vicegerency of God on earth in all human beings, men and women equally.³⁸

The protagonists on the other hand, are of the view that the Qur'an has not prohibited the rule of women anywhere, there is no single word in the Qur'an disapproving or disfavours it. Had it been unlawful, the Qur'an would have revealed verses prohibiting it.³⁹

Also, the story of a woman ruler Bilqees, the Queen of Sheba was reported in the Qur'an. She was reported to be democratic and she was reported to have a good quality of consulting others on all important affairs of the state, before she makes decision, she was a very wise woman with a high sound of opinion. She was against war and loved peace. Above all, she accepted Islam as a ruler when she met the Prophet. The Qur'an has not talked of the rule of the Queen of Sheba with disapproval and condemnation or denunciation, rather her habit of consulting others before taking decision on vital issues, her peace loving temperament, her wisdom and sound judgement and her readiness to accept Islam at once rather than persisting in disbelief have found special mention in the Qur'an.⁴⁰

Furthermore, Qur'an 42:38 laid down foundation of Islamic democracy "... and whose affairs are a matter of counsel." If this verse is considered with the one preceding it, one would see that the Qur'an mentions the virtue of believers female and male and one of these is that they decide their affairs by mutual consultation. This is however true of the Queen of Sheba.

The Prophet himself was also said to consult the believers before taking a decision on some occasions, he consulted the women. At Hodaybuyyah he consulted his wife, Hodaybuyyah Umm Salama and made an important decision. It was also stated that Aishah, the

³⁸ Muhammad Sharif, *op. cit.* pp. 149-150.

³⁹ *Ibid.*, p. 170.

⁴⁰ *Ibid.*, pp. 170-171.

wife of the Prophet commended the troops and participated in the battle of the camel in order to get Qisas (retribution) for the murder of Uthman, the third Caliph.⁴¹ Islam does not stop short at merely consulting with women, but the Qur'an also refers to the equal rights of men and women when it provides as follows:

"And believers, the men and women, are leaders one of the other, they bid to honour, and forbid to dishonour, they perform the prayer, and pay the alms, and they obey God and His Messenger. Those upon them God will have mercy; and God is Almighty, All wise". (Tawbah: 73).

The Qur'an also stresses the need for vanguards and leadership (whether male or female) for the furtherance of the Islamic movement and the unity of the large society".⁴²

And hold you fast to God's bond, together and do not scatter, remember God's blessings upon you when you were enemies, and He brought your hearts together, so that by his blessing you become brothers. You were upon the brink of a pit of fire, and He delivered you from it, even so God makes clear to you his signs, so happily you will be guided. Let there be one nation of you, calling to good, and bidding to honour, and forbidding dishonour, those are the prosperers. Be not as those who scattered and fell into variance..." (Al-Imran, 98:102).

CONCLUSION

From the arguments averred by both the antagonists and the protagonists of women as head of state, it would be seen that all the verses quoted by both parties and the hadith of the Prophet are silent on making a categorical and direct statement prohibiting women from becoming head of state or holding any political office. Therefore whoever is decided by the Muslim community be it a male or female, should be allowed.

⁴¹ Ibid, p. 172.

⁴² Women, Islam and Equality, *op. cit.* p. 5 of 14.

It could also be seen that the only type of government favoured by Islam is one by consultation which in modern term is referred to as democratic system of government.

According to Dr. Hasan Turabi weak commitment to religion which tends to cultivate unjust and hostile treatment of women, is one of the reasons why men prevent women from becoming ruler of a nation. For unlike man, a woman is created and brought up gentle and delicate. Performance of her natural functions keeps her away from the toughening experience of everyday public life. Man, uncultured by religion, tends to oppress her as is common in many human societies. Men purposefully keep women weak, and the jealousy which they entertain in respect of women induces them to multiply the means for women and all their affairs with a view to assert their vanity and arrogance. Male jealousy is but one aspect of masculine capricious tendencies which only godly men are immuned from and which inculcated the myth that women, by nature, suffer from excessive incapacity. Men use that fantasy as an excuse to ban women from active participation in the broad spectrum of human life and to deprive them of experience and training – thereby devalizing and debilitating them intact and finding reason for further ill-treatment and prejudice. These male tendencies and the appending customs and ways are manifested in many societies where male arbitrariness runs amok with no religious or human limitation".⁴³ He further argue that the Muslim societies out of ignorance attribute their unIslamic culture to Islam itself.⁴⁴

Finally, it can be submitted that women in Islam are allowed to be rulers or holders of any political office as there is no express prohibition of it in either the Qur'an or the hadith which are the main sources of the Islamic law. The assertion is seen as a further method of subjugation and exploitation of women. Women are therefore urged to stand up and claim this right, as the right belongs to both men and women without any restrictions.

⁴³ Dr. Hassan Turabi, *op. cit.* p. 22 of 27.

⁴⁴ Ibid.

WOMEN AND ISLAM IN SOUTHERN NIGERIA: BETWEEN SHARIA AND CULTURE

By

'JADE MOHAMMED

Introduction

The main focus of this paper is on the practice of Muslim laws as they affect women and whether these have changed over time, if we can find any evidence of such change or practice being documented. There is no controversy as to the existence of Islam and Muslims in Nigeria. What is controversial is when and what aspect of Shariah has been applied in the areas now known as Nigeria.¹ Many scholars among whom is T.G.O. Gbadamosi² have proved with facts, that the application of Shariah is as old as Islam in Nigeria. Instances of pre-independence Shariah courts were shown to buttress the point.

However, it remains unclear whether Shariah or Islamic law as practiced in Yorubaland particularly in relation to women is reflective of proper interpretation of the laws. This is the focus of this paper taking into consideration historical events, processes and conditions that are responsible for the way the Shariah is understood and practiced in Yorubaland.

We have, in this study, used interchangeably the terms "Yorubaland" and "South Western Nigeria". This does not include Ilorin and its suburb which though are Yoruba but of the Northern part of Nigeria.

¹ Prof. Anderson in his book "Islam in Africa", London, Frank Cass, 1954, had stated that Islamic law was observed only as a religious precept in Yorubaland thus leading to generalization by subsequent writers; The case of *Adesubokan v. Yinusa* (1971) NNLR 77 was based on such view.

² T.G.O. Gbadamosi: *The Growth of Islam among the Yoruba, 1841-1908*. Longman, 1978, p.3: The Research Finding in Osun State also support this.

It should be noted that while it is impossible to analyse all the areas of the Shariah affecting the status of women in the Southwest, an attempt will be made to discuss the prominent issue areas.

The practices analysed are largely drawn from the field research report of Osun State, Women and Law project; which is largely representative of South-Western Nigeria because of the urban nature (free movement and settlement) of the people.

Historical Perspective

Every community or nation has its peculiarities usually in terms of culture manifested in language, dressing, belief systems, political and judicial institutions. The same is true of the Yorubas. There were beliefs and practices wholly indigenous to the Yorubas while others were borrowed. For instance, Yorubas essentially believe in 'Olorun' also known as 'Olodumare' and various 'gods' (orisa) such as 'Esu' (god of evil), 'Ogun' (god of iron), 'Sango' (god of thunder) and so on. This belief and practice of magic and medicine constitute the major elements of Yoruba traditional religion.³ However, distinguishable imported beliefs or practices were introduced to the Yorubas by other nations; a good example of such is 'Ifa' which is believed to have been introduced by the Nupes.^{3a}

The Yorubas also believe that the man is the head of the family and in fact 'owns' the wife and her properties. This and other cultural beliefs were to have effect on the interpretation of Shariah as it is practised among the Yorubas.

The exact date that Islam came to Yorubaland, is not clear, what is however clear is that by the seventeenth century, Muslims of Yorubaland were mentioned by Abdullah Muhammad B. Massaih in his book *Shifa Ruba fi tahrir fuqaha Yoruba*.⁴ By the year 1840, however, Yorubaland had been Islamized considerably. This was evident in the 'sprinklings' of Muslims and their practices in different locations across Yorubaland such as Ikoyi, Ogbomoso, Ketu, Lagos, Igbobo, Oyo, Osogbo⁵ among others. In addition, by the period 1861-1894 Islamic centres had developed in major towns such as Iwo, Ikirun, Ede, Ibadan, Lagos and Epe where Islamic Law was

³ T.G.O. Gbadamosi, *op. cit.*

^{3a} T.G.O. Gbadamosi, *op. cit.*

⁴ T.G.O. Gbadamosi, *op. cit.*

⁵ *Ibid.*

administered. The Shariah thus became the second legal system to operate *pari passu* among Muslims whose original system of law was customary law. Furthering the culture of legal pluralism, colonial rule coupled with Christian evangelism, brought with them the English Legal System and this later developed into the general law.

Early Islam in Yorubaland was understandably permeated by Yoruba customs which were gradually being substituted by the actual stipulations of the Shariah.

Sharia in the Colonial Period

Before the advent of the British rule, both customary Law and the Shariah Jurisprudence co-existed in Yorubaland. The colonial policies (both political and administrative), however, operated in such a way that checkmated the growth of Sharia which was equated to customary law and subjected to passing the repugnancy test of natural justice, equity and good conscience despite the fact that Shariah is an international law which has its in-built mechanism for equity and natural justice.

Native Councils and courts became the foundation of the British rule. Thus, the customary law was tolerated and enforced. Customary law constituted no challenge to Christianity which the colonialists were promoting. On the other hand, Shariah, with its potentialities, was seen as a rival or threat to the Judo-Christian common Law. Consequently, it was held that Shariah was not enforceable in the South. This was reflected in a series of judicial decisions of the period.⁶

In fact, efforts by Muslims to expand Islamic Law in the area were frustrated under the pretext that customs of the area and not a foreign culture should be promoted. In 1894, the Lagos Muslims petitioned for Sharia while the Ibadan Muslim Community and the Muslim Congress of Ijebu-Ode made the same attempt without success.⁷ This development no doubt laid the shaky foundation for the

⁶ Such judicial decisions include *Re-Aminatu Alayo* (1946 18 NLR 880 where the court held that the deceased though a married Muslim did not subject herself to Islamic Law because there was no such evidence and in addition, Ijebu-Ode was not a Mohammedan area; See also *Adesubokan v. Yinusa* (1971 NNLR 77); *Molade v. Ogunsola* Suite No. 231 of 1944.

⁷ Muri Okunola J.C.A.; *The Relevance of Shariah in Nigeria* – Paper Delivered at Islam in Africa Conference, November 1989, Abuja, Nigeria.

establishment of enforcement machinery (the Courts) for Islamic Law in colonial and post colonial Southern Nigeria.

Sharia in the Post Colonial Period

Although the constitution of Nigeria⁸ recognizes Islamic personal law, the resistance to formal enforcement of Shariah has remained unchanged in Southern Nigeria. There is no formal structure in place for the enforcement of Islamic Law though a large proposition of the area are Muslims. The question then arises whether Shariah is being or can be practiced in Southern Nigeria. This is what shall be discussed in the next part.

The Practice of Sharia as found in the South-Western Nigeria

Findings from the field research on women and law conducted in Oyo and Osun States show that there is a limited practice of Shariah in the area. This is due to inadequate knowledge or misunderstanding of the law compounded by lack of machinery for enforcement. An attempt will now be made to discuss some of the areas to which Shariah is applied.

Marriage

Marriage is the social institution of lawful unification of a man and woman for the purpose of having lawful sexual intercourse and procreating children so as to preserve the human race. In Islam, marriage is compulsory for a person who is able bodied, has strong sexual desire and can afford dower and maintenance under the Shariah.⁹

Marriage takes a contractual form, thus it requires the essential requirements of a valid contract which are agreement, intention to create legal relations and consideration. Under the Shariah, marriage contract must fulfill certain legal requirements.¹⁰ viz:

- Marriage substraction (Mahal);
- Absence of legal impediments,
- Payment of the Dower (sadaq);

⁸ Part II – C, Sections 245-249 as amended of 1979 Constitution and Section 244 of the 1999 Constitution.

⁹ For other instances such as when marriage is obligatory and recommended, see *Abdulmalik Bappa Mahmud, Marriage and Divorce under Islamic law*, Nig. Feminist Law Journal p. 83 and 87.

¹⁰ See Mahmud Bappa *op. cit.* p. 88 for full discussion.

- Marriage Formula (Sighah);
- Marriage Guardian (Wali);
- Witness (Shuhud)

Otherwise there is no marriage.

Parties to a marriage contract are free to make stipulations in the agreement. As long as such stipulations are not contrary to the Sharia or public morality, parties to the marriage contract are bound. In fact any stipulation that is illegal or opposed to public morality is void *ab initio* and cannot be enforced. Stipulations such as a wife shall not leave the matrimonial residence or that the husband shall not contract a second marriage while the first marriage is in existence are permissible under Sharia.¹¹

Polygyny

Under the Sharia, polygyny is permissible as men are enjoined to marry two, three or four and if they cannot do justice among wives, should marry only one.¹²

Divorce

There are provisions for divorce where a man and a woman can no longer live in peace and with each other and all efforts to reconcile them have failed.¹³ Either party to a marriage contract can seek divorce. Where a wife seeks for divorce without any fault of the husband, she will return to the man the *Sadaq* or dower received by her or even more. But if the divorce is due to the wickedness of the man, she will not have to return the *sadaq* or dower.

Maintenance

A woman is entitled to maintenance by her husband¹⁴ while a marriage subsists. This includes feeding, clothing, shelter and other incidental expenses. The right is retained during the waiting period for

¹¹ Amina Wambai, The Rights of Women in Islam. Paper presented at 1998 FOMWAN Annual National Conference at Benin, Edo State on 14 August, 1998.

¹² Quran Chapter 4:3.

¹³ Quran 2:231 provides that it is better for them to separate in honour and equitable terms than to remain in hatred.

¹⁴ In Suratul Nisah Quran 4:35, Allah says: "men are the protectors and maintainers of women because God has given the one more (strength) than the other, and because they support them from their means".

divorce and even the waiting period after the death of her husband. During the latter period a woman is maintained from the property of her late husband.

In practice, however, some parents impose husbands on their daughters especially where the marriage is the first one. This is said to be in accordance with Shariah. The forced marriage (ijbar) is meant for girls who do not possess the mental ability to choose a husband. The abuse of forcing girls to marriage has virtually disappeared among Yoruba Muslims of Yorubaland.

Usually, Islamic marriage is conducted by the local Imams with little or no specified terms of the contract. What are usually emphasized are the duties of spouses to each other such as clothing, feeding, housing by the husband and the duty of the woman to please and obey the husband. Many conditions permissible as terms of marriage contract under Sharia are not specified and many brides are not even aware of such rights. For instance a Yoruba woman will dare not ask that she will not share her lodging with the husband's relatives,¹⁵ whereas the Shariah accords her that inalienable right.

In Yorubaland, it is customary that the bridegroom presents gifts to the family of the bride. This gift is called *dower*. The *sadaq* (dower) stipulated by the Shariah is not meant for the family but the bride herself. Some brides are not given the gift while the bride's parents at times waves the gift. This practice is illegal under the Shariah for no one can waive another person's right.¹⁶ It is a common practice, however, to provide some initial needs of the wife particularly clothing which is made by the bride's family.

Culturally, the Yorubas practice polygyny as a means of increasing the family population thereby providing more labour for their farms. Even when Yorubas practise a religion that preaches monogamy, they still marry more than a wife. It was therefore convenient for Yoruba male Muslims to interpret the Islamic Law provision for polygyny (which is an exception) to be the rule.¹⁷ It is usual to hear expressions such as '*Mee ni Olorun wi*' that is, Allah has decreed many women for a man; four, six, eight and so on. This however has no legal basis. A Muslim is allowed up to four wives with

¹⁵ Justice Amina Wambai *op. cit*

¹⁶ Women and Law (Nigeria) project, Osun State Report documents the practice of the people.

¹⁷ Quran 4:3.

stringent rules. Little or no regard is however accorded the Shariah rules by the Muslim polygynists of Yorubaland.

Often, the first wife is rarely informed of the coming of other wife. It is also a common practice amongst the polygynous men to virtually abandon the senior wives in preference for the young and new ones. This attitude is also extended to their children. Where they are not abandoned, the man barely fulfils the minimum requirement of being a husband such as keeping the wife's company and making provision for maintenance. In fact in such situations, each wife is substantially responsible for her survival and that of her children. Such practices are nevertheless contrary to Islamic teachings of equity among co-wives.

In the issue of divorce, the lack of thorough understanding of the Shariah becomes manifest. The rules of divorce are not considered at all not to mention the application of such rules. For instance, the Shariah discourages divorce and stipulates that where it appears unavoidable, a waiting period called *iddah* should be observed while the wife continues to enjoy her full status and privileges for about three months. The customary courts to which the Muslims turn in Yorubaland waste no time in separating Muslim couples without the observance of the *Iddah* period which ought to, among other values, explore the possibility of reconciliation.

In the case of *Muibatu Adegbami v. Kamoru Adegbami*,¹⁸ the plaintiff married the defendant without the consent of her parents. The defendant did not pay any *dower* and the plaintiff had a three year old child by that marriage. The defendant did not take care of the plaintiff and the child. The plaintiff sued for divorce. The customary court observed that the marriage had broken down completely, dissolved the marriage and ordered payment of two hundred Naira (N200.00) only monthly for the upkeep of the child until the child attained the age of six.

It is obvious that the marriage neither followed Islamic law nor customary law in the first instance and as such it is doubtful whether it could be called a marriage. There was no parental consent or payment of *dower*. It is however understandable that the situation may be more complex if the court refused to assume jurisdiction and the mother and the child may find themselves in a perplexed and embarrassing situation. Be that as it may, the monthly payment of two hundred naira

¹⁸ Case No. CI/49/95 at Customary Court, Ile-Ife.

(N200.00) for the upkeep of the child is to say the least inadequate. There was not even the assurance that the order would be obeyed since the defendant was not present in court. The Islamic law provisions for custody of children (*al-hadanah*) are also not recognized or practised because under customary law, there is no distinction between custody and guardianship.

In Islamic law, the custody of a child should be granted to the divorced wife until the child reaches marriage age, yet the father must provide the sustenance including rent. This type of cases is of common occurrence, particularly among the low income level people in Yorubaland.

In another case *Ismaila Ajadi v. Mujidatu Ajadi*,¹⁹ the plaintiff claimed against the defendant the dissolution of their marriage on ground of adultery. The plaintiff closed the wife's shop and seized her clothing complaining of bad character. The marriage was with no dowry and two male issues were had. The court dissolved the marriage and ordered the plaintiff to return the defendant's properties to her. The court also ordered that the plaintiff be paid two hundred naira (N200.00) monthly for her upkeep until she remarries. This case also shows the looseness with which Muslim law was applied by the customary courts which have little or no knowledge of the Shariah. Though the parties were Muslims, it was not clear whether the marriage fulfilled the legal requirements under the Islamic law. The payment of *dower* under customary law was even not fulfilled. Although maintenance money was to be aid to the woman, it was not clear whether the woman must stay in the husband's house. As this type of order is not even usual, there is no guarantee that it will be obeyed. Custody of the two children of the marriage aged 6 and 8 years was granted to the man – this of course is not in line with Islamic law which grants the mother or her close relation the right to the custody of the children.

Barrenness after marriage is a ground for divorce in Islam, this is a common excuse by men who seek divorce or go into polygyny in Yorubaland. Where it is the woman who seeks divorce, in most cases, the husband withdraws all or some of the gifts given by him to the wife. Men do not maintain their wives once there is separation or divorce, but they maintain in some cases. Thus, women hardly seek divorce, rather, they prefer to manage through and stay with their

¹⁹ Case No. CI/266/95 at Customary Court, Ile-Ife

children because in extreme cases they may lose the right to visit their children again.

In fact the popular attitude is that custody belongs to the father regardless of age while some believe that boys should be with their father while girls stay with their mother. Whereas, the Shariah grants the custody to the mother.

Economic Rights of Women

This aspect of practice deserves special attention. Economic rights relate to issues which affect the economic standard and welfare of women. Economic rights can be traced to various sources such as inheritance acquisition of property (by the person paying the cost from income earned) and engagement in employment or business.

Under the Islamic Law, a woman has the right to own and acquire any type of property, movable and immovable. This is clear by the provisions in the Quran.

And in no wise covet those things in which God 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. (Qur. 32)

Thus Zakat, in religion properly tax both men and women. The right to own property is so recognized that a husband cannot take over the wife's property except what she gives to him under the Shariah.

The wealth possessed by a woman is her personal property and cannot be a reason for a husband to waive his duty to maintain his wife. Maintenance includes feeding, clothing, sheltering among others. Failure to do this constitutes one of the grounds for divorce.²⁰

A Muslim woman has the right to inherit from her husband, parents, brothers, sisters, sons, daughters as her male counterpart. The sharing ratio of inheritance is specified and does not depend on a will.²¹

What we find in practice, however, can hardly be said to be in line with the Islamic provisions. Although the majority of women are engaged in income generating ventures, they do not have absolute

control over the type of work they do or the income earned from such jobs. This control is often indirect and in a few cases direct. This is manifest in the way husbands share their responsibilities with women or outrightly abandon same. The result is that most women are forced to use their own resources to run the home under the guise of pleasing or obeying the man.

Where men perform their duties of maintenance, some women manage to own properties which they also control subject to their husband's advice. The provision of the Shariah that a wife requires the consent of her husband to make a gift of more than $\frac{1}{3}$ of her wealth is misunderstood to imply that she cannot expend more than $\frac{1}{3}$ of her property without the husband's consent. However, most women are engaged in low income work or petty trading; this is reflective of their educational background. Some do not have income of their own but serve as full time housewives according to the wishes of their husbands; this is observed among both the educated and not so educated Muslims.²²

In inheritance matters, it would appear that the common practice in Yorubaland is routed in culture rather than the Sharia; for example, the right of a widow to inherit a fixed $\frac{1}{4}$ or $\frac{1}{8}$ of her late husband's estate is jettisoned in many cases, for the culture that deprives her of such rights. In some cases, both Islamic law and culture are intermingled.²³ When someone dies, the property is shared amongst the children and relations. There is no specific formula for doing this. Sometimes balloting may be adopted in respect of all properties including land. This system is known as 'ori-ojori' system. In some cases the property is divided according to the number of wives; this is known as 'idi-igi' system of inheritance. It was observed that in some places, landed property particularly undeveloped is not inheritable by a woman (from her parents) due to the belief that she is now part of her husband's family.

In a few cases especially where there are Islamic scholars in the family, the Shariah aspect of giving a daughter $\frac{1}{2}$ the share of a son is what is misrepresented as implying that in all cases a female takes half of the share of his male counterpart. For example, the portion of the father or the mother is the same in most cases despite gender

²⁰ The Muslim Woman, Vol. 1 No. 3, 1991 pp. 17 and 18.

²¹ Quran 4:11-12.

²² WLUML Osun State Report, p. 71.

²³ WLUML Osun State Report, pp. 63 and 64.

differences. What is observed can, therefore, be termed a selective application of some aspects of the Shariah.

Political Participation

Politics is the struggle over resources of the people by individuals or groups. This obviously has been the pre-occupation of the male folk in Southern Nigeria and in the country at large. Although women have also been involved, this has been minimal and for the Muslim women, the participation is almost insignificant.

The popular view among Muslim men and women is that it is unislamic for Muslim women to aspire to any political office. To them, this is because Allah has commanded the Holy Prophet that his wives and the wives of other Muslims should limit their activities to indoors; thus even if a Muslim woman must aspire to public office, she must first seek the permission of her husband.²⁴ Much as it is conceded that there should be an agreement between a man and woman on several issues that may affect the home, the basis for insistence on taking permission before participating in politics or the idea of outright abstinence from it can hardly be found in Sharia. There is ample evidence in Islamic history that women contributed their quota to the affairs of the State. They complained and sought redress. The story of *khawla bint Tha'laba* wife of *Aus* son of *Samir*²⁵ is an example of such. The case of *ummu Salama*²⁶ who advised the prophet on a critical issue is also on record. The women served as representatives of the women folk and advisers to the ruler in those situations. This role can be likened to those of legislators and advisers at various levels of government today. During the aborted third republic in Nigeria there was only one Muslim woman elected as Local Government Chairperson in Osun State while the few women legislators and advisers in the State were Christians.

Impact of other legal Systems on the Practice of Sharia in Yorubaland

As Islam developed in Yorubaland, it had to reckon with various characteristics. Such characteristics included common

language, city-village life style, political hierarchy and the complex religious beliefs and practices mentioned in the early part of this chapter. The religious and customary practices soon became clogs in the wheel of progress of Islam and its laws as the two were in no way synonymous. Some of the affected practices will be highlighted below.

Under the customary law, it is believed that a man owns his wife and her belongings; this is not in consonance with Islamic law. This belief was extended to changing of name of a woman upon marriage to the man's name, a practice which was actually encouraged or influenced by the imported English legal system (which believes that there is unity of persons of a man and a woman upon marriage). The practice is unknown to the indigenous Yoruba natives. In Islam, the child is to bear the name of her/his father, whether married or not, unless the woman prefers to adopt the husband's surname.

In inheritance matters, the common practice of disinheriting a woman still continues. This is the effect of the custom which sees a woman herself as inheritable. Significantly also under customary law, devolution of property follows the blood. Whereas under the Islamic Law, marriage and blood relationships form the basis of inheritance.²⁷

As regards labour or employment of women, the customary belief is that the place of the woman is in the home, hence women are discouraged from working outside the home. The practice is not so popular again because of economic expediency and not necessarily because the custom has changed. But Islamic Law does not only recognize a woman's right to work outside the home but also states clearly that she is not "assigned the role of an unpaid servant or worker for the husband". She does not even have the obligation to cook and clean.²⁸ Thus if she works in the home, she should be paid; this, however, is difficult for an average Yoruba man and even woman to understand or accept; rather it is convenient for an average Yoruba male Muslim to abandon this stipulation of the Shariah for a custom that enslaves the wife.

Perhaps of greater impact is the introduction of the English legal culture to Nigeria on the advent of the British in the middle of the 19th century. The English legal culture which was not hitherto known

²⁴ WLUML *op. cit.* pp. 73-74.

²⁵ Quran 58:1-2 (the woman who plead). *Suratul Mujadila* relates that *Khawla bint Thalaba* pleaded to the Holy Prophet to help her in prayer to abolish the old practice of 'divorce' by *Zihar* and Allah accepted the prayer.

²⁶ M.A. Ambali, *op. cit.* p. 3.

²⁷ Muri Okunola, *op. cit.*, p. 169.

²⁸ The Muslim Woman, December, 1991, p. 19; Ali Ashgari Engineer: *Equity, social Justice and Muslim Women*, Occasional paper No. 1, Muslim Women's Research and Action Forum, 1999.

to the indigenous people has developed to become the general law of the land with its machinery fully developed and integrated into the Nigerian legal system.

The Sharia did not have such opportunity but later some aspects of the law viz: personal law were recognized. Even at that, the machinery for the enforcement of this branch of the Nigerian law was not well developed. In fact the machinery already in place deteriorated and degenerated. Today Islamic centres in Yorubaland do not serve any longer as centres of operating the law but mere learning centres for future Muslim clerics and scholars. The benefit of proper understanding and application of the Islamic principles of law thus could not be gained. The result is what has been discussed earlier on: the various confusion or distortion of what is regarded as the practice of Sharia.

Conclusion

Attempt has been made to showcase some provisions of the Islamic Law and the interpretation and application of such by the Muslim Yorubas. The obvious is that the practices represent the continuation or perpetuation of discriminatory cultural practices against Muslim women under the cloak of religion. Islam does not discriminate against women. It rather recognizes women as different from men and were so treated to accord with their nature, and responsibility.

Had it been that Islamic Law was left to grow side by side with English law in terms of enforcement machinery, perhaps Sharia would have been better understood and applied by Muslims in Nigeria, particularly in the Southwest. The Yoruba Muslim women should endeavour to study and understand the correct interpretation of the Shariah and continue to strive for its correct application particularly on matrimonial matters.

PUBLIC PERCEPTION OF FOMWAN: A VISION AND A STRATEGY FOR THE FUTURE

By

BILKISU YUSUF*

Introduction

That Muslim women have been more visible and vocal in the past decade is not in doubt. What needs to be highlighted and assessed is the impact their activities have had in the arduous task of nation building. What views have they expressed on a variety of issues that have been on the front burner of national debate? What has been their method of operation and how does the public view their activities? This presentation is a discourse on the public perception of the Federation of Muslim Women's Associations in Nigeria (FOMWAN). In doing so it takes the audience to the beginning when the federation came into being, why it was established and what it sets out to achieve. Of course, in the process of actualizing its mandate, the federation has attracted public attention. This chapter explores the varying public perception of the federation and outlines a strategy for its internal efficiency and effectiveness in its activities and future interactions with the public.

Establishment of FOMWAN

The Federation of Muslim Women's Associations in Nigeria (FOMWAN) is a non-governmental, non-partisan religious organization. It was established in October 1985 at a conference attended by Muslim Women from different states of the federation and Abuja the Federal Capital Territory. Its aim is to promote the understanding and practice of the teachings of the Qur'an and Sunnah, the two basic sources of Islamic law. To achieve this, FOMWAN adopted two broad strategies, the first is through education and public enlightenment and the second is networking. The expanded strategy includes the following:

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- education of women in the teachings of Islam;
- encouraging Muslim women to establish groups throughout the country for educational and *da'awah* (Islamic propagation) purposes;
- establishing a framework for national co-operation and unity among Islamic associations and
- providing a forum for Muslim women's views to be articulated and expressed at national and state levels.¹

Various factors have contributed to the emergence of FOMWAN. They are, the low level of education among Muslim women, their marginalization in nation building, misunderstanding or misinterpretation of Islam particularly as it relates to women's rights and the lack of awareness of Islamic solutions to contemporary issues. Before the establishment of FOMWAN, various Islamic groups existed which tried to present accurate teachings of the Qur'an and Sunnah. Some of them are small neighbourhood *alasalatu* or *Islamiyyah* schools usually attached to a mosque, or national organisations such as the Muslim Students Society (MSS) with membership drawn from students in secondary schools and other higher institutions of learning. In some cases, female students had established the Muslim Sisters Organisation (MSO) whose membership base was expanded to include young Muslim professionals.

However, most of the organized groups operated entirely in isolation, not knowing of each others' existence. Therefore there was no mutual encouragement and no exchange of ideas, programmes or information.

There was therefore need for a central focus to link all these groups together and to help establish new groups in areas where there were none. Another serious need was for a body, which could express the views of Muslim women at national and state levels. Many women societies already existed in the country mostly aiming at social progress for women, and some Muslim women joined such societies. However, in most cases, they were dominated by non-Muslims who were not interested in the Islamic approach to social problems and current issues.

At national and international levels such societies would even claim to be speaking for all Nigerian women, while the ideas they put

¹ An introduction to the Federation of Muslim Women's Association (FOMWAN) 1985.

forward were often contrary to the teachings of the Qur'an and Sunnah, and therefore not acceptable to Muslims. It was therefore felt necessary to establish an independent platform from which Muslim women could express a specifically Islamic view of the problems of women and of the society in general.

Lastly it was felt that certain problems affecting Muslim women in particular, such as that of female education and the fulfillment of women's rights as guaranteed under the Shariah, could only be effectively tackled by the initiative of Muslim women, in cooperation with their male counterparts. This is because the problems of a Muslim community must be cured by Islamic solutions that will be acceptable to conscientious Muslims at all levels of society. With all these needs in mind, the women concerned met in April, 1985 in Kano at the International Conference organized by the Muslim Sisters Organisation (MSO). Participants at the event agreed to call a conference to establish the organization, which was done in October, 1985 in Minna. At the Kano conference of the MSO, participants had cause to disown non-Muslim women's groups which claim to be speaking for all women while disregarding the multiplicity of cultures that exist in Nigeria.²

FOMWAN's Vision

The federation envisions a world where Muslim women are properly educated and equipped to work with men for an equitable and peaceful society.

FOMWAN's Mission

To educate Muslim women and ensure that they live according to the tenets of Islam and make positive impact on national affairs, both religious and secular.

FOMWAN's Objectives

The federation's constitution³ has three broad objectives. They are to encourage Islamic propagation, to promote unity among Muslim

² See Yusuf, Bilikisu, "*Hausa-Fulani Women: The State of the Struggle*" in *Hausa Women in the Twentieth Century*. Catherine Coles and Beverly Mack (eds.) University of Wisconsin Press (1991).

³ Constitution of the Federation of Muslim Women's Association in Nigeria, FOMWAN.

women and promoting their educational and social development. Under its aim of encouraging and propagating Islam the federation aims to:

- (a) **Encouraging and propagating Islam**
 - i. assist Muslim women to live according to the tenets of Islam as found in the original sources of the Sharia (that is the Holy Qur'an and the Sunnah).
 - ii. raise the level of consciousness of Muslim women in order to combat undesirable influences (e.g. in fashion, literature etc.)
 - iii. find ways and means of mobilizing Muslim women to play their own part in the establishment of Islam in this country.
 - iv. make a positive impact on National matters both religious and secular with a view to guarding the interests of Islam.
- (b) **Promoting Unity**
 - i. unite Muslim women's organisations in Nigeria so as to enable them to speak with one voice, by acting and making decisions together.
 - ii. Serve as a liaison body between Muslim women and the government (Federal and State).
 - iii. Do away with sectarian, ethnic and other divisive factors which sometimes keep Muslims apart, and encourage close ties between Muslim women in all parts of the country.
 - iv. Represent Nigerian Muslim women at international level.
- (c) **Promoting Educational and Social Development**
 - i. encourage the establishment of classes and institutions for women's Islamic education and literacy.
 - ii. provide a forum where social problems of Muslim women can be discussed.
 - iii. assist Muslim women in achieving self-fulfillment according to the tenets of Islam.

- iv. Enlighten and educate Muslim women on national issues affecting them in particular and the Muslim Ummah in general.
- v. Develop *Tarbiyyah* (proper child-upbringing) of Muslim children in the country.
- vi. Encourage charitable activities in compliance with the tenets of Islam.

FOMWAN's Activities

At the national level, the federation has been coordinating the activities of its numerous affiliates through networking. The quarterly meetings of the National Executive Committee (NEC) attended by all states and national officials provides an opportunity for exchange of information on the various programmes being implemented in the different states. These range from establishment and management of schools, hospitals, orphanages, pharmacies, income generation projects to visits to hospitals, refugee camps and prisons. Others include regular media enlightenment programmes, monthly lectures and participation in many state and local government health, education and skills acquisition activities, Hajj training for women pilgrims etc.

In addition to networking, the national programmes include construction of a national office complex in Abuja, organizing the annual national conference, publication of a magazine, *The Muslim Woman*, organizing national seminars on national issues. The last two seminars were on the Family Economic Advancement Programme, FEAP, banking and other credit facilities, and their implications for Muslims; "Shariah and Muslim Women" hosted in Abuja the federal capital and Gusau in Zamfara State respectively. The NEC has also been coordinating the federation's networking at the international level with Muslim Women's Associations in Ghana, Liberia, Sudan, Sierra-Leone, Gambia, Mauritius and Niger.

Public Perception of FOMWAN

The federation's activities have generated interest from a diverse sector of the society. Perception of its role and the impact it is making also varies, depending on which segment of the federation is being assessed, the national body, the state affiliate groups or the local branches. Those who adopt a holistic view describe FOMWAN as a grassroots organization which has over 500 affiliate groups spread nationwide in towns, villages and local government headquarters.

Indeed the federation's strength at the local level lies in its network of neighbourhood Islamiyyah schools. They highlight the fact that where these local branches exist, their activities and projects reflect the needs of the people in that community and their *da'awah* activities are also conducted in local languages. However, others see the federation as an elite led group with a grassroots membership. They underscore the fact that the majority of the leaders who are elected to key positions at state and national levels are elites who are privileged to combine both Western and Islamic education. The majority are university graduates, graduates of higher institutions of learning, seasoned public officers, professionals and successful entrepreneurs. They attribute these women's leadership positions in FOMWAN to their high level of education, achievements and social status. While the need to have a common language of communication at NEC meetings and other activities has heavily influenced the election of this caliber of leaders, the federation encourages states and local government affiliate groups to elect leaders that are selfless, upright and acceptable to them, leaders who can lead them to achieve their goals. No educational qualifications are set for any leadership position in FOMWAN. Indeed, some of the states have elected leaders who fulfill their aspirations but have no formal secular education. With the support of their team, they are leading the state branches.

The majority of Muslim men and many male Islamic groups see FOMWAN as a ray of hope and one of the best developments in the *daawah* terrain within the past decade and a half. They are convinced that Muslim women are best qualified for conducting *daawah* among their colleagues. They therefore support the federation in all its activities. They invite it to represent Muslim women at functions and give moral and financial support to FOMWAN. They also urge other men to encourage their wives and female wards to become active in Islamic propagation activities. One of these male supporters at a public function even called on men to emulate FOMWAN because of the remarkable achievements it has made in the short period since its establishment whereas male groups that have existed for over forty years have less to show for their age. Those who share this view emphasise the fact that no male Islamic group has been able to evolve a unifying body with an efficient national structure like FOMWAN.

However, some conservative men criticize FOMWAN's involvement in any form of *da'awah* that goes beyond attendance of

local Islamiyyah schools. They object to Muslim women's participation in other activities outside the home, particularly those that take place in other towns. Some even insist that a Muslim woman's voice is an *aurah* (naked) and should not be heard in public.⁴ To these groups of men, FOMWAN members are just meddling by conducting *daawah* for which the men are best suited. They also argue that it is not allowed for Muslim women to take religious leadership roles where there are competent men who could do so on their behalf. This line of thinking must be responsible for the non-recognition of FOMWAN by the conservative apex organization that leads Nigerian Muslims.

FOMWAN's response is to insist that Muslim women are best suited for conducting *da'awah* among Muslim women and it is not FOMWAN's ambition to lead the men. What it deserves is their support. The federation draws its inspiration from the Quranic verse that enjoins believing men and women to be *awliyyah* (protecting friends) of one another (Quran 9:71). Together they are supposed to enjoin what is right and prohibit what is wrong. Every Muslim should be conducting *da'awah* through their behaviour and interaction with others. The federation is happy that active male *da'awah* groups nationwide support its activities and champion its causes. FOMWAN networks with all male national Islamic groups such as the *Da'awah* Consultative Council (DCC) and the Jama'atu Nasirul Islam, JNI whose women's wing is an affiliate group of FOMWAN. The federation reflects the Quranic injunction "Hold fast to the rope of Allah and be not disunited." The federation believes that there is strength in unity in diversity. FOMWAN's motto is "Allah's Guidance is the only true guidance" and it believes that all Muslims should work towards guiding their brothers and sisters in faith.

FOMWAN as Pacesetters and Mentors

Many of the youth see FOMWAN members as role models, mothers and sisters in *da'awah* and would always invite FOMWAN to their activities. On its part, the federation has designed special

⁴ See Muhammad Lawal Is-haq, Daily Trust p.7, 2001 Kaduna. In response, a FOMWAN member replied that a woman's voice is not an *awah* citing examples of Aisha (R.A.) the Prophet's wife who was a teacher of men and women to justify women's public life role. The Prophet (SAW) was also a teacher of men and women. He selected special days to teach them and the women consulted him on all issues including personal ones as the case of *Khawla*, the woman mentioned in Suratul Mujadala in the Quran confirms.

programmes to reach out to the youth, in recognition of the critical role they must play in the future development of Islam and Muslims in the country. The annual FOMWAN youth camps hosted in different zones in the country provide an opportunity for imparting Islamic knowledge, life skills and goal setting for the youth. It also allows them to strengthen their Islamic activities and envision a future of service to their various communities. Various state branches of FOMWAN have also designed secondary school based extra-curricular activities for the young FOMWAN associations. The federation's magazine *The Muslim Woman* has a junior corner where Muslim youth are introduced to Islamic religious knowledge. It also provides the forum for them to display their literary skills through publication of their poems, short stories, personality interviews, riddles and jokes and networking. The column for pen pals also encourages Muslim youth to get to know each other and develop beneficial and lasting friendship. Several youth serving Islamic organisations such as National Council of Muslim Youth Organisations (NACOMYO), Muslim Students Society (MSS), Muslim Sisters Organisation (MSO), Movement for Islamic Culture and Awareness (MICA), etc, draw inspiration from FOMWAN members who are their mothers, sisters and aunts. The federation believes in carrying the youth along in its programmes, hence their involvement as resource persons at this year's annual FOMWAN conference. This is envisaged as an opportunity for the youth to contribute to future strategies for the federation's development.

FOMWAN has also earned respect from other non-Muslim religious groups. They often invite FOMWAN to participate in community activities they initiate, such as peace building fora and inter-faith dialogue etc. They respect FOMWAN members for holding firmly to their beliefs and serving their communities while opening doors for others to understand Islam. FOMWAN has participated in several inter-faith activities at national and international levels. The federation has a board for International relations which coordinates its international activities. The chairperson of this board is also a well known personality in international Islamic circles.

FOMWAN as Development Partner

On its part, governments at local, state and federal levels see FOMWAN as partners in development. Provision of education and health are considered as key priority needs of the people which governments strive to undertake. However, FOMWAN is aware that

government alone cannot provide all these services without support from the communities. The federation being an education-focused group has thus attracted admiration and support from governments. FOMWAN participates actively in girl-child education task forces in several states and in national education policy bodies at the federal level, such as the national summit on universal Basic Education, UBE. Indeed the federation's basic literacy policy of "each one teach one" was adopted by the Federal Government's agency for mass literacy and non-formal education.

At the national level, the federation is also implementing an integrated maternal health project in four states of Kano, Kaduna, Plateau and Sokoto which is designed to be replicated in others. FOMWAN also collaborates with government in grassroots mobilization for health programmes such as the National Programme on Immunisation (NPI), distribution of vitamin A in villages and deworming of school children. In appreciation of the community work undertaken by FOMWAN, some state governments give subvention to the federation's branches in their state. However, FOMWAN at the national level does not accept subvention from government although it participates in government activities.

Donors' Perception of FOMWAN

FOMWAN is seen by donors as a national NGO with grassroots reach. As an NGO in consultative status with the United Nations, FOMWAN is accepted by donors as a credible international and national representative of Muslim women in Nigeria. Donor agencies that have an interest in funding programmes targeted at women, particularly in the Northern states also find ready partners among FOMWAN's affiliate organisations. Some of the donors who have worked with these organisations were impressed with the accountability displayed by them. They have in turn recommended these organisations to other donors seeking to work with Muslim women's organisations as partners.

Donors are also impressed with FOMWAN's self-reliant posture. For the first ten years of its existence, the federation relied only on internally generated funds from members, local philanthropists, *zakat* paid by their families and proceeds from its publications. This strategy was adopted to avoid donor dependence and promote sustainability of whatever projects the federation might have designed for implementation. In spite of this limit in its scope of

funding, the federation's various branches were into implementing impressive projects such as schools, hospitals, orphanages, pharmacies, income generating projects etc.

Other donors also see the strength in FOMWAN's networking framework not only within Nigeria but across West Africa. By its tenth year, FOMWAN had toured the West African sub-region and initiated the process of getting its partner organisations in West Africa to set up a federation of Muslim women's groups in the English speaking countries. This has yielded fruit with the establishment of Federation of Muslim Women's Associations in Ghana, FOMWAG and the Federation of Muslim Women's Association in Sierra Leone FOMWASL, while the Muslim Women in Gambia have made considerable progress in getting women's mosque based *islamiyyah* groups to come together. A Muslim sister had established the Gambia Association of Women in Islam. A sure step to establishment of the Federation of Muslim Women's Associations in Gambia FOMWAGA has been taken. All these groups are a replica of Nigeria's FOMWAN.⁵

A Strategy for the Future

(A) Providing Institution Building

FOMWAN has made remarkable progress but the federation needs some institution building in order to adequately face the challenges of the twenty first century.

i) Strategic Planning

The first step to be taken is to conduct a strategic planning workshop for the NEC members. This will enable the organization to chart short term and long term path for its future development.

ii) Fund Raising

The federation must strengthen its funding base by undertaking fund raising activities. One of these could be writing letters to individual philanthropists, corporate organisations and launching of a book published by FOMWAN. With funds raised from these, the federation should complete the first phase of its headquarters in Abuja which is now under construction.

⁵ See "A FOMWAN Journey Round West Africa" in *The Muslim Woman* No. 5 1995 p. 12.

iii) Permanent Office

The federation is currently operating from a rented building in Abuja. One of its short term goals should be to build at least the administrative block and mosque with a permanent office, FOMWAN will then have a permanent address. This will facilitate networking and its image will be enhanced.

iv) Computer Literacy

The federation must update its Information and Communication Technology, ICT. Key officials should undergo the basic computer literacy training. The International Press Centre (IPC) Lagos and Abantu for Development, Kaduna, organize a week or one-day courses for NGOs. FOMWAN should explore these. The federation should develop a website, e-mail facilities, install a telephone, a fax machine, computers and ensure internet connectivity. It is the fastest and easiest way to network at the national and international level.

v) Human Resources Development

The federation should employ full time, competent and well-remunerated staff. Human resources development should form part of the issues the strategic plan would address.

(B) Enhancing Public Relations

The main thrust of this chapter is to envision FOMWAN's public relations but other competing issues also formed part of the discourse. The advocacy component of the federation's programme requires complete overhaul if it is to be a trail blazer in this millennium. The following are suggested; funds should be sourced for the publication of conference papers not later than a year after the event. In addition FOMWAN should set aside a special vote for production of Information, Education and Communication (IEC) materials such as brochures, handbills, pamphlets etc.

The federation's magazine, *The Muslim Woman* which is published irregularly should be published at least twice in a year with the hope of making it a quarterly magazine. State branches should also be made to improve their marketing, fund raising and advertising skills. The magazine as FOMWAN's voice and key networking organ should be given the appropriate attention it deserves. Members should write articles for publication and stimulate interesting debates in the medium. The federation also needs to be more proactive in responding

to contemporary issues through press releases; articles written for mass media and submission of memoranda on critical national issues such as the ongoing constitutional review and sharia.

Long Term Strategies

The following long term strategies are suggested.

Zonal Offices: The federation has expanded so fast that the national body had to establish zonal coordinators to oversee three zones. There should be a long term plan to increase the zonal offices to six because some of the zones cover several states that are far from each other. A special budget should also be provided for their management.

The International Relations Board

FOMWAN is an NGO with a consultative status with the United Nations. It therefore receives invitations and annual calendar of all UN activities at which such NGOs are expected to participate. However, the federation is unable to respond effectively due to funding and personnel constraints. There is need to expand the federation's International Relations Board so that experts in the various sectors can help to articulate Muslim women's concerns on the various issues. The following sectors should attract special attention:

- The status of Women.
- Follow-up on International Conference on Population and Development (ICPD) and Fourth World Conference on Women FWCW Beijing '95.
- Sustainable Environment and Habitat Conferences.
- Convention on the Elimination of all forms of Discrimination Against Women, CEDAW/Human Rights.
- Conflict Management/Peace building.
- Poverty Alleviation and Good Governance.
- Convention on the Rights of the Child (CRC).
- Education for All Initiative (EFA).

FOMWAN is a member of a local education for all coalition – The Civil Society Action Coalition on Education for All (CSACEFA). It should strengthen its networking with education and health promotion coalition nationwide.

A Regional Muslim Women's Organisation

FOMWAN should improve its contact with its partners in the West Africa region and indeed across Africa so that its initiative of providing a voice for Muslim women will become a reality.

Conclusion

This discourse has reviewed public perception of FOMWAN. It highlighted the areas of weaknesses in its image promotion efforts and made recommendations on future strategies for enhancing its image.

¹ACTIVITIES OF FOMWAN, AKWA IBOM STATE CHAPTER

By

KUDRAT B. SANNI

INTRODUCTION

Nigeria is one of the developing countries of the world that has consistently pursued an economic policy which favours the acquisition of technological value, with the intention of creating and conserving wealth for the national growth for over two decades now.

Eze (1989) cites the indigenisation decree of 1975, which empowers Nigerians to predominantly control the means of manufacture, production and distribution of goods in their own country. This policy has been followed by aggressive programme of accelerated manpower training for the indigenous labour force. The Industrial Training Fund (ITF) has also been used by the Federal Government to enable students from tertiary institutions (Science/Technology based), gain more practical skills in the course of their study and to help train Nigerian workers through in-service training programmes.

Corporate bodies, well-meaning individuals, non-governmental organizations (NGOs), like the Federation of Muslim Women's Associations in Nigeria (FOMWAN), a religious body have not been left out in the bid to implement this lofty policy. The motivating drive has been the move to acquire the much needed technological transfer and subsequent self-reliance. The realization of this goal of course, is a sure promise of quality of life for an average Nigerian.

Another reason why the government and other bodies have always rallied round to implement this agenda is because of the revelation from a body that the developing countries including Nigeria, pooled together have *per capita* income of less than \$2,000 and the physical quality of life index (PQLI) achievement of less than 90. And when the PQLI for all the developing nations were compared with those of industrialized ones, the study according to McLaughlin (1979)

also affirms that the former have 56, while the latter have 94. This of course, is an indicator of the low level national development in terms of technology and self-reliance.

The main thrust of this paper is to identify in practical terms, those aspects of technology that Akwa Ibom State FOMWAN has been involved in the last two years and how these have led to wealth creation and self reliance for these women; and consequence development of the chapter, the state and nation. This attempt does not exclude what other FOMWAN chapters do, to contribute to nation building.

Technology, one can have varied definitions depending on the professional orientation of the user or how a person sees it. Litterer (1973) sees technology as a body of knowledge as well as tools, techniques, device and gadgets. Hetzler (1969) made a categorization of technology and defines the 'core of technology' as tools, techniques and machines. While Drucker (1958) asserts that technology deals with how individuals work; this can be seen as a managerial aspect of technology. In 1978, Bennett gave a comprehensive view of technology when he opines that, it is a state of knowledge, methods, procedures, and technical operations used for producing goods and services, and determining the nature of the job performed.

From the foregoing, it is important to mention that whether technology is described as the organization of knowledge for the achievement of practical purposes or shaping materials and fabrication of objects for practical ends, it is made up of values such as knowledge, skills, and attitudes as well as artifacts; employed in manufacture and production.

The Muslim women under the umbrella of FOMWAN in the State, have utilized the application of scientific knowledge, skills and desirable attitudes to develop new processes and with the adoption of these processes produced goods and services for the benefit of self, family, community and the society as a whole. The benefits accruing from the adoption of the different technological inventions have always led to the creation of wealth for those Muslim women who are actually involved. This act of acquiring knowledge to better one's lot and that of others is in line with some of the aims and objectives of FOMWAN.

According to article 7 of the Federation's constitution (revised, 1998); the following sections C, M and O corroborate members' activities thus:

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- To educate Muslim women in their duties and rights,
- To establish and encourage female education, including literacy classes, general education, Islamic education and vocational classes, and
- To initiate the involvement of Muslim women in income-generating activities while at the same time maintaining and upholding the ideals, principles and virtues of Islam.

Among FOMWAN affiliates in Akwa Ibom State, technology in beaded works as in bag making, shoes, designers table covers, car seats covers, market and dressing bags, as well as jewelries in beads for necklaces, ear-rings and even bracelets of different qualities and shapes are produced. Apart from beads technology, a new area of interior decorations, as in blinds, chair head and back rest training is already in the pipe-line; to empower Muslim women to acquire and utilize the knowledge for wealth creation.

The chapter also uses the Zakat scheme which comes from the larger Muslim Ummah in the state to assist Muslim women succeed in legitimate business ventures. This is where the use of experience and knowledge come in the form of counseling the beneficiaries to utilize the fund judiciously in setting up small scale trading, for their benefits and that of others. This of course, has promoted economic activities among women and the spirit of self reliance is kindled in the membership.

Going by the National Executive Council's (NEC) meeting reports (2005-2007), one can boastfully say that most FOMWAN chapters have gone into one form of technology or the other. From cap, hijab and dress making to Garri processing technology for the less privileged Muslim women and others who desire to acquire such skills for self enhancement and development. This effort is in agreement with scholars' view like John Lock in Ferkins (1974), who endorses individualism, accumulation of wealth and technological development as tools for the subjugation of nature. Although, Islam agrees with the assertion but goes beyond that and recommends a collective effort in addition to individual striving for survival 'And hold firmly to the rope of Allah all together and do not become divided...' (Q3:103).

The different FOMWAN Chapters' effort, it should be noted, is geared towards assisting fellow Muslim women to attain their full potentials in skill acquisition and its utilization for creation of wealth to the individual, group and the nation, as well as for self fulfillment

and actualization; which is the goal of every mortal. Islam is not alien to this because the Qur'an promises to grant succession of the earth or authority to only those who believe and do righteous deeds just as Allah granted this to those before them (Q24:55).

One important aspect of Islamic development among the early Muslim was the development of Muslim women. A hadith of the Prophet asserts that '... to develop a woman is to develop a nation' (Sahih Bukhari). This is to say that, the training of a woman whether in a formal or informal school system through trial-and-error apprenticeship system (of the trainees), matters because it impacts on the individual and group wealth through the production of goods and services for human satisfaction and national development.

Wealth creation as a concept is not new to Islam. But what can be said to be new about it are the ways of creating and procedures of accomplishing it. Even though, Allah's purpose of creating man and jinn is to worship Him alone (Q31:56) yet, to really worship (*Ibadah*) is to give services to humanity by way of satisfying man's numerous needs and conquering one's environment. This is because man is Allah's vicegerent on earth, due to the intellect and free will he is endowed with.

For FOMWAN to continue to pursue one of her goals of creating awareness and the education of members for religious and social mobilization, the Muslim women must continue to acquire knowledge, skills and appropriate attitude capable of creating positive change in their lifestyles and that of others as believers and citizens of Nigeria, so that, these women will continue to contribute their quota to national growth through self, family, and community development.

However, the act of women enhancement through technological growth and sustenance is a sure means of women's wealth creation for the citizens and a *sin-qua-non* for nation building.

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NATIONAL POLICY ON EDUCATION AND ITS IMPACT ON NATIONAL DEVELOPMENT – MUSLIMS IN PARTICULAR

BY

L. M. OKUNNU (OFR)*

INTRODUCTION

The first National Policy on Education was published in 1977. The document had since been revised four times in 1981, 1988, and 2004. According to the Federal Ministry of Education "Revisions of the National Policy on Education have been necessitated by the need to address noticeable gaps in content and provisions that emerge in the course of implementation, maintain currency and relevance and to give adequate attention to new opportunities, issues, and challenges" (foreword to the draft National Policy on education February, 2007).

The issues and challenges are usually related to National development within and closely connected to global events and agreements to which Nigeria as a nation is committed such as the commitment to the global Education for All (EFA) initiative, the Millennium Development Goals (MDGs) as well as national development goals encapsulated in the National Economic Empowerment and Development Strategy (NEEDS) document. Thus the revision of the (2004) 4th edition for 5th edition National Policy on Education was informed by the need to:

1. reposition the Nigerian Education sector effectively to meet the challenges of the Education for All (EFA) initiative, Millennium Development Goals (MDGs) and National Economic Empowerment and Development Strategy (NEEDS);
2. improve and refocus education quality and service delivery for the accelerated attainment of the NEEDS goals of social

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and economic transformation, wealth creation, poverty reduction, employment generation and value reorientation.

3. situate the education sector within the overall-context of government reform agenda enunciated in the National Economic Empowerment and Development Strategy (NEEDS).
4. reflect, accommodate and respond to the UBE programme, the provisions of the UBE Act and the implications for the education sector and
5. achieve public ownership of the national policy on education and improve compliance to its provisions through consensus building in its development and strengthened implementation monitoring

PROCESS OF THE REVISION OF THE NATIONAL EDUCATION POLICY – 2004

The process was designed to fit the aim at (5) above, that is, with full participation of all stakeholders. It started with an advertisement for submission of memoranda from the general public on the review assignment of the National Coordinating Committee on the review of the National Education Policy – 2004 Edition.

That was followed by Consultative Forum in all the six geopolitical zones, where stakeholders had the opportunity of presenting their memoranda. The one-day meeting focused on

- Philosophy, and objective at different levels and aspects of education in the light of global and national reforms such as the MDGs and NEEDS
- Strategy for the revitalization of Nigerian Education for functionality in the national development.
- Gaps and possible areas of amendment of the National Policy on Education.

Presentations and discussions at the forum were guided by experts in the various fields of education; views were frank, informative and in most cases the suggestions proffered were thoroughly examined in an atmosphere of conviviality and patriotism.

The South-West Zonal Consultative Forum which I had the privilege to attend covered a lot of grounds ranging from pre-school to tertiary education, with well articulated positions from professional bodies, and individuals, serving or retired public officers, Faith-Based Organisations (FBOs), Non-Governmental Organisations (NGOs), state ministries of education. The FBOs worked together in promoting the agenda on repositioning religion to the core subject group at all levels and the campaign against the content of sexuality education in the curriculum of Lagos State. Nearly all the discussions and resolutions at that forum was reached by consensus. At the end of the day participants left with a clear idea of what the new education policy would contain, thus achieving public ownership of the package with expected commitment to its implementation. The effective media coverage given to the forum generated public interest in education and served as a positive pre-cursor to the barrage of reform initiatives that erupted from the Federal Ministry of Education a few months after.

THE BROAD ISSUES AND CHALLENGES

The broad issues of National Development are both local and global. These issues that impact on the well being of the citizen, children, youth, adult and the aged. It is a combination of the moral, the material, the economic, the social, the spiritual and the physical. The broad challenge is that education should be a process through which the individual can develop his innate abilities to enable him cater for his well being independently without becoming a burden on others. Human development is therefore synonymous with education. To meet these basic needs, "the constitution of the Federal Republic of Nigeria stipulates the direction of national policy towards ensuring equal and adequate education opportunities at all levels and the provision of free, compulsory and universal primary education; free university education and free adult literacy programme as soon as practicable. It provides the basic legal framework for all the three tiers of government – federal, state and local – to participate in the management and provision of education. Part of the challenges is that besides education the resources of the Nation have to be shared with other competing needs of the citizen such as food, housing and a generally healthy environment with appropriate medical facilities etc. Simply put, governments alone cannot adequately cater for the education needs of all. Fortunately the Nigerian education sector has the advantages of ample constitutional provisions and legislative

support for the three tiers of government (federal, state and local) and all other stakeholders to participate in the delivery of education at all levels. As a result, the private sector, Civil Society Organisations (CSOs), non governmental organizations (NGOs), International Development Partners (IDPs), communities and private individuals are very active in this sector. The key challenges are to effectively coordinate activities and interventions as well as to strengthen and deepen collaboration through appropriate policy guidelines, monitoring and quality control."

THE PARTNERSHIP PROGRAMME

With the revision of the National Policy on Education concluded, its intention, expectations, goals, presumptions, standards and requirements clearly outlined, it was time to re-launch the Universal Basic Education Programme.

(a) Universal Basic Education

In line with the structure of the Nigerian education system, basic education covers the first fifteen years of a child's life. Thus UBE programme Encompasses Early Childhood Care, Development and Education (ECCDE), six years of primary education, and three years junior secondary education.

"The Universal Basic Education (UBE) is a Federal Government initiative that is aimed at achieving unfettered access and completion of quality basic education by all Nigerian children irrespective of their socio-economic conditions". The UBE envision that "at the end of nine years of continuous education every child that passes through the system should acquire appropriate level of literacy, numeracy, communication, manipulative and life skills and be employable, useful to himself and the society at large by possessing relevant ethical, moral and civic values"

The implementing organ for the UBE is the Universal Basic Education Commission (UBEC) which was established in 2004 by an Act of the National Assembly known as the Compulsory Free Universal Basic Education Act 2004. The Act provides for compulsory free universal basic education for all children of primary and junior secondary school age in the Federal Republic of Nigeria."

The mission of the UBEC is to serve as prime energizer of a nation's UBE vision; working in concert with stakeholders, thus mobilizing the nation's creative energies to ensure that **education for all becomes the responsibility of all.**

It is significant to stress that the term "all children of primary and junior secondary school age" encompasses adult literacy and non-formal education, skills acquisition programmes and education of special groups such as nomads and migrants, girl-child and women, Almajiris, street children and disable group. Indeed it is at these informal and support arena that creative energies are best mobilized to ensure that education for all is the responsibility of all" is most viable and the impact of education on national development could be most visible.

To appreciate the import and relevance of the numerous initiatives emanating from the Federal Ministry of Education with respect to UBEC it is necessary to enumerate some particular objectives of UBE as follows:-

- i. Ensuring an unfettered access to nine years formal education by providing free, compulsory UBE for every school-age child.
- ii. Reducing school drop-out and improving relevance, quality and efficiency; and
- iii. Acquisition of literacy, numeracy, life skills and values for life-long education and useful living.
- iv. To remove distortions and inconsistencies in basic education delivery.
- v. Reinforce the implementation of the 6-3-3-4 system of education as envisaged by the National Policy on Education; and
- vi. Enhance community participation in decision making process in schools with a view to engendering community interest in, and ownership of basic education institutions.

A detailed analysis of these objectives reveals that none of them could be achieved without the partnership with UBEC by all stakeholders in education. Effective management of resources is also a key factor in achieving the goals of UBEC. The Public Private Partnership

Initiatives (PPPI) of the Federal Ministry of Education is designed to instigate and promote this synergy in concrete terms. For example, the Community Accountability and Transparency Initiative (CATI) is designed to involve the public stakeholders in education, the proper public scrutiny of the deployment and management of resources in our school system. When we realize the fact that 85% of all children in primary schools and 65% of those in secondary schools are in public schools, we are no longer in doubt that the key to the success of UBE lies in public interest in and ownership of basic education institutions.

Revelations from a recent concluded complete inspection of all public secondary schools in Nigeria affirmed the pathetic situation of infrastructure and manpower resources in public schools all over the country. This does not justify the enormous resources already expended by the Federal Government on these areas of needs under the UBE Fund. It is also true that our academic achievement is yearly declining, thus lowering the **bar** for our children because:

- We are not funding education adequately, effectively and sufficiently,
- We are not deploying enough technology into education.
- We do not have adequate infrastructure and facilities at all levels.
- We are not cultivating the right partnership.
- We are not educating enough at every critical education stage.
- We are not providing adequate number and the right quality of teachers.

The UBE programme is financed mainly through the commitment by the Federal Government of 2% of all the Consolidated Revenue Fund (CFR) which in the year 2006 amounted to ₦30 billion and ₦24.3 billion in 2005. States on their part contribute an equal amount of Matching Grant. Formula for the disbursement of the 2% is shown in the chart below:

FORMULA FOR THE DISBURSEMENT OF THE 2% OF THE CONSOLIDATED REVENUE FUND (CFR) APPROVED BY EXECUTIVE COUNCIL, APRIL 2005, (AND AMENDED IN

DECEMBER, 2005) AS REQUIRED BY SECTION 9 (B) OF THE UBE ACT, 2004

S/N	COMPONENT DESCRIPTION	PERCENTAGE
1.	Matching grant to be given on equality basis subjects to fulfillment of stipulated conditions	70%
2.	Grant to States to rectify educational imbalance within and between states and local government	14%
3.	Grant to State adjudged as performing well in accordance with the set criteria as incentive	05%
4.	*Special Grant to States and order providers to assist in the education of physically and mentally challenged	02%
5.	*Special Grant to States for school feeding program to increase enrolment. Retention and nutritional level of children as well as their cognitive development.	05%
6.	UBE Commission Implementation Fund	02%
7.	UBE Monitoring Fund	02%
	TOTAL	100%

***The UBE Intervention Funds are dedicated to public basic education institutions, grants for physically and mentally challenged, which private providers could benefit from.**

Ref: The Universal Basic Education Programme by Dr. Lami Amodu.

It is a fact that human capital influences development; education and health therefore have a major impact on development. This assertion is further strengthened by the realization that the public school system remains the saving grace of the poor hence the imperative of maximizing growth in education through different initiatives to meet the combined effort of education and health into human development.

HOME GROWN SCHOOL FEEDING AND HEALTH PROGRAMME

One of the initiatives that meets the dual role of poverty alleviation and retention of children in schools is the Home Grown School Feeding and Health Programme (HGSFHP). It is one of the packages of the Federal Government under the UBE Act designed to fast track the Education for All (EFA) and the Millennium Development Goals (MDGs).

AIMS AND OBJECTIVES

Specifically, the programme is meant to:

- Reduce hunger among Nigerian school children.
- Increase school enrolment, attendance, retention and completion, particularly of all children in rural communities and poor urban neighbourhoods;
- Improve the nutritional and health status of school children;
- Enhance comprehension and learning achievement of pupils,
- Correct gender imbalance through increased girl-child enrolment;
- Build and strengthen capacity for effective community involvement and participation in school management.
- Stimulate the development of small and medium-scale enterprises; and
- Reducing the incidence of poverty.

As the name suggests the programme is designed to provide a balance and adequate meal during the school day. The meal will be sourced from locally produced foodstuff and stored, prepared and packaged locally. It will be school-based and community driven. All the three tiers of government, organized private sectors and development partners will participate in the funding.

In order to ensure the achievement of the laudable objectives of the UBE, the UBEC Act states that:-

- i. Every government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary age and
- ii. Every parent shall ensure that his child or ward attends and completes his

(a) Primary school education, and

(b) Junior secondary school;

- iii. The stakeholders in education in a local government area shall ensure that every parent or person who has the care and custody of a child performs the duty imposed on him under section 2(2) of this Act.

The foregoing provision of the Act can only be guaranteed under an effective community-based and community driven arrangement. Hence, the need to build community spirit and involvement in education.

COMMUNITY INVOLVEMENT IN BASIC EDUCATION

The slogan, "Education for All is the Responsibility of All" aptly describes the ethos upon which the current initiative to establish a permanent partnership in the realization of the goals and objectives of the UBE between the government and the civil society. The school belongs to the community. This is manifested at different levels such as Parent-Teachers Associations, Old Boy/Girl Association, governing Councils, non-governmental associations like Red Cross/Red Crescent, Boys Scout. We also have a long tradition of private sector generosity to schools in form of books, equipments or endowments. The current programme of public private partnership basic education is "envisioned as a collaboration that will ensure that a quality learning environment is created through conscious private sector input to public basic education institutions to enable learners acquire skills, knowledge and experiences that are relevant to the growth of Nigeria's economy."

THE SCHOOL-BASED MANAGEMENT COMMITTEES (SBMC)

This is a body set up by government to manage the public affairs of schools. To qualify for the "Adopt-a-school" benefit, every public school must have a School-Based Management Committee (SBMC) with standard guidelines on the composition of the body to make it truly representative of all stakeholders in the school. SBMC is to source for fund for their schools and to monitor expenditure and render account to the donors through the appropriate authorities. They are also responsible for the implementation of all programmes related

to the Millennium Development Goals (MDGs) and the Home Grown School Feeding and Health Programme (HGSFHP).

ADOPT A SCHOOL INITIATIVE

This is one of the strategies of sourcing additional funding for UBE institutions under the Federal Ministry of Education PPI initiative. Individual or consortium of private sector partners may acquire adoption right. It could be full adoption (one academic year) or partial adoption minimum of one term). Partners will take total responsibility in line with guidelines provided by the Federal Ministry of Education Adopt-a-Public School Project framework.

A big plus for the programme is in its versatility thus giving opportunities for a wide range of participants and giving everyone a sense of belonging. Apart from partial or full time adoption Private Sector Partners (PSPs) can also intervene in other ways such as donations, provision of infrastructure, subsidies and many more. The key to the success of this programme therefore seems to lie in adequate publicity of its content and mutual benefit for the national development. It also lies in the ability of the operators to run a transparent and accountable system.

THE ROLE OF MUSLIM ORGANISATIONS IN EDUCATION

One of the goals of the recent review of the fourth (2004) edition of the National Policy on Education is

“to achieve public ownership of the National Policy on Education and improve compliance to its provisions through consensus-building in its development and strengthened implementation monitoring”.

The other was to “reflect, accommodate and respond to the UBE programme, the provision of the UBE Act and the implications for the education sector.

The timing of the review of the national policy is auspicious for the Muslim Ummah. The move by the government to achieve public ownership of the national policy coincided with a period of serious efforts by Muslim organizations all over the country to promote education in its entire ramification. Consensus were being seriously built on how to revamp the content, and methodology of education to fit into the Islamic culture. Most importantly, concerns have been

expressed on meeting the needs of Muslims in education. Powerful networks are being put in place to map out strategies for addressing the high rate of illiteracy among Muslim communities across the nation and to tackle the problems of low enrolment, retention, completion and transition from one level of education to the other of Muslim children especially the girl child in schools. The peculiar problems of the Almajiris and the interaction of the Quranic School system into the UBE programme are being addressed at high government levels.

The case has been made that; “in view of the high proportion of children in Quranic schools and in recognition of their contribution to raising the literacy levels and providing moral training, there is the urgent need for government involvement in the integration and transformation of the Quranic and Islamiyyah schools with the conventional schools not only to increase access but also for the rapid development of a large part of the nation's manpower resource” (Northern Education Research Project 2004).

It is in realization of the numerous benefits that the UBE programme has for Muslims that Professor Aliu Babs Fafunwa, one of the greatest advocates of Muslim education in Nigeria opined that “the UBE seems to be tailor-made for the Muslim. If we Muslims had to pay for it ourselves it would take 40 to 50 years to educate all our fellow Muslims. But UBE is free and compulsory; we must take advantage of it”.

The response of the Ummah to the Review of the National Policy on Education (2004), was positive throughout the country and some of our positions were reflected in the final draft of the document. By way of follow up the Muslim Ummah has been fully involved in the Public-Private-Partnership Initiatives (PPI) of the Federal Ministry of Education and the planned Community Accountability and Transparency Initiative (CATI).

Muslim leaders have bought into the need for the Federal Government to partner with Faith-Based Organization (FBOs), with their value-construct to monitor how effectively and how efficiently the resources of the government are reaching the public schools. In this connection we are preparing the necessary machinery to ensure representation of Islamic organizations in the school-based Management Committees of all public schools. We also plan to organize “Adopt a School” programme on the platform of Muslim

organizations and Muslim Philanthropists through advocacy at the Mosque' and other Islamic gatherings. It is heartening to note that Muslim women organizations have been part and parcel of this positive development in the Muslim community. It is with a sense of profound gratitude to Allah that I single out the organization that is currently ably headed by Dr. Lateefa Durosinmi as an epitome of this phenomenon. The Federation of Muslim Women's Associations in Nigeria (FOMWAN) is an umbrella organization of Muslim women's with 34 States of the Federation.

THE ROLE OF THE FEDERATION OF MUSLIM WOMEN'S ASSOCIATIONS IN NIGERIA (FOMWAN)

The Federation of Muslim Women's Association in Nigeria (FOMWAN) was established for the purposes among others, of promoting education and social development of women through the establishment of classes and institutions for women's education and literacy and the development of Tarbiyya (proper up-bringing of Muslim children).

Therefore our vision on women education consists of the girl child, the adolescent, women or house wives and the old women both at the formal and non-formal levels from kindergarten to the grave. In pursuit of these objectives, a national committee on education was set up with the following statutory responsibility:

- Advocacy for the retention of girls in the schools.
- Promotion of women's literacy activities.
- Encouragement of education of females (young/adult/married women).

The Federation of Muslim Women's Associations in Nigeria (FOMWAN) Committee on Education has contributed to the empowerment of women through capacity building workshops/seminars on various aspects of education. The committee is also networking with Islamic associations and other partners (local, national and international) on education. The committee inaugurated an annual education lecture as part of its strategy to mobilize the entire Muslim Ummah to pay attention to education.

Since inception, FOMWAN has made input into policies through partnership with government thereby earning it an official

stakeholder status in the Federal Government Universal Basic Education (UBE), the Nomadic Education programmes and at the Joint Consultative Committee on Education (JCCE). The Organisation is also involved in FG/UNICEF Quranic Education Programmes. FOMWAN is a member of the Civil Society Coalition in Education For All (CSACEFA). Various state branches are also networking and collaborating with other non-governmental organizations (NGOs) in education and rehabilitation of Almajiris.

FOMWAN is a member of the Technical Steering Committee on Girls Education Project (GEP) of the Federal Ministry of Education (women and basic education division) FOMWAN is also currently one of the Nigeria partners in the Community Participation for Action in the Social Sector (COMPASS) Education project of USAID. The education project is centered on programmes for the retention of Girls in schools.

In a similar project, specifically Ambassadors Girls Scholarship Programme (AGSP) FOMWAN through USAID – World Education incorporation provided scholarship for 291 girls in both primary and junior secondary school in three states – FCT, Nasarawa and Niger. The programme has recently been extended to a fourth state – Ogun.

To actualize our vision on education, FOMWAN has established 80 schools in different parts of the country. We also influence programmes in over 1000 Islamiyyah schools that are structured for spiritual education (both religious and conventional) and economic empowerment of children, boys and girls. We organize an annual youth camp for senior secondary school girls in all the six FOMWAN administrative zones of the country, where spiritual, moral and ethical orientation and counseling take place. In addition are the numerous women adult literacy classes for working class women, Quranic memorization classes and vocational skill acquisition training centers.

Upon the invitation of the new executive secretary of UBEC, Dr. Mrs. Lami Amodu, FOMWAN attended a briefing on the new (UBEC), its challenges and the urgency of partnership with all stakeholders on the tremendous challenges of basic and secondary education. As a follow up to that meeting FOMWAN organized a two-day seminar titled "Community Partnership with Government in Education – the Role of the Federation of Muslim Women's

Association in Nigeria (FOMWAN)" from 13th to 14th June, 2007. The partnership with UBEC offers FOMWAN the prospect of expanding our scope of operation from the private to the public school domain through the "Adopt-a-school" and "School Based Management Committees". It is an avenue for fast tracking the achievement of our mission of ensuring that all Muslim children benefit from UBE project towards attaining the goals of Education For All (EFA).

The exposure will also provide FOMWAN the opportunity to guard the Islamic values of education by ensuring that the concept of Tarbiyyah (proper child upbringing) is entrenched in the UBE programme through active engagement with neighbourhood schools and through our involvement in the interaction of Quranic schools system into the UBE.

In her presentation at the seminar, the Executive Secretary, UBEC identified specific roles for FOMWAN in the ensuing reform dynamics in the area of girl-child enrolment and retention in schools, sensitization of the ummah on the almajiri menace and on the importance of basic education. These are familiar grounds where insha Allah we shall intensify actions. Specifically we shall mobilize the Muslim Ummah on the "Adopt-a-School programme and participation in the school-based management committees. These and many more we intend to pursue insha Allah with participants at the seminar forming the core of advocates in each of the twenty five states of the federation, they represented, and at the level of other umbrella organizations and networks in the Muslim community.

THE POSITION OF PRIVATE PROVIDERS IN THE UBE

A major grey area in the implementation of the UBE is the position of the private providers in the programme with regards to government intervention. The UBE Act stipulates that every government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary schools age. Government recognizes the role of the private providers in basic education delivery and the need to guarantee their continued relevance because the facilities in the public institutions are not adequate to enforce the implementation of "compulsory and universal basic education" for every child of primary and junior secondary school age."

To guarantee their continued existence, a government demands that the private providers disarticulate junior secondary schools from senior secondary schools and JSS from primary schools in their existing schools. This translates to setting up separate management, physical facilities, teaching and non-teaching staff etc. at very huge capital cost, without any assistance from government since the UBE intervention funds are dedicated to public basic education institutions except grants for physically and mentally challenged, which private providers would benefit from.

It could be argued that private providers charge fees and therefore do not run 'free' education, but since the children in the schools are Nigerian children and it is obvious that the schools fill the gap in school enrolment which the public schools would not meet, there is therefore a need for government intervention to make the change of structure bearable for the private providers. This could be by way of soft loans, grants-in-aids, concessions in land acquisition etc. UBEC should not turn a deaf ear to the concern of the private providers who should be seen as worthy partners in the project of UBE.

However, since government has not shut the door of community participation in education on private providers, nothing stops them from exploiting the strategies evolved by government to seek assistance.

In order to guarantee adherence to minimum standards in the implementation of the UBE, facilities for regular capacity building programme for teachers should also be extended to private schools.

CONCLUSION

Time is running out on the nation to fulfill its obligations to the International Pact signed with the rest of the world on behalf of its citizen in the field of human development. The NEEDS programme is based on this commitment and at the bottom of it all is education. The revision of the National Policy on Education 2004 is mainly to clear the way for the rapid attainment of EFA, and empowering the citizens with skills and knowledge to fight poverty and accelerate the growth and development of the nation.

'Education for All is the Responsibility of All' calls for a community spirit that will release the human and material resources of this great nation for total and sustainable development. It is a task that must be accomplished. The challenge is mostly for Muslim who form the majority of the poor and the majority of the illiterates in this country, a situation that is not only antithetic to Islam but it is a reversal of the position of the well being and leadership of mankind held by our forebears, "Responsibility of All" means that Muslim women and men should work hand in hand to redress the pathetic state of the Ummah. Therefore the education of women, particularly the girl-child should be topmost on the agenda. The holy Quran states:

"Never will I suffer to be lost

The work of any of you,

Be he male or female ye are members, one of another" –

Quran 3:195.

"The believers, men and women are protectors; one of another they enjoin what is just, and forbid what is evil they observe regular prayers, pay zakat and obey Allah and His messenger on them will Allah pour his mercy: for Allah is exalted in power, wise – *Quran 9:71*

The Holy Prophet (SAW) is reported as saying "Din (Islam) consists in the active pursuit of the welfare of the people"

"With Allah is salvation and peace is for all who follow the guidance".

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GIRL-CHILD AND WOMEN'S EDUCATION: A PANACEA FOR ALL-ROUND DEVELOPMENT FOR MUSLIM UMMAH

By

LATEEFAH DUROSINMI.*

Education is the process of physical and mental development. It is the cornerstone, the key to empowerment and the foundation for the development of any community. Knowledge acquired through experience or education, is the greatest source of power.

Education must be an all-embracing system that combines efficient literacy ability and professional proficiency, with fear of God, respect for values, culture, patriotism and good governance.

Education could be informal, formal and non-formal.

The Formal education takes place in standard schools, including Islamiyya school, starting from the Day-care centres through Nursery, Primary, Secondary and Tertiary Institutions.

Informal education is the form of education received at home, in public places, such as religious centres. Informal education is often given at evening classes, coaching centres and adult education fora.

THE GIRL CHILD

A uniform definition for a Girl-child is a female child below the age of 18 years.

It is sad to observe that in our contemporary world, girls, especially Muslim girls are the least educated around the world despite the injunctions of Allah, Hadith of the Prophet and the impressive role women have played in education and intellectual development within the Ummah in the past.

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In Nigeria, there are over 4 million out of primary school aged children of which over 70% are girls. Of the world's nearly 1 billion illiterate adults, 2/3 are women. 2/3 of the over 130 million children worldwide who are not in school are girls. It is unfortunate that Muslim girls constitute the majority of these groups. Thus, the Girl-Child suffers a lot of deprivation, especially, Muslim girl-child.

ISLAM AND EDUCATION

In Islam, the term education has a very wide meaning. The Arabic term for education, 'Tarbiyya' embodies the totality of Islamic concept of education, which encompasses the overall educational endeavour and Islamic religious instructions at all levels and in all forms, in addition to secular education.

Islam being a religion of distinction and hard work attaches a lot of importance to knowledge and scholarship. Islam encourages acquisition of knowledge for though education for the development of the human race. There are numerous references in the Glorious Qur'an that testify to this. These include: Q 96:1-5, 58: 11, 3: 28, and the sayings of the noble prophet, (PBUH).

Allah, the wise, started the revelation of the Qur'an by commanding the prophet to read.

In chapter 3, verse 28, Allah says:

'Only those with knowledge among His servants truly fear Allah'.

Also, in :

"Allah will exalt those who believe among you and those who have knowledge to high ranks"

Thus, Islam is the only religion which considers those with knowledge as superior to those without it. It is the only religion which calls mankind to reflect on the universe through reasoning but not through miracles. It is the only religion which taught man the first thing Allah created is "Pen" (because of its importance).

In these and other several ayahs of the holy Qur'an, Allah, (SWT) emphasizes that the message of the Qur'an and therefore of Islam is for the informed, the educated. The call in the Qur'an to observe nature, to reflect on the moon, the tide, the glittering stars, the

plants and animal life in order to appreciate the power of the Creator, all points to the notion that the religion of Islam is not for the ignorant.

Islam also stressed that the knowledge for mankind is not a special privilege of a class but an essential need for every Muslim and thus made acquisition of knowledge obligatory upon all Muslims (males and females) and as a necessary condition to their being true believers in God and Islam. The prophet (PBUH) also encouraged men and women to acquire knowledge.

The pursuit of education by a Muslim is an act of worship to her creator and when positively utilized, a form of service to humanity. The belief that a Muslim's faith and worship is strengthened by knowledge propelled early Muslims to explore several areas of knowledge, such as astronomy, medicine, physics, theology, mathematics etc, etc.

Islam is the religion that gave the entire world educational renaissance by removing them from the world of darkness to the world of arts, science and letters. Islam is the religion which gave birth to universities of Azhar Qairawani a thousand years before the establishment of Oxford University. Thus, the Educational advancement of the Muslims in the past could be attributed to the fact that Islam is a religion which came right from inception with the command to mankind to read, to learn, and to acquire knowledge.

The noble Prophet (SAW) also enjoined us to "Seek knowledge from the cradle to the grave" thus emphasizing the strategic importance of education to the growth and development of the Ummah.

GIRL CHILD/WOMAN EDUCATION IN ISLAM

Allah, in His infinite wisdom, made education and seeking of knowledge compulsory for all human beings, male and female. Islam makes no distinction between male and female and declared that the pursuit of knowledge is incumbent on every Muslim, male and female. Thus, Islam considers the Right to Education a Fundamental Human Right. It confers on every child, male or female, an equal right to free basic education and cultural orientation. Therefore, Education of females is a religious right.

The prophet likened the education of a female to the education of a nation and the education of a male as that of an individual.

The holy prophet (PBUH) emphatically states:

"The seeking of knowledge is compulsory on every male and female Muslim".

Thus, Islam makes education obligatory on every Muslim and does not set boundaries to the knowledge, intellectual pursuits and contribution a woman can offer to her society. In fact, a woman can only be useful to the nation if she has access to basic education.

A woman should choose whatever field of endeavour that suits her individual intellect and personality and pursue it to its maximum potentials.

TRENDS IN WOMEN'S EDUCATION

DURING THE TIME OF THE PROPHET

The prophet (PBUH) encouraged men and women to acquire knowledge. He appointed a separate day in which he attended to women's education. His youngest wife, Aisha made the best of this opportunity. She learnt so much and had such a wonderful memory that the prophet told his companions that they could take half of their knowledge of Islam from her.

Aisha was not only the transmitter of the fourth largest number of the *Hadith*, she was also well known for her precision, critical faculty, and knowledge of law, history, medicine, astronomy and mathematics. Her corrections of many *Hadith* became the subject of an 8th-century book of jurisprudence which today, more than ever before must be read along with the books of *Hadith*.

This trend started by this early generation of women continued for the most part of Muslim history, where women continue to excel in literally field of learning in their time. Many of the famous scholars among men studied at the feet of many of the women scholars of their time. Some of these include Ibn Hajar al-Asqalani, who attended lectures on Hadith given by Juwairiyya bint Ahmad and also studied for some time under Aisha bint Abdullahi, who was considered the best scholars of Hadith of her time.

Imam Shafi' himself benefited greatly in his formulation of the law, from the knowledge and profound understanding of Hadith literature possessed by Sayyida Nafisa, the grand daughter of Hasan, grandson of the prophet.

Such was the involvement and contribution of women in the field of scholarship. It must be added that many of these women played

other role(s) in society, either as administrators or merchants. They also made their wealth available for the Islamic cause.

The famous Sankore mosque of Timbuktu in contemporary Mali, which formed the core of the celebrated Sankore University was built by a woman.

Other examples of educated Muslim women were Aisha Safiya and Ummu Salamah (prophet Mohammed wives). And among the companion's wives were Ummu Atiyyah, Fatimah bin Qays etc. Sumayyah also contributed tremendously in different ways to the development of Islam.

Subsequent to the prophet's time and in the different epochs of Islam, renowned Muslim women of intellectual prowess emerged. And today, many Islamic Countries have their intellectual Muslim ladies. Nigeria is certainly not an exception.

AFTER THE PROPHET

The scholarly achievements of women continued generally in the Muslim world until the last three centuries or so when decadence crept in, scholarship stagnated and women receded to the background.

In Nigeria, the history of Muslim Women education started with the renowned Muslim reformer of repute, Sheikh Uthman Dan Fodiyo of blessed memory. Prior to his time Muslim Women were kept at home without any education. He made efforts to restore Women's right to education.

Uthman Dan Fodiyo emphasized the importance of women education. He called attention to the fact that women should not be prevented from attending preaching assemblies as they should not be left in ignorance. He lamented on the negligence of Women's education by Muslims.

Shehu's contribution in the revival of women education in Islam is singularly remarkable and unprecedented. Shehu from the onset of the movement was seriously concerned over the ignorance and decadence of the society but particularly the deplorable condition of women. He attacked the Hausa society for the way they turned women into chattels, and criticized the scholars for ignoring the education of women. He defied the conventions of his time and devoted a lot of time and energy in this direction, literally urging women to come out to learn and to rebel against the prevailing injustice.

"O Muslim women", the Shehu often addressed them, "do not listen to the words of those misguided men who tell you about the duty of obedience to your husband but they do not tell you anything about obedience to God and his messenger."

His brother Abdullah similarly urged women to go out to search for knowledge with or without the permission of their husbands. Abdullah, not only restored the correct Islamic position on women by putting education over and above marriage, he also revolutionized on gender relationship in Hausa land. This led to the emergence of women scholars in earlier generations.

Uthman Fodiyo started the practice of women's education with members of his family -

His wife Aisha bint Jobbu, his sisters and daughters were famous for their learning and piety. The most renowned among them was his daughter Asma'u; she was a poet and wrote in both Arabic and Fulfulde.

Nana Asma'u received education from her father, brother, step mother, sister and husband. She was brought up in a learned environment and her father never restricted her and other women in joining his classes. She learned Islamic sciences such as *Fiqh* (Jurisprudence), *Tawhid* (theology), *Tafsir*, *Hadith*, Arabic language, grammar, Arabic Literature, Logic, and Mathematics.

Nana Asma'u was very learned; she memorized the Holy Qur'an and could write in three languages. She impressed her contemporaries and gained their confidence. Nana Asma'u was an effective teacher for Women and Men. She held classes in her house for the women (young and old). She wrote poetry for her students to memorize and instructed them on their rights and responsibilities under the Shari'ah.

In the south west part of Nigeria, Alhaja Humani Alaga was one of the pioneers of female Muslim Education in Nigeria, specifically, in Ibadan, Oyo state.

Alhaja Alaga founded the Isabatudeen society in 1958. When Alhaja took her daughter Musiliat to a mission school for admission, she was asked to wait until till the girls from the mission must have been admitted. She was upset by this action. She thereafter summoned other Women to establish the first Muslim Girls School in Ibadan. The Isabatudeen Girls Grammar school in 1964. The school, which started with a population of 30 girls, now has over a thousand students

Although she was not literate in Western education, she was intelligent, courageous and industrious. She used her Islamic education which is an all encompassing knowledge to influence the lives of Women.

Others that have pioneered establishment of educational Institutions include Alhaja Mistura Kotun (Lagos), Alhaja Seenat Ogunwale and Alhaja Asunmowo Oyedokun, both from Osun State.

THE CURRENT POSITION OF WOMEN EDUCATION

Today, it is sad to note that, Muslim women are the least educated around the world despite the impressive role of Muslim Women scholars of old, and the fact that many notable leaders of the well-known schools of fiqh, such as Malik bn Anas, Ahmad bn Hanbal, learnt at the feet of their mothers.

However, Muslim women have been trying to pool their talents, resources and energies together for the advancement of the cause of Islam. Alhamdulillah, one of such organizations that have survived the odds is the Federation of Muslim Women's Associations in Nigeria (FOMWAN).

FOMWAN was established for the purposes among others of promoting education and social development of women through the establishment of classes and institutions for women's education and literacy and the development of Tarbiyya (proper child up-bringing) of Muslim children.

FOMWAN's vision on Education consists of the Education of the Girl-Child, the adolescent woman or housewife and the old woman both at the formal and non formal levels, from kindergarten to the grave.

FACTORS RESPONSIBLE FOR THE POOR ENROLMENT OF THE GIRL- CHILD AND CURRENT STATE OF WOMEN EDUCATION

- Disobedience to Allah's commandments.
- Failure on the part of the parents and the Muslim *Ummah* to appreciate the need for qualitative education (Islamic and general education) for females.
- Proliferation of pseudo-Islamic Scholars, with poor understanding of Qur'an and the Sunnah of the Holy Prophet (PBUH), who believe females are only to be seen and are never

to be heard, and they pursue this agenda by denying the female folks access to all forms of education, including Islamic education.

- Declining commitment to Islam.
- Growing poverty, which makes mothers to support their daughters to abandon schools in preference to supporting their economic pursuit.
- The stupid belief among ignorant parents, that only boy-child can safeguard their future; and therefore refusal by parents to send their daughters to school for such obnoxious reasons.
- Lack of visionary policies by the Muslim *Ummah* which negatively affect the progress of Islam.
- Complacency among many Muslim Girls and Women
- Lack of women empowerment
- Imposition of ungodly and anti-female traditional customs and cultures.
- The erroneous belief that highly educated girl or woman becomes arrogant, indisciplined and "uncontrollable".
- The down play of morality and values, which is one of the characteristics features of the modern education.

JUSTIFICATION FOR FEMALE EDUCATION

THE GIRL CHILD

The type of up-bringing or education we give our girls determines the kind of society we have and the readiness of these girls to face the challenges of secularism and plurality of cultures. The Islamic upbringing is one in which the moral and the material, the economic and the social, the spiritual and the physical are inseparable.

By educating a girl-child, she is assisted to discover her talents and her potentials.

It is important that a child goes through both the secular knowledge and the religious education. The religious education and its application contributes very significantly to our progress and happiness in this world and in the hereafter, while the secular education is the yardstick for recognition in the society as well as being essential for life-skills and self-reliance.

The world is now so complex that without sound education and knowledge in all fields, a human being could be so insignificant and irrelevant in the frame of things

THE WOMAN

By the time an educated Girl-Child becomes a mother, she is expected to make positive impact on her home. There would be reduction in both child mortality and maternal mortality and subsequently, value is added to the economy.

A girl/woman must be creative. This cannot be done without education. Creativity brings out those special artistic qualities in you and this helps to put a lot of vigour and life into the home.

It is only educated women that can effectively handle the affairs of the family. Educated women contribute better in helping children and give necessary support and understanding to their husbands. An educated mother is more likely to send her child to school.

Education of women is important for the advancement of Islam, for the advancement of the nation. This has been proved by the Jihad of Usman Dan Fodiyo and the tremendous transformation that took place in the Republic of the Sudan after educating and incorporating women in its struggle for a just society.

Education must in no way be sacrificed for any other consideration, not even marriage, for knowledge takes over precedence over marriage. Marriage should not be a barrier to learning.

Women's education is very vital. Women's education is central to both women's development and overall national development. Women's education is essential for development and progress of our everyday life and progress of our children. If a woman can read the Qur'an for example, she will imbibe better the tenets of Islam as well as transmit it better to her children. Women are the first and the best educators.

WAY FORWARD

- The Parents and guardians should be guided by Islam and fear of Allah in dealing with their children, irrespective of sex.
- Teachers /Muslim Scholars should properly educate the Ummah about the position and rights of the Girl-Child/Woman to education as enjoined in the Qur'an and the Sunnah of the Prophet (PBUH). The practice of denying female education is

against the Sharia which expects both men and women to be equally educated.

- The Girl-Child MUST be encouraged to acquire both the religious and western forms of education. She should be encouraged to choose whatever field of endeavour that suits her individual intellect and personality and pursue it to its maximum potentials.
- Muslims must overcome the nonchalant attitude towards education. We must make conscious efforts to invest in education. We must back up our plans with actions. We must plan for the education of our children. *"He, who fails to plan, is already planning to fail"*
- Muslim parents must appreciate the need for qualitative education for their children. It is imperative that every Muslim child must have access to good quality, well-integrated general education. We must encourage our children to pursue education to greater heights in order to maintain their Islamic identity.
- Muslim secondary schools for girls should be encouraged to eliminate the fear of parents on immorality and other social vices that can result from adolescence mixing.
- There must be intensive Da'wah activities against ignorance and the general negative attitude towards education.
- We should evolve a general endowment for education and Scholarship schemes in view of the immense poverty among Muslims.
- Muslims should establish more Nursery/ Primary schools, crèche/ day-care centres.
- Muslim organisations should think of how they can use their specialities to contribute to the positive development of the girl-child.
- The Government should guarantee education with full security for all. The rights of woman to education as rightly stated in the third National Development plan, which formed the basis of the National policy on Education, must be enforced.
- Women should be encouraged to acquire both religions and western forms of education.
- There must be strong commitment towards economic empowerment of women whose prosperity or otherwise has direct

impact on children. Women must be intellectually and economically empowered.

CONCLUSION

Education of the girl child is important for the advancement of Islam, for the advancement of the nation. The future of the Ummah depends largely on how the society cherishes its female folks.

There can be no significant or sustainable transformation in societies and no significant reduction in poverty until girls and women are properly educated.

The Girl-child, the Muslim woman and the Muslim Ummah must live up to the challenges of education especially in our present multi-religious and multi-cultural society. The Ummah must do its best to reduce the number of ignorant girls and women in our communities.

If the mothers of the nation are ignorant, then the nation decays.

The Girl-Child and Muslim women are faced with a lot of challenges, which cannot be effectively tackled without education. The contemporary world has become much more complex. This complexity suggests the need for greater vigilance, creativity and the need for the Muslim Woman to be educated and be more focused.

Allah says in Q.13 V 11:

"Verily, never will Allah change the condition of a people until they change it themselves (with their own soul)".

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SCHOOL DISCIPLINE – AN ISLAMIC PERSPECTIVE

By

YASMIN IBRAHIM*

Distinction between Discipline and Punishment

It is a common assumption that discipline is synonymous with punishment. An examination of the root words of both discipline and punishment is indicative, however, that is not the case. The Latin root word of *discipline*, *discipulus* can be translated as “instruction”, “knowledge” or “student” implying a relationship between a student and a teacher or instructor. This knowledge and instruction is inclusive of the moral training and character education that is a vital constituent of Islamic Education. Likewise, the word *punishment* has Latin origins, *poena* but the meanings of the root words are vastly different. Punishment derives from the Latin root word for pain. As the root word suggests, punishment itself can be associated with inflicting pain or issuing a penalty as a consequence for one who commits offences.

The main objective of discipline is not to merely stop the offence, as is the goal of punishment. For example, in a scenario where a Nursery Pupil speaks to a teacher in an inappropriate manner a system that focuses on punishment would encourage a teacher to respond in a manner such as, “Don’t speak to me like that! Go and stand at the front of the room!” In a system that focuses on discipline teacher may respond by saying for example, “I know you are angry, but you may not speak to me in that way. Please think of a more appropriate way to tell me you’re angry and try again.” Discipline seeks to only use those interventions that would be appropriate means by which to create change and personal development in an individual. And indeed Allah mentions in the Qur’an, “Verily, Allah will never change a condition of a people until they first change what is in their

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souls” (Qur’an 13:11). As educators one of our roles is to facilitate that change.

Discipline believes that good behaviour is a teachable skill, not unlike mathematics or reading. Consequently, it makes use of the tools that an effective teacher would use, for example rapport building, following through with logical consequences, real life examples, redirecting, practice, and giving information in respectful, repeated and varied ways. People who use discipline correctly do not necessarily differ in the number of limits they establish, so much as in the dramatically different ways by which those limits are taught and enforced.

It is interesting to make a comparison between the significance and role of punishment in a School Discipline System and in *Shari’ah* (Islamic Way of Life/Holistic Law). *Shari’ah* derives from the Arabic words for “road” and “to begin” or “prescribed”. According to Hamid (1989, p.35) the main purpose of Shariah is to “secure the general good or interests (*masaalih*) of people by promoting their welfare as individuals and as a collective body and keeping harm and injury away from them.” It is a complex system that is not merely restricted to punishment. Instead, punishment serves as a vehicle to deter the community from erring. Similarly, the role of punishment in an Islamic School Discipline System should be parallel to that of Shariah, where punishment serves as a deterrent to discourage complacency among people and thereby reduce the incidence of offences and unacceptable behaviour. Punishment relies heavily upon the notion of external control as *hudood* (the limits imposed by Allah) (Maqsood, p.96, 1998). This demonstrates that in the same way that punishment is only one aspect of Shariah, it should be only one aspect (and, indeed, the periphery/limit) of an effective School Discipline Program.

In this paper the emphasis is on discipline as a process of training, *tarbiyyah* and the development of character education. It is about assisting Muslim students in learning to be responsible human beings who are accountable for their actions and the consequences for those actions. It is concerned with encouraging appropriate behaviour and discouraging inappropriate behaviour.

What are the Elements of a Successful Discipline Program?

It is important to realize that due to the nature of individual schools, differences will be reflected in the way the school handles and adopts discipline system. However, successful School Discipline System would adopt the following:

(i) **Reflect the Islamic teachings of the Quran and Sunnah**

It is necessary that all aspects of an Islamic school are parallel to the teachings of Islam.

(ii) **highlight Positive Behaviour**

An effective School Discipline System is one that emphasizes positive behaviour. This will ensure that the desirable behaviour increases in frequency. The Prophet adopted this methodology successfully.

A man came to the Prophet and asked him about Islam and the Prophet told him about the five basic pillars of Islam. The man said he would do this and nothing more. The Prophet said he would achieve prosperity if he implements what he has said he would.

Rather than focusing on what else the man could do, or comment on the man's lack of commitment, the Prophet encouraged the man and praised him for the few required acts he committed himself to do.

The same principle of emphasizing positive behaviour is used to train killer whales when they are being taught to jump to great heights out of the pools in marine parks. The trainers begin the training by trying a rope under the surface of the water. Every time the whale passes over the rope, feeding fish to the whale reinforces the behaviour. Slowly, the rope is raised a little and a little more and a little more until it is out of the water. Each time the whale passes over the rope it is fed some fish. Before long, the whale is able to jump out of the water over the rope at great heights and has been successfully trained through a process of positive reinforcement. By highlighting positive behaviour, an individual is able to assist somebody reach his full potential.

(iii) **Recognise that Change is a Process**

Discipline involves the occurrence of change as a process rather than a single event in order to achieve the desired goal. Gradation is also used as a methodology of change in the Qur'an and is indicated by the four stages involved in the prohibition of alcohol.

Stage 1. The Qur'an hints that things that make people drunk are not good. (16:67).

Stage 2. Emphasis that the disadvantages of alcohol are far greater than the benefits of alcohol. (2:219).

Stage 3. The Qur'an prohibits coming to the prayer in a state of drunkenness (4:43).

Stage 4. The Qur'an outright prohibits alcohol and describes it as an evil doing of the Satan (5:90).

Each stage was important in preparing the community for the final goal, the outright prohibition of alcohol and to assist people stopping the habit completely.

In the school environment, this methodology can be used when students are in a boarding school situation, for example, where students stay up late on weekends when there may be no "lights out" enforced and the school authority wishes to implement a new curfew. Another situation could be trying to move from a situation when students can wear any shoes to school to a situation where they must wear black closed-in shoes to school or even the introduction of a new Discipline System in the school.

(iv) **Punishment must Fit the Crime**

It is important that the punishment is not excessive for the offence the students have committed and the appropriateness of the punishment is considered.

(v) **Consistent, Non-Discriminatory and Just**

"Oh you who believe! Stand out for justice, as a witness to Allah, even though it may be against yourselves, or your parents, or your relatives" (Q. 31:13).

It is important that there is consistency in a School Discipline System. Every student is disciplined in the same manner for the same offence regardless of who is disciplining them. Inconsistency means that you are teaching a 'different answer every lesson'. The implementation of a consistent and just School Discipline System inculcates values such as social justice within the students.

Even the Prophet himself vowed that should his daughter Fatimah be found stealing he would cut her hand off and that people in the past were ruined because they were quick to ignore a nobleman's crime but were quick to punish a poor man. (Sahih Bukhari).

Achieving consistency and justice is reliant on the disciplinarian being in a positive frame of mind. The Prophet advised that "If one of you gets angry let him be silent" (Ahmad). An educator who is enraged with a student is unable to discipline students in a just and consistent manner.

Al Nu'man is reported to have said that the Prophet said "Treat your children equally, treat your children equally, treat your children

equally". (Ahmad, Ibn Hambal in Sunah) in the same way one would treat their own children equally, they should be encouraged to treat their students and pupils equally.

(v) **Flexibility and Dynamism**

Mirror the Shariah qualities of flexibility and dynamism. There may be times when students are not able to fulfill requirements and concessions may need to be made. Just like travelers, pregnant women, the ill and the elderly may be exempted from fasting during the month of Ramadan and may compensate by paying *fidya* (ransom) or fasting the missed days when they are in a position to do so, it may be the case, for example, that students cannot complete homework tasks when assigned or arrive to school too late due to extenuating circumstances. Flexibility is an important characteristic of every just School Discipline System.

(vi) **Develop Self-Discipline**

An effective discipline system should be one that teaches and guides the students to discipline themselves through *Taqwa* (God consciousness) and self-policing, evaluating oneself and taking responsibility for correcting the action. A School Discipline Policy that encourages students to follow a bad deed with a good deed can enhance this. "*For those things that are good remove that is evil*" (Q. 11:114).

(vii) **Demonstrate Respect to the Student**

It is important to bear in mind that it is the behaviour of the student that should be criticized not the student him/herself. Humiliation should be avoided when correcting or guiding young Muslims.

The Prophet himself was so concerned with protecting children's emotional well-being that when his grandson Hassan climbed on his back during his prostration in prayer, he waited patiently until he moved away because he did not want to scold him or have him feel rejected.

(viii) **Expectations should reflect the Developmental Level of the Pupils/Students**

Rules should focus on sound principles and for younger children should be more lenient as they are not yet accountable for their actions.

(ix) **Development of Ummah is Consciousness**

Ummah's consciousness can be developed by encouraging students to look at their behaviour in terms of the effects it has on others.

(x) **Inclusion of Reward and Punishment**

Acceptable behaviour should be emphasized immediately and rewarded. The hereafter is a place of reward for the obedient as well as punishment and purification for the disobedient.

(xi) **Clarity of Acceptable and Unacceptable Behaviour**

Ensure that the students understand the school's position on what is acceptable and unacceptable behaviour. Aisha related that the Prophet was always known to communicate in a manner that everyone understood. (Abu Dawud). In fact, it was quite often the case that he would repeat things thrice in order so that the meanings of his words were fully understood. (Sahih Bukhari).

In most instances in Shari'ah, guidance is specific and detailed rather than being basic and vague, in order to promote goodness and justice. Bear in mind the basic principle in Islamic jurisprudence is that everything is *halal* (permitted) unless it is explicitly prohibited or *Haram*. It is also important to emphasise that all that Allah has made *haram* is only "that which is destructive for a person as an individual, his society and his environment – destructive in the physical, mental and spiritual senses" (Hamid p.37). It is advisable not to put students in a situation where they are doubtful as to whether behaviour is permissible or not. For it is fair to punish students when they were not aware that their behaviour was unacceptable.

Ensure that new students and teachers are inducted into the school discipline programme by the Schools Discipline Master.

(xii) **Explanation of why the Rules Exist**

It is important that students know the wisdom and logic behind particular rulings. Such is the case of the man who approached the Prophet asking his permission to fornicate. The Prophet gave the young man an explanation to help him understand the logic behind the prohibition of fornication and to help him refrain from committing the act.

Similarly, students deserve to have a proper explanation to appreciate the School Management's decision to implement particular

rules. This provides the students with opportunity to internally become their own moral agents and evaluate whether particular behaviours are appropriate for themselves as young Muslims.

(xiii) Finding Suitable Alternatives

Often for moral or safety reasons, schools may choose to ban or remove certain events or practices in the school. It is important if you want the full support of the students that you provide them with better alternatives (Bashir and Bashir, p. 39).

This was the methodology of the Prophet, when he arrived in Madinah, he observed that the people had two annual days of fasting. He told them Allah has replaced these days with two better days, 'Id al Adha and 'Id al Fitr. The change was adopted much more quickly because the community did not feel a loss, rather they felt they had gained:

(xiv) Regular Review

An effective School Discipline Policy should be regularly reviewed to ensure that it is achieving the desired objectives.

Formulating a Discipline Policy

Culture often impinges on how we think and practice various aspects of our daily lives. This could include for example respecting traditional titles, traditional clothing, the food we eat and whether we are a communal or individualistic society. Islam accommodates culture as it accommodated the hospitality aspect of the *jahiliyah* period (period of ignorance) and Friday as the day of gathering provided these aspects were not contrary to the spirit of Islam. Accordingly, a School Discipline System may reflect the culture of the community provided it is not contrary to the spirit of Islam and does not elevate the cultural norms above Islam where there is a contradiction. The principles of Islam and Shariah are universal for all places and all times. It is the responsibility of the School Administrations to determine what aspects of a particular culture may or may not be parallel to the spirit of Islam.

What does an Effective School Discipline Policy Teach

- Right from Wrong
- Self-control
- Social Justice

- Cooperation in Resolving Conflicts
- Self-esteem, a feeling that "I am part of the solution"
- Clear Expectations and Fair Consequences
- Respect for those in Authority

Conclusion

We tend to punish as we were punished. It is essential that rather than implementing a system of punishment, we need to implement a system of discipline. It is vital that we pause and examine what we are doing, our objective and analyse if this objective is actually being achieved.

As the Prophet mentioned, "Each of you is a shepherd, and each of you shall be asked concerning his flock: The leader is a shepherd of his people, and he shall be asked concerning his flock; and a man is a shepherd of his people, and he shall be asked concerning his flock; and a man is a shepherd of his household and he shall be asked concerning his flock, and a woman is a shepherd of the house of her husband and of their children and she shall be asked concerning them" (Agreed).

The Prophet is also reported to have said, ... "Allah, the angels and the dwellers in the heavens and earth, even the ant in its hole and the fish, invoke blessings on one who teaches goodness." (Tirmidhi) It is essential that the objective and outcome of our School Discipline Systems teach goodness by enhancing the students' submission and harmony to the will of Allah as well as develop their total personality and their consciousness of their responsibilities to Allah.

The implementation of a School Discipline System is a process rather than an event. The first thirteen years of the Prophet's mission involved educating the minds of his people and teaching them the message of *tawhid*, the oneness of Allah. His conveyance of the message of Allah was successful because he had courage and he had the total commitment of his people who were a unified body possessing clarity and purity of intention. The successful implementation of a School Discipline System will take time and commitment, cooperation and a shared vision of the School Management, the Educators, the Parents and Students so it really is a whole School Discipline System.

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RIGHTS OF THE CHILD IN ISLAM

By

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INTRODUCTION

The nature/nurture episode is an age long controversy and from all indications the interested investigators have not got a satisfactory answer to their curiosity. The bone of contention is the need to know which of the influencing factors has a greater impact on the physical and moral development of man; is it the nature or the nurture? By nature, the investigators are talking about the inherent natural tendencies that have implications for shaping and reshaping the life of man such as certain natural phenomena or environmental influences that make man behave in a particular way. Regarding nurture, it is the artificial modifications which interfere intermittently with the growth of man affecting significantly his moral and social development.

Though, the controversy continues among the interested intellectuals, our position in this chapter is to show how the nature/nurture question is resolved in **Islam**. According to **Islam**, it is a matter of division of Labour as we have been privileged to know that both nature and nurture are phenomena put in place for a purpose. Each of them has a role to play at different developmental stages of man right from birth. We are reliably informed in the Qur'an that man is created on certain fixed natural dispositions (Q30:30) which are not open to alteration by man the latest developments in genetic engineering notwithstanding. For instance, the creation of night for man to sleep in order to regain his lost energy as a result of the rigorous activities associated with normal daily routines, the creation of the day – a period of physical activities when man works to earn a

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living, the colour of one's skin, the mother tongue of every individual, the atmospheric condition of a given place – either too hot or too cold – which has a significant impact on the behaviour of those who domicile therein are all natural factors which are open to little or no alteration. He is also provided with brain. (Q 2:164) (Q30:22) (Q76:3) etc.

In addition to the natural forces, man requires special handling in form of education, orientation and counseling. Education of man takes various forms and it takes place in different stages and it is handled by many agents. And that is nurture (Q9:122).

THE RIGHTS OF THE CHILD AND THE QUESTION OF NATURE AND NURTURE

In this write-up we take nature and nurture to serve as a convenient premise to discuss the rights of the child who on his arrival in this world comes naturally for a purpose (worship of God) and naturally too with a particular sex, male or female, with a particular colour of skin, born naturally into a particular atmospheric condition etc. But he must be artificially handled, guided and trained towards a particular life style. As a matter of luck, the child may fall into the care of a handler who will guide him to uphold the very purpose of his existence which is *Ibadah* (Q51:56). He may be guided (vision) towards a direction different from the purpose of his existence; depending again on his handler. Then, the question arises: what are his rights? Who are the agents commissioned to administer the rights? By what formula?

THE FORMAT OF DISCUSSION

It should be stated that the rights of the child are divinely dictated. It is Allah the provider (Q42:49) of the child Who determines what the rights of the child are. But our adopted format in this write-up is to list the designated agents who are commissioned to administer the rights of the child and state against each agent his own portion of the responsibility. For instance, the designated agents are four; namely the parents, the mosque, the school and the state.

(1) The Parents

(a) Choice of Spouse

Taking care of the right of the child begins at the level of making a choice of future partner by the would be-parents. One of the pre-marriage conditions in Shariah is the

compatibility in religion. Both the suitor and the spinster must be Muslims. "Do not marry unbelieving women until they believe, a slave woman who believes is better than an ... dwell in tranquility with them and He has put love and mercy between your hearts verily in that are signs for those who reflect". (Q30:21). The rationale behind this condition of religious compatibility is to guarantee the right of the child to an environment characterized by religious harmony where he can receive Islamic orientation and Islamic etiquette from both parents who share proudly the same religious persuasion. A child born into a family of religious incompatibility will get confused: does he follow the religion of the father or that of the mother or none of the above?

(b) Breast Feeding

Islam stipulates a period of two years of breast feeding the child. "The mother shall give suck to their offspring for two whole years..." (Q2:233). The advantages of this natural handling of the body at this age have been medically established and richly documented. The child is healthy, happy and psychologically well adjusted. Such a child will grow up showing affection to other fellow human beings because of the affection he had received from his caring and breast feeding mother. It means therefore, that a child that is denied the right of breast feeding may grow up moody and as an introvert.

(c) Provision of Maintenance

It is instructive to note that the concept of division of Labour permeates the teachings of Islam. For instance, Islam demands that while the mother breast feeds, the father provides adequate maintenance which include shelter, food, cloth, medical care etc. It is the right of the child that the mother is not neglected by the father during this crucial period. It should be mentioned at this stage that the mother should not make outrageous demands that is beyond Q2:282. Interestingly, the nursing mother is warned against making outrageous demands that is beyond the income of the husband. In fact this provision applies both ways: in other words, no spouse should be over stretched beyond his or her capacities (Q2:282).

(d) The Parental Care

The care intended here is not meeting the material needs of the child by both parents but meeting his religious and moral

needs. For instance, a prophetic tradition has it that "every child is born on fitrah i.e. natural disposition to the religion of Islam but changes will occur as a result of the parent's intervention". So, no effort should be spared towards assisting the baby in maintaining that Islamic status with which he was born. He should be protected against the criss-cross of the religious propaganda now ravaging the society. He should be introduced to the Islamic etiquette of greeting, performing ablution and Salat at a very tender age. At age seven, he must have been able to observe the five daily obligatory prayers correctly and punctually. At this age, he must have been able to read portions of the Qur'an. Parents are instructed to handle this aspect of the child's care with patience (Q20:132). The story of Luqman with his son comes handy in this regard. It is the right of the child to be given orientation concerning the right manner in private and public life. (Q31:12-23).

(e) Education

Education in Islam is more than mere literacy which is the ability to read and write. Education from the Islamic point of view is the process by which the child is assisted to discover the human elements in him, his talents, his potentials, recognize his duties and not only his rights, identify the purpose of creation and above all how he should conduct his affairs in this world which must be in consonance with the divine purpose. His education should assist to define accurately his status as a creature in relation to God as the Creator. Education to the child is a matter of right and to the parents is a matter of obligation and duty.

2. The Mosque

The second agent of administration of the rights of the child is the mosque which since the time of the prophet Muhammad (s) in Madinah has been playing multifarious roles in the Muslim community. The mosque of the prophet in Madinah served as a place of worship by the faithful, a town hall for public meetings, a court for the administration of justice by the prophet and a school with educational facilities for both adults and children. Up till today, the mosque has retained those roles but in varying degrees of prominence. In many parts of Nigeria, the tradition of giving Muslim children Quranic education in the mosques has been phased out. In a place like ours where education in the public schools has been completely

secularized, the mosque should be reactivated to resume its role of giving the Muslim children Quranic education. The curriculum to be implemented by the mosque is not an elaborate one. It is the rudiments of Arabic otherwise called Quranic Arabic which does not aim at making a Muslim child speak Arabic fluently or write it effortlessly. The objective of teaching Arabic rudiments at this level is to equip the Muslim child with the ability to read the Qur'an in Arabic as required in all acts of *Ibadah*. The curriculum also includes a light introduction to the pillars of Islam, one of two tests of Hadith.

The period for the mosque educational services must take cognizance of the time table in the public schools that run from Monday to Friday. Subsequently upon that, the Mosque can operate about 2½ hours Monday to Wednesday between 4-6.30p.m. and about 5 hours on Saturday and Sunday between 9a.m. – 2p.m. To make this work, there must be maximum cooperation and understanding between the parents and the Mosque. This cooperation becomes necessary with a view to checking the tradition of *almajiri* i.e. the practice of sending pupils of the Mosque Quranic education to the streets to solicit for alms as professional beggars. This habit is rampant among the Mallams who operate Arabic schools either in the mosques or in their homes. Those interviewed gave two reasons for sending out the Quranic education students to streets to beg for alms. First, education given by those Mallams is tuition fee. Therefore, to make ends meet, the Mallams resolved to professionalize begging for their pupil. Secondly, another school of thought has it that the concept of *almajiri* is derived from the trip (*hijrah*) performed by the prophet Muhammad from Makkah to Madinah in 622 CE. And those who performed this trip with the prophet were known as *al-Muhajirun* meaning emigrants or strangers. They enjoyed privilege of warm reception, moral and financial support from their hosts known as *al-Ansar* i.e. the people of Madinah. This school of thought likens the condition of the Quranic school pupils to that of *al-Muhajirun* thereby considering them entitled to moral and financial support from all and sundry.

REFUTATION OF THE CONCEPT OF ALMAJIRI

- (i) If taken for granted that *almajiri* being a stranger is entitled to alms from his host, is a boy born and brought up in Kano and starts practising the *almajiri* "profession" in Kano is he a stranger in Kano?
- (ii) Truly, the people of Madinah (*al-Ansar*) demonstrated a proverbial spiritual hospitality to the people of Makkah (*al-*

Muhajirun) but it is on record that al-Muhajirun resolved to work in order to earn a living in preference to alms freely offered. Their decision to work instead of taking to begging must have been informed by the fact that Islam extols dignity of labour. Although Islam encourages the wealthy members of the Muslim community to assist their less privileged brothers and sisters, begging is not recommended to the poor as a source of income (Q2:273). So, from the point of view of the Quranic injunction coupled with the lessons of al-Muhajirun/al-Ansar in Madinah begging is condemnable in Islam. The prophet said: the upper hand i.e. the hand that gives is more honourable than the lower hand (i.e. the receiving hand). Another tradition has it that "for any of you to go to the bush to fetch firewood and sell it to feed himself is better for him than begging people for alms". From the foregoing it is obvious that begging is degrading and it is a crime committed against the personality of the young ones who were drafted into it by force. The most unfortunate aspect of almajiri is that it constitutes a shame to Islam as the non-Muslim observers consider it an integral part of Islamic culture. It is therefore pertinent to organise the Quranic school properly in such a way that gives the mallam a stable and honourable source of income with a view to preventing them from professionalising begging for their pupils.

3. The State/School

The state is taken together with the school in view of the fact that the school's entity is subsumed in the entity of the state. The infrastructures called school building, the vehicles and the like are provided by the state. The teachers are trained, hired, promoted and disciplined by the state. Any shortcoming in the school administration can be laid on the door step of the government. For example, during the 1998 teaching practice exercise, an undergraduate displayed in a JSS II class various shapes of contraceptive to teach sex education to girls of 12/13 years old! At the end of the class, I wanted to know how she came about such a topic and she informed me that she got it from the class teacher who teaches that subject as her normal schedule. If sex education is emphasized in preference to religious instructions in the public schools, the state should be held responsible and not the schools. It is an infringement upon the right of the children when they are taught things that will arouse their sexual sensitivity instead of those that sanitize and equip them morally.

The role of the state in attainment of the right of the child is most crucial. In the first instance, the school building and what roles out of it in terms of education quality and quantity wise depends on the state. More importantly, it is the government that determines the state of economy in the country and it is the state of economy that will determine how much the parents can afford to meet the needs of their children. So, the activities of the government affect the rights of the child in a variety of ways.

First, **education**. Provision of educational facilities tops the social amenities that the government should provide towards promotion of the welfare of the children. The right of children to education will be denied if the facilities available are not in the right quality and quantity. In the present dispensation whereby most public schools are in a state of disrepair parents will be compelled to patronize fee-paying schools which are an exclusive preserve for the very wealthy only. Obviously, children from less privileged families are denied right to education.

Secondly, **the shape of economy**. A substantial percentage of the Nigerian populace work in the public sector in all tiers of government i.e. Federal, State and Local. If condition of service is favourable with provision of adequate social amenities parents would be able to meet the needs of their children. But in a situation where the bulk of the parents' wages gets consumed in transport fares and house rents nothing is left to cater for the children whose right to balanced diet and sound education is denied. Furthermore, the attitude of the private employers of labour to their employees in terms of wages, bonus, provision of accommodation, training programs, promotion will depend on the government policy. For instance, if the infrastructure like roads, power supply and water are provided by the government in abundance, the employers of labour in the private sector will have enough to cater for the welfare of their staff who in turn will be more generous and more caring to their children. But a situation where companies and factories are compelled to produce their own bore hole for water, diesel engine for power supply a colossal amount of money will go to such service areas leaving the employers of labour less generous to their staff. What the manufacturers, importers and exporters pay as excise and custom duties will adversely affect their fortunes and by implication their staff will be affected adversely and in the final analysis their children are the worse for it.

CONCLUSION

The future of the society emerges as the central issue when the rights of the child are critically examined as already done in the foregoing. It is therefore hypothesized in this chapter that the type of future anticipated for the country will determine the attitude of the present leaders to the rights of the children who will eventually become the principal actors in the future socio-political and economic affairs of the nation. Having identified the rights of the children which include careful selection of spouse, breast feeding, parental care, proper maintenance, character training and balanced education, the chapter listed four agents that should work together in actualizing the rights. It is emphasized that unless the government which is the principal agent provides a conducive atmosphere, the rest three agents which are parents, mosque and school will be handicapped. But the chapter points to the danger of government trying to help the children directly under any humanitarian gesture. In other words, if the parents are retrenched, sacked, imprisoned, or economically wrecked the government cannot directly guarantee the rights of the children. But in an atmosphere of political stability, economic buoyancy, moral probity, availability of social amenities and balanced education the rest agents of parents, mosque and school will be able to operate with ease.

Finally, from the point of view of Islam, the right of the child is within the context of worship. The implication of being an act of worship is the reward awaiting all the agents that are involved in actualizing it or punishment for those who deny the child his right.

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Quran 30:30, Q. 30:22; Q. 76:3; Q. 9:122, Q. 51:56; Q. 42:49; Q. 30:21; Q. 2:233; Q. 2:282; Q. 20:132; Q. 31:12-23; Q. 2:273.

ISLAMIC PARENTING (TARBIYAH) AND THE DEVELOPMENT OF CHILDREN AND YOUTHS

By

NAFISATU DAHIRU MUHAMMAD (OON)*

INTRODUCTION

The term parenting is derived from parent which means someone who begets or gives birth to offspring. Thus, parenting is the process of caring for young children according to Oxford Advanced Learners Dictionary. Similarly, guardian is a person who assumes parental responsibilities of a child. He/she automatically becomes the protector, keeper and custodian of the child. Generally, parenting can be referred to all planned and unplanned activities, actions and in-actions of spouses, parents and guardians within their relationships on one hand and geared towards their children and wards in a family set up, on the other hand. Khamissa (2006) defines parenting as the relationship between the spouses. Development, according to the Oxford Dictionary is defined as the gradual growth of something so that it becomes more advanced, stronger etc. As it relates to children and youths, development means the physical, mental, emotional and moral growth of children and youths in order that they become responsible adults to themselves and to the society.

Islam is a religion and a way of life for a Muslim. It is guidance for Muslims from the cradle to the grave. It is also the acceptance and obedience to the teachings of God (Allah) as revealed to His last prophet, Muhammed (SAW). It is a source of security and motivation

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for the Muslim child. Thus Islamic parenting (Tarbiyah) is a holistic means of parental care, responsibility child upbringing, education, training and above all connecting the child to God (Allah) according to the teachings of the Qur'an and the tradition (Sunnah) of the Prophet (SAW).

Khamissa (2006) opined that Islamic parenting (Tarbiyah) has the tendency of affecting the mind, body and soul positively.

It is interesting to note that Islamic parenting and the development of children and youths is predicated on the institution of marriage. Thus Islamic parenting cannot exist in a vacuum, because Islam does not recognize children outside wedlock and single parent as exist in non-Islamic societies.

Some salient issues in Islamic parenting are; importance of marriage in Islam and its dividends, parents' feelings towards children; parents responsibilities and obligations on children and youths and vice-versa; Islamic etiquette of parenting.

However, some major challenges of parenting are; the condition and environment of the parents; internal and external factors that cause children and youths perversions.

Furthermore, some prospects exist as regard Islamic parenting because of the dynamism of both Islam on one hand and the nature of human being on the other hand. Also, the efficacy of treatment of the above causes of perversions of children and youths within the ambit of the Shariah (Islamic law).

FOUNDATION OF ISLAMIC PARENTING

Marriage in Islam, which is the bedrock of parenting, is based on strong foundations, and sound rules relating to the selection of spouse. The importance of marriage and principles are: it satisfies the human needs, suits the desires of life, attributes the children to their parents, frees the society from libertinism and fatal diseases, achieves cooperation between spouses and gets the sentiment for parenthood burning. The selection criteria of spouse in Islam according to degree of importance are as follows:

- (i) Choice based on religion;
- (ii) Choice based on noble birth and honour
- (iii) Choice based on beauty

- (iv) Choice based on preference to exogamy
- (v) Choice based of preference to virgins.
- (vi) Choice based on preference to prolific woman/riches.

Al-Buhari, Muslim, Abu Dawud, An-Nasai and Ibn Majah related that Abu-Hurayrah said that the prophet (SAW) said "It is axiomatic that woman is sought for marriage for four reasons: her riches, her noble birth, her beauty, and her religion, so get the religious one and strife for getting her". (Ulwan, 2001).

The most important dividend of marriage is having progeny. One of the woman's (merits) is to bear children, and that is why the Prophet (PBUH) preferred Khadijah (RA) to his other wives so he mentioned that "she gave him children while others did not" as *inter alia* a privilege of hers (Ulwan; 2001).

The very beginning of bringing up children in Islam stems from an ideal marriage built on selecting the righteous wife and husband as applicable. By doing so, the muslim family is formed and the faithful generation; righteous progeny and virtuous breeding follows. Thus the attainment of the climax of religion, morals and piety foundations is laid. From Muqni bin Yassar who reported that there is a prophetic tradition thus: "marry and multiply so that I can be proud of you (my Ummah) on the day of resurrection due to your number". Reported by Dawud, An-Nasari and Ibn Habban (Saqr; 1982).

From Anas who said: the Prophet (SAW) said "When a servant of God (Allah) get married, indeed he completes half of his religion, he should fear Allah in the remaining half. Reported by Al-Baihaqi (Saqr; 1982).

PARENTS FEELINGS FOR CHILDREN IN ISLAM

According to Ulwan (2001) it is intuitively known that parents' hearts are disposed to love children and are filled with psychological feelings, and parental compassion for protecting, having mercy, sympathizing and caring for them. The Holy Quran thus depicted these parental feelings, "wealth and sons are the adornment of present life" (Qur'an 18:46). Family are comfort of the eyes if they were pious according to Qu'ran "An who say, 'Our Lord, bestow upon us from our spouses and off-springs comfort of eyes, and make us the leaders of the pious". (Qur'an 25:47). The mercy which is deeply engrained into the

hearts of parents motivates them to take the responsibility for looking after and bringing up their children naturally. And as a religious obligation, spiritually to gain the reward from God (Allah).

Apart from happiness and joy of children, the opposite such as bitterness and sadness is experienced as well by parents during parental care. The difficulty for the parenting itself trials and tribulations of sickness and even death of children happens in extreme cases. What is required in such circumstances is patience and solace in Allah.

Although the parents' hearts are overwhelmed with the above feelings for their children, these feelings should not override taking the responsibility for calling to Allah and striving in Allah's cause. It is forbidden to obey any creature against the obedience to the Creator, Allah. There is no doubt that the interest of Islam precedes all other interests and considerations. Islam has categorized love for creatures as an act of worship according to the degree of importance as follows:

- (i) Love of Prophet Muhammad (PBUH) and his preference even on self.
- (ii) Love of parents
- (iii) Love of children
- (iv) Love of others as one loves self.

The prophetic tradition revealed that a true believer likes for his brother (Muslim) what he likes for himself (Athmin: 2000).

Children are trust on their parents and are accountable to one another. "Everyone is a shepherd and will be accountable to his herd, and a man is a shepherd in his family and accountable to his herd." Reported by Bukhari and Muslim. (Saqr; 1982).

PARENTS RESPONSIBILITIES TOWARDS THEIR CHILDREN AND VICE VERSA

Islam has clearly apportioned schedule of responsibilities for parents towards their children and youths and vice-versa. The parents' responsibilities can be categorized into the father's and the mother's obligations namely: Parent as a husband and head of the family:

- (i) Provides food for the family
- (ii) Provides shelter (accommodation) for the family
- (iii) Maintain conjugal responsibility to his wife/wives.

- (iv) Provide clothing for the family
- (v) Protects dignity and property of the family
- (vi) Teaches the family the religious rites
- (vii) Maintain justice among his wives if more than one
- (viii) He should keep secrets of the wife/wives
- (ix) Provide health needs of the family.

Parent as a wife and custodian of the home:

- (i) Maintain conjugal responsibility with the husband.
- (ii) Ensures the smooth maintenance of the home in terms of feeding, hygiene and safety.
- (iii) Obedience to the husband if it is in conformity with the shariah provisions.
- (iv) Maintenance of children in terms of care including breastfeeding.
- (v) Protection of his dignity and property.
- (vi) She should seek and obtain husband's consent before going out of the matrimonial home.

MUTUAL OBLIGATIONS OF SPOUSES/PARENTS

- (i) Faithfulness and consultations
- (ii) Love and mercy
- (iii) Trust and confidence
- (iv) Kindness and mutual understanding.
- (v) Parent should be grateful to Allah for being blessed with a child.
- (vi) Parents should name their children according to the precept of Islam, such as saying Adhan, Iqamah', Tahnik, shaving the baby's head, giving a good name, nickname.
- (vii) Circumcising the newly born baby.
- (viii) Treating their children equally with no discrimination.
- (ix) To show love, affection and care for the children.

- (x) Parents should train and educate their children in terms of religious and mundane matters.

THE DON'TS OF PARENTS/SPOUSES

- (i) They should not exceed the limits set by the Shariah in respect of their mutual relationships and towards their children.
- (ii) There shall be no abuse, use of vulgar language on one another and no beating (particularly on the face).
- (iii) There shall be no staying away of each other except on clearly permissible condition in consonance with the Shariah.

THE OBLIGATIONS OF CHILDREN ON PARENTS

Basically, the children must love, care, obey, assist their parents, they should shoulder the parents' responsibility in terms of basic necessities of life and pray for them whether the parents are alive or dead.

ISLAMIC ETIQUETTE OF PARENTING

This is formal rule of correct and ethical behaviour among parents and children in the Ummah (Islamic society). According to Khamissa (2006), the father does the providing, the mother the decision and the children, the overriding functions in the family.

The following principles and practices represent Islamic etiquette of parenting:

- (i) Relationship between the spouses as parents must be cordial and exemplary and, in conformity with the teachings of Islam.
- (ii) Parents must themselves be practicing muslims before enjoining the children to do the same. Thus connecting their children with God (Allah).
- (iii) The parents must observe certain basic principles of good parenting such as showing genuine love for their children.
- (iv) Parents should endeavour to spend good time with their children.

- (v) Parents should listen, appreciate and encourage their children.

- (vi) Parents should not punish but discipline their erring children when necessary and desirable.

- (vii) Parents must provide children with moral and religious training for sound health of the children's mind.

- (viii) Parents should introduce their children to the rulings of the Shariah on what is lawful and unlawful.

- (ix) Parents should command their children to practise the worship of Allah at the age of seven, and beat them for not praying at the age of ten, and separate between them (males and females) in bed (Abu-Dawud and Al-Hakim) in Ulwan (2001).

- (x) Teaching their children the love of Allah's messenger, and his family, and reciting the Ever Glorious Qur'an.

- (xi) Guiding their children to believe in Allah, and His undefiable might, and His wonderful creativity.

- (xii) Inculcating in to the souls of their children the spirit of submission, piety and servitude to Allah, the Lord of the world.

- (xiii) Developing, in their children, the spirit of observing Allah in all their conduct and circumstances.

- (xiv) Parents should protect themselves and their families from hell fire as enjoined by the Qur'an "O you who believe, protect yourselves and your own families from a fire". (Qur'an 66:6).

MAJOR CHALLENGES OF ISLAMIC PARENTING (TARBIYAH)

There are two broad challenges of parenting; internal and external factors, internal factors are challenges within the home, while external are the ones outside the home.

INTERNAL

The internal challenges have two dimensions namely: First the relationship between the parents on one hand and their children on the

other hand. Second, the relationship between the family members and the children and youth in the home. The parents are the most important and influential agents in any family set up. Thus parents have a primary and lasting influence on their children in life particularly when they (both) live in the same home (environment). The positive as well as negative parenting have a multiplying effects and is proportional to the nature and character of the children especially during their formative years.

Similarly, the influence of family members in a home, on children's character is manifest and common in societies where extended family system is operational such as ours. It could be positive when the family members imbibe good conduct and negative when they are of bad character.

EXTERNAL

By external challenges is meant factors outside the family set up. These are peer pressure group, electronic technology, school and the larger community (environment).

Pressure Group: It is the influence of children and youth of the same age or social status. The influence can either be positive or negative. Parents should observe the conduct of their children and guide them to choose for their children the good company or peer to acquire from them every noble manner and sublime behaviour. Parents should warn their children of the evil company and bad peers.

Electronic and Technology: These comprise of television, particularly play stations, home videos etc. as it erodes morality and self esteem, breeds spectatorship, stunts imagination, diminishes enthusiasm for reading, kills creativity, stunts socializing skills, impairs vision and obstruct worship (*Ibadah*). It also makes the children less sensitive to the pain and suffering of others. It is addictive in nature and makes children aggressive. It makes children not to distinguish between fantasy and reality. All the above negative consequences, particularly that of globalization, were enumerated by Khamissa (2006).

School: It is an important unit next to the home for influencing both character and learning of children in any modern society. Positive

influence on pupils/students set in a school where teachers act as authority figures, consultation to their pupils/student (children) and the services of an effective school guidance Counselor is available. Then teachers set limits and consequences, set examples of sensitivity, fairness and consideration, demonstrate by example, the value of self-control, encourage direct communication and above all teach effectively. However, negative influence and consequences set in when the school teacher does the contrary of his unique functions as a teacher and absence of any guidance Counselor in the school. The most important lessons in school is the moral instruction which can be built in all subjects.

Larger Community: This is the immediate and host community of the children and youth. The Community members must provide a peaceful, non-hostile and conducive environment for the positive development of children and youths. There shall be mutual partnership between the home and the external environment, for any effective parenting to yield the desired result. However, negative effects of the community, in terms of moral decadence may affect the development of the children and youth because it hinders any positive parental training.

CAUSES OF CHILDREN AND YOUTH PERVERSION

There are numerous and varied factors that lead to the perversion of young children and youths. The above internal and external challenges discussed, if negatively impacted, can influence children and youth perversion, corruption of their manners, and the spoiling of their conduct. Some of the major causes of children and youth perversion and under development are:

- (i) Negative influence of peer groups.
- (ii) Failure of educational system to provide moral and character training.
- (iii) Negative impact of electronic technology and globalization.
- (iv) Moral decadence of the society.
- (v) Poverty and widespread unemployment in the society.
- (vi) Conflict and discord between parents (father and mother).
- (vii) Negative consequences of divorce

- (viii) Misuse of leisure/spare time of children and adolescents.
- (ix) The calamity of orphanage
- (x) Mistreatment of parents to children.
- (xi) Parents' forsaking the upbringing of children.
- (xii) Consequences of ignorance of Islam.
 - (i) Negative influence of peer groups particularly corrupt companions and bad peers of children and youths lead to their perversion and under-development. A hadith narrated by Al-BuKhari and Muslim said, "The likeness of a good companion and the bad one, is the likeness of the perfume bearer, and the bellow blower. So the perfume bearer will give you some, buy from him, or get a nice smell of him. But the bellow blower will either burn your cloth, or you will get a bad smell of him" (Ulwan, 2001).
 - (ii) The failure of our educational system (schools) to provide adequate moral and character training has compounded the problem of children and youth perversion
 - (iii) Negative impact of electronic technology such as television, particularly play stations, pornographic and crime films, videos and cinemas are among the great factors and causes of children's perversion. These make children and youths nasty, slacking and loose. Also, imprudent magazines and stories read by children and youths lead to their moral degeneration and under development.
 - (iv) Moral decadence of the so-called modern society has general multiplying effects on children and youth's perversion and deviance.
 - (v) Poverty and widespread unemployment in the society cause and aggravate perversions in children and youths. There is tendency for children and youths to resort to leaving homes to look for provision where basic necessities of life such as

food and clothing are lacking. When children and youths face abject poverty and deprivations, they abandon home and often seek it through unlawful means.

- (vi) By conflict and discord between fathers and mothers can lead to children's and youths perversion, particularly, when the conflict is deep and the discord continue in nature. Children and youths, who experience clashes between their parents, may abandon their depressing atmosphere to bad friends.
- (vii) Negative consequences of divorce and the disunity and separation of parents and children often lead to perversion later. When children were denied caring mothers and responsible fathers they tend to grow up corrupt and perverse.
- (viii) The misuse of spare/leisure time that dominates children and adolescents would certainly make them mix with bad peers and will go through a path of underdevelopment and perversion.
- (ix) The calamity of orphanage undoubtedly, makes orphan children and youths incline to perversion and crime if they could not get good parenting from their guardians
- (x) Mistreatment of children by parents mostly result to children and youths perversion. In situation where children and youths are treated with cruelty, hard beating, punishment, tormenting, blame, contempt, scandalizing and derision, their reactions will be evident and affects their behaviour and manners. The output of fear, seclusion and timidity will be reflected in their subsequent conduct and deeds, (Ulwan, 1982).
- (xi) Some parents often forsake the bringing up of their children and youths by abdicating their responsibilities on their children and youths. Parents' failure to rise up, guide and reform their

children and youths lead to perversion and under development of target groups.

- (xii) Consequences of ignorance of Islam – perversion and under development of children and youths could be attributed to lack of proper knowledge of Islam. A situation where even some parents were ignorant of Islam does not augur well to proper or good Islamic parenting. The Prophet (PBUH) said, "Every child is born in a state of Al-Fitrah (true faith of Islamic Monotheism (i.e. to worship none but Allah) but his parents convert him to Judaism or Christianity or Magianism) as an animal gives birth to a perfect animal. Do you find it mutilated? (Buhari:11:467).

PROSPECTS OF ISLAMIC PARENTING

The prospects for Islamic parenting lies with the fact that Islam as a religion and Muslim as human being are dynamic. Therefore, as Islam, a unique religion of all times to eternity, Muslim parents must appreciate changes not only within themselves (spouses) but among their children. Change here refers to positive change and constant development spiritually and in others lie endeavours. Thus, if parents want to change their children for development, then they must change positively. According to Khamissa (2006) children have power to change, can make decisions and no one can diminish them. What is required of the parents is affirmation of their children. Parenting in Islam is life endeavours; it begins from marriage, metamorphoses into infant stage, childhood, and adolescence – youth and adulthood and does not end with either the death of the child or the parent, because the responsibility of prayers for the dead continues till end of the world.

TREATMENT OF CAUSES OF PERVERSION OF CHILDREN AND YOUTHS

The following measures are treatment of causes of children and youths perversion enumerated earlier:

- (i) Negative influence of peer groups – the simple treatment of influence of corrupt companions and bad peers is for parents to ensure that their children and youths are good

and do not associate with bad peers at all, in cases where such companionship was identified, the parents must ensure their permanent separation for Allah said: (Close fellows upon that day shall be enemies to one another except the pious (ones) (43:67).

- (ii) Failure of educational system to provide required moral and character training – the negative consequences of school, such as failure of teachers to perform their unique functions as discussed earlier, and the inadequacy of the existing school curriculum on moral and ethical education has even affected the educated children and youths. The problems of the uneducated children and youths have reached unprecedented level. The curative measures should be to develop and implement a holistic approach to the teaching of moral, ethical and character education in our schools on one hand and provide access to functional education for the illiterate children and youths through the holistic approach.
- (iii) The issue of moral decadence of the society which causes perversion and under development of children and youths can be treated by constant *Dhikr* (religious reminder) preaching, guidance and counseling of the *Ummah* (community members).
- (iv) The negative impact of electronic technology and globalization can best be addressed when children were not exposed to its negative effects and youths are guided to avoiding unislamic tendencies.
- (v) Poverty and widespread of unemployment in the society which causes children and youths perversion and under development can best be tackled through economic empowerment strategies, schemes and gainful employment generation and sustenance. Islam has treated poverty and unemployment resulting from three dimensions; imposed laziness and senility or illness.
- a. imposed unemployment could be treated in two ways namely; the state should secure a job for him or the *Ummah* – society has to support him through *zakkat* and *sadaqat* until he gets a job.

- b. Unemployment out of laziness – Three ways: State observation, admonishing if he abandons work, and in case he insisted on not working, it must compel and oblige him to work, for redundancy is not condoned by Islam.
- c. Unemployment as result of senility or illness – the state must look after them, and secure for them decent life whether they are Muslims or non-Muslim youths or adults. There must be welfare scheme for the aged and the disabled.

- (vi) Conflict and discord between fathers and mothers (parents).
- (vii) Negative consequences of divorce.
- (viii) Misuse of leisure/spare time of children and adolescents
- (ix) The calamity of orphanage
- (x) Mistreatment of parents to children.
- (xi) Parents forsaking the upbringing of their children.
- (xii) Consequences of ignorance of Islam.

The above seven (7) items which cause children and youths perversions and under development are as a result of poor parenting. Therefore, their treatment lies with ensuring proper Islamic parenting, not only as an individual but a collective responsibility by all and sundry.

CONCLUSION

The importance of Islamic parenting (Tarbiyah) in the development of children and youths cannot be over emphasized. It was evident from the preceding discussion that Islamic parenting (Tarbiyah) is *Ibadah*-acts of worship and a life long endeavour. Parenting was legislated in the holy Quran and the Sunnah of the prophet (S.A.W.) i.e. the primary sources of the shariah. The foundation of Islamic parenting is laid in the institution of marriage. In Islamic parenting, every stakeholder has a clearly defined obligation and relationship. The Islamic etiquette of parenting with the overall objective of children and youths development is possible and practicable. Major challenges of Islamic parenting particularly the

causes of children and youths perversion and under development identified, could be avoided. Numerous and effective treatment of the identified problems proffered are feasible and adoptable.

RECOMMENDATIONS

In view of the challenges enumerated above, the following recommendations are made, which if carefully adhered to will no doubt reduce and even solve most of today's problems of poor parenting and consequently bring about happy and successful family in particular and better society in general.

- (i) Parents should endeavour to inculcate good moral behaviour and serve as role model to their children.
- (ii) Parents must be exemplary in having complete faith (Iman) in Allah and emulate our beloved Prophet Muhammad (SAW) and his family life and qualities of the *Sahabah* (companions of the Prophet.)
- (iii) Parents should correct their children's mistakes and bad deeds through discipline and not punishment.
- (iv) Parents must not be found wanting in executing their responsibilities towards their children before demanding those of their children.
- (v) Parents should imbibe the principle and practices of etiquette of Islamic Parenting.
- (vi) The internal and external environment of children and youths must be conducive and supportive of good parenting.

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By

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&

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INTRODUCTION

It is quite pathetic and sad that Muslims who were the precursors and torchbearers of knowledge which culminated in modern education and civilization are today wallowing in a state of backwardness and ignorance. This stagnation or decline of Muslim education especially the education of Muslim women was engendered by the corruption of the Muslim *Ummah* in the age of decadence characterized by blind allegiance and follower-ship or *Taqīd* when Islam became priest-ridden with a priestly class that empowered itself with the weapon of excommunication or *takfīr* and in the words of Sayyid Sābiq, any one who differs from their opinions became an apostate whose head should be ultimately chopped off.¹ The notion has led to the mistaken belief that Muslim women's education is not binding and should end in the **Kitchen** hence seclusion of these women is rampant in the Muslim world. Even on the few occasions when it is believed, women can go out, they are to cover from head to toe. This is sustained by the practice of barring Muslim women from

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¹ Sayyid Sabiq; Fiqh al- Sunnah, (the chapter on Zakah), Beirut: Dar al-Fikr, 1995.

the mosques in some Muslim quarters. The practice of not building sections for women in the mosques or preventing them from observing congregational prayers on Fridays as it is done in some Schools of *Fiqh* which is the case in many parts of Northern Nigeria where there are mosques without female sections and this is believed to be in line with the *Sunnah*, contradicts what obtained at the time of the Prophet. In fact, it contradicted an authentic narration by Fātimah Bint Qays that after observing her waiting period after her irrevocable divorce in the house of Ibn Maktum on the orders of the Prophet of Islam (SAW), she heard the *Adhān* for Friday *Salāh*, took her birth and then came to the mosque to pray behind the Prophet and heard him saying that "Tamīm al Dār al-Nasranī has come to accept Islam."² In short, Islam does not recognize the discrimination and segregation between Muslim men and women whether in the name of *Niqāb* or not.

DEFINITIONS AND CLARIFICATIONS OF TERMINOLOGIES

Since there are different shades of dressing including the veil that Muslim women have worn and still wear and since the technical term for the veil, *hijāb* is a complex notion that can encompass covering the face or not, lowering the gaze with the opposite sex and even recently the ordinary headscarf,³ it becomes necessary to clarify what each term used in relation to the dressing of Muslim women means. The definitions usually given to the terms and concepts regarding female dressing are most often contrary to the basic meanings of these words as used in the Qur'ān,⁴ *Sunnah* and even classical Arabic. For instance, *Jilbāb* has been translated by many people as face-veil. However, it refers to a big and flowing garment that fulfils. In fact, while *hijāb* connotes the face-veil, the *Jilbāb* does not as it refers to an outer garment.⁴

Another term closely related to *Jilbāb* and which is mentioned is *Idnā'* and can be defined as "to come close". This definition is supported by ibn 'Abbās who while commenting on the verse of *Jilbāb* says "A woman is to drape her *Jilbāb* close to her face not over it". This is also similar to the statement of Qatādah that "Women have

been commanded to drape their *Jilbāb* close to their eyebrows and not over their faces."⁵ *khimār* which is the singular of *khumur* linguistically means a covering used by women over the heads or headscarves and this is simply the meaning as it is used technically too. In fact, according to Ibn Kathīr, *khimār* is like a man's turban and that whenever the term *khimār* is mentioned in general terms; this is what is intended though it has also been defined as *Jilbāb* by some companions of the Prophet such as ibn Mas'ūd and ibn 'Abbās.⁶ There is a term closely related to *khimār* which is '*Intijār* which means *Iktimār* or using headgears.⁷ Another term is *Jayb* which means bosom, chest, and neck. This shows that what women are required to cover are their bosoms, chests, necks and not their faces. Hence according to ibn Hazm al-Zāhiri, the verse of *khimār* in the Qur'ān is a clear text that women are only to draw their headgears over their bosoms, necks and chests. It therefore only calls for the covering of the *awrah* or nakedness of a woman and does not require covering the face.⁸

Based on the above clarifications on definitions, it is proper to say at this juncture that the term *hijāb* technically really refers to the face-veil or *niqāb*. This is in line with classical Arabic and is similar to the Arabic word *al-Nasīf* which as we learn, al-Nābighah, a classical *jāhili* poet used in one of his verses where he described al-Mutajarradah, the wife of Nu'mān ibn Mundhir saying "The veil fell down from her face against her wish and she picked it up with one hand while covering her face with the other."⁹ The term is also synonymous with the term *Purdah* in Persian. *Purdah* has been defined as the system of secluding or screening women from the sight of men or strangers.¹⁰ This definition is close to the way the term *hijāb* has been used in the Qur'ān in the only verse where it is used in relation to the wives of the Prophet.¹¹ In this light, though the term *hijāb* is commonly used today to refer to the dressing of Muslim women that includes female gowns, coats and the ordinary headscarf but excluding

² Muhammad Nāsir al-Dīn al-Albānī. (1997), *Jilbāb al-Mar'ah al-muslimah Fī al-Kitāb wa al-Sunnah*. (Jordan: al-Maktabah al-Islāmiyyah, 4th edition, pp.66-67

³ Bullock, xl-xli.

⁴ Al-Albānī, 5- 20

⁵ Ibid., 6, 13-14.

⁶ Ibid., 72.

⁷ Ibid., 79

⁸ Ibid. p. 73.

⁹ Al-Nābighah quoted in Ibrahim Olatunde Uthman *The Hijab and the Muslim Woman*, (Abeokuta, Islamic Conscious Group, 1997), 1.

¹⁰ W. Little & Co, Eds. Onions and et al, *The Shorter Oxford English Dictionary* (Oxford: Oxford University Press, 1973), Vol. 11, 1710.

¹¹ Qur'ān 33: 53.

the face-veil or *niqāb*, it would appear that this is not the correct term technically in Islamic law. The correct term would either be *Jilbāb* or *khimār* going by the clarifications given on the definitions and meanings of the various terms that are used in relation to Muslim women and their conduct. Hence when the term *hijāb* or *modest hijāb* is used in this paper it refers to *Jilbāb* or *khimār* that includes female gowns, coats and the ordinary headscarf as defined above and not *Niqāb* that literally means veil that is worn to cover the face of a woman.

Shaykh Al-Albānī and the Jilbāb al-Mar'ah al-Muslimah

Shaykh Muhammad Nāsir al-Dīn al-Albānī¹² locates the background of the prevailing imposition of the *Niqāb* on Muslim women mainly in the *Hanafī* and *Hanbalī* Schools of *fiqh* as prevalent in the Muslim world. The author identifies some key factors within which he considers unsuitable and in fact, un-Islamic as far as the conditions of Muslim women are concerned. One of these factors and the most serious, according to the author, is extremism. The author observes that some scholars mostly found in the *Hanafī* School acknowledge that the face is not one of the parts of the body required under the Islamic law to be covered. Yet they justify their position that to impose the *Niqāb* on Muslim women because of the *fitnah* or threat posed to the society of the modern age by the indecent appearance of women and the need under Islamic law to stop the ways and means to *fitnah*. These scholars conclude that sexual and moral evils are too rampant in contemporary society and to put an end to these acts of *fitnah*, Muslim women must be made to use the face-veil or *niqāb*. They argue that this becomes necessary in order for the society to be safe from this purported *fitnah*. To them it appears this *fitnah* is solely caused by women and not men too and women should therefore go as far as to cover their faces because even the face may attract sexual glances from depraved men.¹³ In Saudi Arabia therefore based on the fear of *fitnah*, it is mandatory for all Muslim women to cover fully by using *niqāb* because of *sadd al-dharī'ah* in Islamic law.¹⁴ Contrary to the claim of 'Abdur Rahmān I. Doi, Al-Albānī however does not

¹² A former Professor of Hadith at the Islamic University of Medina, 1961.

¹³ Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah*, pp. 3-38.

¹⁴ This refers to the Islamic provision of obstructing and blocking the ways and means to evil by prohibiting what is otherwise permitted so that it will not lead to this evil.

subscribe to imposing *niqāb* on Muslim women because of the fear of *fitnah*. To such people who advocate this view, the author argues that the Qur'ān and traditions of the Prophet contain absolute principles that prohibit hiding the truth from people in the name of *sadd al-dharī'ah*. He therefore submits that such people in order to fulfill the *amanah* (Trust) of knowledge should rather tell the people that the uncovering of the face or removal of *niqāb* is permissible but they object to it because of *sadd al-dharī'ah*.¹⁵ He argues further that the provision of *sadd al-dharī'ah* can only be resorted to when there is no other legislation to stop an evil in Islamic law. However in the case of sexual and moral evils, he believes there are already adequate provisions which do not warrant a Muslim woman to be compelled to use the *niqāb*. In short, al-Albānī did not oppose the use of *niqāb* but he opposed totally the view that it is obligatory.¹⁶

It must be noted that the above observation has been made by many feminists who attack the position of Muslim scholars on Muslim women. For instance, Fatima Mernissi writes basing her opinion on her reading of some Muslim scholars' works that Islam views women as a sexual threat and the most destructive element to the social order. She explains that according to these Muslim scholars, the logic of veiling women is to protect men from women's beauty and the attendant temptation. According to Fatima Mernissi, this view epitomizes the machismo vision of male-female relations where men possess male dominance and power to conquer women while women can only wait to be conquered and even enjoy their conquest. Fatima Mernissi believes that these Muslim scholars perceive women to be too sexually active and dangerous and to always be searching for the sexually passive men as preys. It is therefore very difficult for men to satisfy female sexual demands which make them a fatal threat to the society as they go about seducing and tempting men to committing illicit sex. This theory leads Fatima Mernissi finally to what she perceived as the goal of the veil in a Muslim society. She argues that since women's sexual demands are very difficult for men to satisfy; the need to veil, segregate and exclude them from the world of men became necessary to avert their fatal threat to the social order.¹⁷ Katherine Bullock has

¹⁵ Al-Albānī, *Jilbāb Al-Mar'ah Al-Muslimah*, 26-28.

¹⁶ *Ibid.*, 29-33.

¹⁷ Fatima Mernissi, *Beyond the Veil, Male-Female Dynamics in Modern Muslim Society* (Bloomington and Indianapolis: Indiana University Press), 30-45.

rightly responded to Fatima Mernissi on her negative reading of women's sexuality in Islam, the above Muslim scholars' exposition on Islamic theory of sexuality as well as the purported exclusion of Muslim women from the *Ummah*. She argues that what Islam teaches and which al-Ghazālī has endorsed is actually the full entitlement of Muslim women to sexual gratification as sexual desires softens the heart and therefore its gratification is strongly promoted for both men and women.¹⁸ Yet, it must be stressed that Fatima Mernissi and other feminists have actually hit the nail on the head regarding some Muslim scholars' extreme perception of the so-called women's *fitnah*. Al-Albānī is however not the only Muslim scholar that has documented this extreme perception of Muslim women as a *fitnah* or threat to the society. It is also the conclusion of Qāsim Amīn before him. Following the methodology of his mentor, *Shaykh* Muhammad 'Abduh, Qāsim Amīn called for the removal of the face-veil and the seclusion of Muslim women because they are not required by Islamic teachings and that there is no single Islamic text that supports the practices. Rather, according to him, they are mere products of the prevalent notion that women are a source of *fitnah* or threat to the society. To him, the Qur'ān holds both men and women responsible for eliminating *fitnah* hence, the commandment to the two sexes to lower their gazes. It therefore does not hold the woman alone responsible for what is more a weakness of men.¹⁹ This notion of a woman as *fitnah* or threat to the society was certainly the view of ibn Taymiyyah who clearly was an apostle of veiling Muslim women including slaves in his days because of *fitnah*. To him, the corruption of societal morality and its attendant temptations necessitated that women should be fully covered.²⁰ Ibn Taymiyyah also propounded the notion that the responsibility of keeping women chaste lies on their male relations and that where this is not carried out, women who commit adultery should not be stoned to

¹⁸ Katherine Bullock, *Rethinking Muslim Women and the Veil: Challenging Historical & Modern Stereotypes* (Herndon, USA: The International Institute of Islamic Thought, 2002), 157-171.

¹⁹ Māhir Hassan Fahmī, *Qāsim Amīn* (Cairo: Al-Mu'assasat al-Misriyyah al-'ammah li al-Ta'līf, 1962), 5 and Muhammad 'Imārah, *Qāsim Amīn: Al-A'māl al-Kāmilah* (Bayrūt: Al-Mu'assasat al-'Arabiyyah li al-Dirāsāt wa al-Nashr, 1976), Vol. 2, 45-50.

²⁰ Taqī al-Dīn Ahmad ibn Taymiyyah, *Hijāb al-Mar'ah al-Muslimah wa Libāsuhā fī al-Salāt*, Muhammad Nāsir al-Dīn al-Albānī ed., (n.p., n.d.), 42.

death because the fault is not theirs.²¹ This notion must have been responsible for what is known as honor killing of Muslim women. Though Muslims appeared to have rejected the second part of ibn Taymiyyah's notion that women should not be killed for adultery, they took the first part of monitoring and even spying over women activities very religiously. All this will constitute extremism which according to al-Albānī, is one of the root causes of the miserable conditions of Muslim women today. Despite the prohibition of extremism in Islam-a religion of moderation and balance, some Muslim scholars have departed from this noble teaching especially when dealing with Muslim women. This extremism according to al-Albānī has infected even some Muslim women making them to flagrantly disobey the Prophetic injunction that the face-veil (*niqāb*) and gloves are not to be worn in the state of *Ihrām* (when the pilgrim begins the *hajj* and enters its rituals wearing the *hajj* garment) and they say "we will use *niqāb* and then atone by paying *fidyah* (Compensation)". To al-Albānī, this is the peak of extremism on the use of the face-veil and is really only one of the many instances of such extremism which cannot bear positive fruits nor produce the caliber of noble women produced in the early days of Islam as such women who flagrantly disobeyed the Prophetic injunctions cannot be bearers of the moderate, balanced and intellectual message of Islam.²² Among the caliber of noble women produced in the early days of Islam referred to by al-Albānī above was Umm Sharīk al-Ansār who used to receive guests in her house, the wife of Abū Uṣayd who personally cooked and served food to the Prophet and his companions on the day of her marriage to Abū Uṣayd though she was the bride, Asmā' bint Abī Bakr who used to help her husband, al-Zubayr ibn Al-'Awwām, in feeding the camel and the horse and look after her husband and children, working very hard inside her home as well as going out on foot to fetch the fodder from her husband's land three kilometers from Madīnah and Rubayyī' bint Mu'awwidh, who used to set out with other Ansār women to provide water for the people, provide assistance to them, prepare food for them, treat the injured, and carry the martyrs to al-Madīnah. There was also Umm 'Atiyyah who took part in various battles with the Prophet in his life. She used to stay behind the warriors, preparing food for them,

²¹ Taqī al-Dīn Ahmad ibn Taymiyyah, *al-Fatāwā al-Kubrā*, Hasanayn Muhammad Makhlīf ed., (Cairo: n.p., 1966), Vol. 4, 488.

²² Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah*, 17.

nursing and treating the injured and looking after the sick. 'Ā'ishah and Umm Sulaym who used to set out with the Prophet (peace and blessings be upon him) in his various battles to provide water for the Muslim warriors, hand weapons to them, prepare food for them, treat the injured, and carry the martyrs to the burial places must also be mentioned. Many other noble Muslim women are recorded in the books of history and Sīrah, too many to list who played active heroic and brave roles under the unique training and leadership they received from the Prophet.²³

According to al- Albānī, the *hijāb* which technically refers to the face-veil is not compulsory on Muslim women. Rather, it is *Jilbāb* which refers to a big and flowing garment that fulfils eight conditions in Islamic law that is binding on them. In support of the above contention are the following passages and some traditions found in the two most authentic traditions of the Prophet:

يَتَأْتِيهَا النَّبِيُّ فُلٌ لَزَوْجِكَ وَيَسَاءُ الْمُؤْمِنِينَ يُدِينَنَّ عَلَيْهِمْ مِنْ
جَلْبَابِيهِمْ ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذِينَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

O Prophet! Tell your wives, daughters, and the believing women, that they should cast their outer garments over their persons. That is most proper for them so that they may be known and not molested. Verily, Allah is Most- Forgiving, Most Merciful.²⁴

وَقُلْ لِلْمُؤْمِنَاتِ بَعْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا
يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِكُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ
وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ آبَاءِ بُعُولَتِهِنَّ أَوْ
أَبْنَائِهِنَّ أَوْ أَبْنَاءِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنَاتِ إِخْوَانِهِنَّ أَوْ بَنَاتِ
أَخْوَانِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوْ التَّنَائِيهِ غَيْرِ أُولَى
الْإِرْتِدَاءِ مِنَ الرِّجَالِ أَوْ الْطُفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَىٰ عَوْرَاتِ النِّسَاءِ

²³ Ibid., 18-20.

²⁴ Abdullāh Yusuf Alī, The Qur'ān, English Translation of the Meaning and Commentary, Saudi Arabia: King Fahd Publishing Complex, 1411 A.H.

And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts, etc.) and not to show off their adornment except only that which is apparent (like both eyes for necessity to see the way, or outer palms of hands or one eye or dress like veil, gloves, head cover, apron etc.) and to draw their veils all over *Juyubihinna* (i.e. their bodies, faces, necks and bosoms etc.) and not to reveal their adornments except to their husbands, their fathers, their husband's fathers, their sons, their husband's sons, their brothers or their brother's sons or their sister's sons or their (Muslim) women....²⁵

يَتَأْتِيهَا النَّبِيُّ فُلٌ لَزَوْجِكَ وَيَسَاءُ الْمُؤْمِنِينَ يُدِينَنَّ عَلَيْهِمْ مِنْ
جَلْبَابِيهِمْ ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذِينَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

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O Prophet! Tell your wives, daughters, and the believing women, that they should cast their outer garments over their persons. That is most proper for them so that that may be known and not molested. Verily, Allah is Most- Forgiving, Most Merciful.²⁶

'Ā'ishah related that 'Asmā', the daughter of Abu Bakr, entered into the presence of the Messenger of Allāh (SAW) wearing thin transparent clothing. Then the Messenger of Allāh (SAW) turned away from her saying: 'O Asmā!, when a women reaches the age of menstruation, it is not allowed that any part of her should be seen except this' and he pointed to his face and two hands. Though this particular narration is weak, Al-Albānī quotes other narrations of the above that are authentic. This include the report of 'Ā'ishah concerning the woman who reaches puberty, "Nothing should be seen of her besides her face and hands," authenticated by the leading scholars of hadīth like al-Bayhaqī and *al-Dhahabī*.²⁷ Other incidents cited to support the above include the narration of Jābir ibn 'Abdillāh

²⁵ Dr. Muhammad Taqī-ud-Dīn Al-Hilālī, and Dr. Muhammad Muhsīn Khān, *Interpretation of the Meanings of the Noble Qur'ān in the English language*, (Saudi Arabia: n.p., 1985), pp. 648-649

²⁶ Abdullāh Yusuf Alī, The Qur'ān, English Translation of the Meaning and Commentary, Saudi Arabia: King Fahd Publishing Complex, 1411 A.H.

²⁷ Ibid, pp. 57-59.

that he once observed the 'Id prayer with the Prophet and after the prayer and sermon, the Prophet leaned on Bilāl and admonished the women to give out alms because women would constitute most of the fuel for hell. A light complexioned woman in the middle of the women then asked the Prophet why? And he replied because you (women) cry a lot over calamity and are ungrateful to your companions...²⁸ The reference to the light complexioned woman in the hadīth shows that the questioner did not veil her face. The above incident occurred according to another hadīth by Umm 'Atiyyah occurred in the sixth year of Hijrah while the verse of the veil was revealed in the third or fifth year according to the companions of the Prophet.²⁹ Another hadīth was about the woman from *Khath'am* narrated by ibn 'Abbās from his brother; al-Fadl ibn 'Abbās who said that the woman came to ask the Prophet some questions during his farewell pilgrimage on the day of sacrifice. The woman was not only beautiful but al-Fadl Fadh ibn 'Abbās was staring at her beautiful face. It is therefore clear that her face was exposed. But instead of asking her to veil it, the Prophet only turned away the face of al-Fadl Fadh ibn 'Abbās and even when al-'Abbās wanted to know why he did so, the Prophet said that he saw a young man and woman and was not contented with what he saw. 'Ā'ishah also narrated how some women prayed the dawn prayer behind the Prophet and were not recognized because of darkness and not because they covered their faces or wore dark garments.³⁰ The above narrations are some of the clearest evidence that what is obligatory for both men and women in Islam-in order to avoid *fitnah*-is not covering the face by Muslim women or seclusion of women but lowering of the gaze by both men and women. This the Prophet physically and practically demonstrated by turning away the face of al-Fadl Fadh ibn 'Abbās from the beautiful woman, instead of asking her to veil though the two of them were not free from temptation according to the Prophet. In the narration of ibn Abi Tālib, the Prophet specifically used the words "*Fa lam 'amin al-Shaytān 'alayhi*" meaning "I am not at rest about satan's temptation on them"³¹ The obligation of lowering the face to avoid *fitnah* can be found in Allāh's statement:

²⁸ Ibid, p. 60.

²⁹ Ibid, pp. 74-75.

³⁰ Ibid, pp. 61-66.

³¹ Ibid, p. 62.

Tell the believing men to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts, etc.)...And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts, etc.)...³²

According to Umm 'Atiyyah when the Prophet commanded that all the women should attend the two festival prayers, one woman asked about a woman who had no *Jilbāb* and the Prophet said her sister should clothe her in one of hers to show that it is compulsory to wear *Jilbāb*. Just as he cites other narrations that when the above verse to show that they should cast their outer garments over their persons" was revealed, the women of the 'Ansār came out as if they had crows over their heads because of their cloth because of the darkness of the dawn.³³ Sawdah, one of the wives of the Prophet went out after the revelation of the *hijab* and because she was fat, she could easily be identified by anybody who knows her. Then Umār saw her and said "O Sawdah! Do not think that you are hidden from us and be careful how you go out". It is therefore clear that after the revelation, the wives of the Prophet started using the face-veil when they went out. But this does not apply to other women in this respect and this is why for instance, after the Prophet (SAW) died no man could marry his wives.³⁴ It is because of the above abundant evidence that the use of *niqāb* is not binding on Muslim women that this paper will now examine some of the issues involved in imposing *niqāb* on Muslim women as well as their implications and in doing so will try to capture the 'feelings, experiences and perspectives'³⁵ of Muslim women who hold tenaciously to the Islamic creed and its tenets, focus on the role of Muslim women activists within some Islamic organizations in Nigeria, especially Yoruba Land which falls under the typology of Islamic feminism as earlier

³² Dr. Muhammad Taqī-ud-Dīn Al-Hilālī, and Dr. Muhammad Muhsīn Khān, *Interpretation of the Meanings of the Noble Qur'ān in the English language*, (Saudi Arabia: n.p., 1985), p. 648.

³³ Al-Albānī, *Jilbāb al-mar'ah al-muslimah*, pp. 82-83. .

³⁴ Ibid, 106-107.

³⁵ Katherine Bullock, *Rethinking Muslim Women and the Veil: Challenging Historical & Modern Stereotypes* (Herndon, USA: The International Institute of Islamic Thought, 2002), 35-40.

articulated,³⁶ as these organizations represent solid platforms in mobilizing all Muslim women, educating them and instilling in them active and full participation in both Islamic work and other public roles in addition to their roles as mothers and wives.

THE ISSUES AND THEIR IMPLICATIONS

All the above therefore confirms that as far as the legal dimension is concerned in Islam, the face-veil or *niqāb* was only obligatory for the Prophet's wives. Yet Muslim scholars till today still differ on the position of *niqāb* or veiling the face of Muslim women and their seclusion or segregation in Islam for that matter. Though they all agree that the dressing of women like that of men should cover their 'Awrah or nakedness but what constitutes this 'Awrah is one of the most contentious issues among them. There is an age-long controversy among Islamic scholars on whether the face of a woman is part of her 'Awrah that should be covered or not. Some argue that it is not only compulsory on women to veil their faces when they appear in public; it is also compulsory that they should be segregated or secluded from the public life.³⁷ Right from the establishment of the Sokoto caliphate in Nigeria, however, Muslim women were not compelled to be in *pardah* or observe the face veil. They were also not kept in seclusion from the public nor segregated when they participated in the communal life. Shaykh Ādam while writing on Muslim women in Ibadan and other parts of Yoruba land explains that the practices of veiling of a woman face and the seclusion of women generally have not been widespread in Nigeria. He holds that veiling the face is not compulsory on Muslim women and insisted that to put them in segregation from public life is un-Islamic. He concludes that any attempt to make it obligatory is contrary to teachings of the Qur'an and Sunnah.³⁸ This is also the view of another Muslim scholar in Yoruba land, Shaykh Muṭafī al-Zughlul who decries the imposition of veiling the face on Muslim women and considers it to be contrary to the teachings of Islam. Like Hāfīz Ibrāhīm, he insists on the need to take a middle course between the

³⁶ Ibrahim Olatunde Uthman, "Feminism in Postmodern Society: An Islamic Perspective," *Journal of Islam in Asia*, 2/2, (2005): 131-150.

³⁷ A. Al-Jaziri, *Kitāb al-Fiqh 'ala-madhāhib Al-arbah'* (Bayrūt: Dār al-fikr, 1990), Vol.1, 192 and M.N. Al-Albānī, *Hijāb Al-mar'ah Al-Muslimah Ft al-kitāb Wa al-Sunnah* (Beyrūt, Al Maktab Al-Islāmī, 1389A.H), 41-2

³⁸ Al-Ālūrī, 124-143.

segregation of women in the society and the wanton display of nudity by women. He also condemns the culture of constricting women into forced labor and toiling on farmlands and similar places especially in Africa where most men marry many women so as to get cheap labor.³⁹ Nevertheless, Abdul Wahid Lawal, a Lawyer with the Ministry of Justice in Oyo state explains how the veiling of Muslim women came to the limelight in recent times and why the work of Shaykh al-Albānī came to be appreciated in Nigeria, particularly Yoruba land. It all started around 1996 over a dispute at a local Arabic school where one of the teachers, a graduate of *Shariah* from the University of Madina in Saudi Arabia attacked the Proprietor and Principal of the school for allowing one of his wives to expose her face in public. The Proprietor then invited the teacher to his office and gave him a copy of the book of al-Albānī and after reading it, the teacher apologized for his over-zealousness. He later begged the Proprietor not to make the book available to people but somehow some members of the Muslim Students' Society got to know about it and since the controversy over the veil was boiling among them, they made copies of the book and circulated it among their colleagues. Hence the book became a landmark in the controversy ranging in Yoruba land over the face-veil.⁴⁰

A few Islamic organizations that can be truly regarded as movements in Nigeria in fact argue that Islam obliges Muslim women to cover their faces. The practices of veiling the face of a Muslim woman, and her segregation from public life have always been upheld by these few Islamic organizations. For instance, it is prevalent considerably among the *Zumuratu Islamiyyah*, *Islahudeen*, *Lanase*, *Bamidele* and Saudi affiliated Islamic organizations. To these few Islamic organizations, veiling the face by a Muslim woman is not only an Islamic norm but also a compulsory creed whose neglect is a sin that may even take a person out of Islam. Some members of these few Islamic organizations even hold on to the outrageous practice that a Muslim woman wearing the face-veil can only uncover her face on three occasions, in her youthful age before she reaches puberty, on the day of her marriage and when she dies. This is similar to the practice

³⁹ M.Z. Al-Sunūsi, *Al-Mar'ah Bayn al-Hijāb Wa al-sufūr* (Bayrūt: Dār Al-Maktabah Al Hay'ah), 1-16.

⁴⁰ Lawyer Abdul Wahid Lawal, interview by author, Ministry of Justice, Ibadan, Oyo state, April 18 1998.

found in some Pakistani and other Muslim regions.⁴¹ Foremost among these few Islamic organizations is the Muslim Students' Society of Nigeria, (MSSN) which used to be in the forefront of a dynamic movement for change in Nigeria. In fact it was the only true national Islamic organization in Nigeria for many decades until it became divided in the late eighties over the main features of an Islamic movement. A major bone of contention among its members today especially in the Southwestern part of Nigeria is female dressing; some of its members even rebuke Muslim women who fail to wear the face-veil that they consider to be the only acceptable proper Islamic dress. They opine that such women are either not Muslims at all or are at best weak Muslims. The belief, which was vigorously propagated by these members but not officially upheld by the MSSN, gradually crept into the society and has caused a very serious intra religious conflict among the Muslim community of the Southwestern parts of Nigeria and is spreading to other parts of the country. The most active of the Islamic organizations founded in Nigeria for so many years was no doubt the MSSN. Though founded by secondary school students in Lagos in 1954, the MSSN soon became a national society with its operation mainly coordinated in the higher institutions of learning throughout Nigeria. The society was so strong that it united all Muslim Students of different organizational affiliations under its umbrella. The MSSN was the sole organization that represented all Muslim students in all schools including higher institutions of learning throughout Nigeria. It was so powerful that it curtailed the activities of Christian fundamentalist organizations especially the Christian fellowship in the higher institutions of learning for many years before it was embroiled in the above internal crisis. Alhajah Lateefah Okunnu also elaborates on the positive role of the Muslim Students Society of Nigeria (MSSN) in "insulating" Muslim adolescents from the negative aspects of secular education under the grip of Christian Missionaries. She explains that the MSSN membership spread throughout Nigeria and effectively served the role of an Islamic movement for Muslim Youths, both boys and girls and a veritable training ground for *Daw'ah* work. So vibrant was the MSSN movement in secondary and tertiary institutions according to her that it gave impetus to other post-secondary school and post graduate movements to meet the challenges of the time. It is

⁴¹ Jan Goodwin, *Price of Honour: Muslim women lift the Veil of silence on the Islamic World* (Boston: Little Brown and Company, 1994), 56.

to a large extent true according to her to state that the MSSN provided the launching pad for the Islamic re-awakening in Nigeria witnessed in the last four decades. Islamic education is within the reach of many Muslim children.⁴² The MSSN which used to be the most virile and largest Muslim organization in Nigeria has however been torn apart by sectarian differences especially regarding the use of *niqāb* by its female members. All the details about the issue of veiling a woman's face and other sectarian differences that are considered as fundamental creeds by some members of the society can be found in a publication of one of its chapters.⁴³ But this view that the face-veil is the only acceptable proper Islamic dress for women has largely been regarded by many other members of the MSSN and other Islamic organizations as a strategic position. This is because the few organizations that propagate the view including the Muslim Students Society of Nigeria still appoint some leading Muslim women in the country, most of whom are active politicians, lecturers, business magnets, and civil servants, some of whom barely cover their hair with the ordinary scarves as their matrons, sponsors and even special guests at religious functions and activities. Most Islamic organizations in Nigeria therefore still consider wearing the face-veil as a form of attire by Muslim women not to be compulsory.

The first legal implication of imposing the *niqāb* on Muslim women is therefore the problem of identity. There is a funny story narrated by Shaykh al-Albānī above to demonstrate this problem. A woman sued her husband to the *Sharī'ah* court during the time of the *Salaf Sālih* (the righteous Muslim generations) and accused him of not paying her *mahr* or bride gift but the husband claimed he had paid it. So the Judge requested him to produce his witnesses and he called two of his companions as witnesses. Then the Judge asked if they bore witness that the husband had paid his wife's *mahr* and they both replied that they bore witness that the man paid a woman her *mahr* but they

⁴² Alhaja Lateefah Okunnu, "Women, Secularism and Democracy: Women's role in the Regeneration of Society", a Paper delivered by at the Conference on *Shariah* held at the Commonwealth Centre, Commonwealth Institute, Kensington, London, 14-15 April 2001. Available at FOMWAN's website: <<http://www.ifh.org.uk/fomwan.html>>.

⁴³ These members who are now mostly in the leadership of the society currently impose the face-veil on Muslim sisters as a condition of being Muslims and consequently members of the society. See *An-Nur Magazine* (Published by the MSSN, Obafemi Awolowo University Branch), April, 2002.

were not sure if it is the same woman in court as the one in court was using *niqāb*. The Judge therefore ordered the woman to remove her *niqāb* so that she could be identified and she replied that she preferred to forego her *mahr* than to remove her *niqāb* and on hearing this, the husband offered to pay the *mahr*.⁴⁴ This is one of the clearest testimony in the *Sunnah* that a woman is required in Islam to remove her *niqāb* so that she could be identified and it is not required that it is only women that can identify her. So any Muslim woman who opts to use the *niqāb* must be willing to remove her *niqāb* so that she could be identified or forego her rights. This is why even at the International Islamic University Malaysia; all female students are obliged to submit themselves to identification when required by any university official.

Consequently, the second legal implication of imposing the *niqāb* on Muslim women is the problem of imposing a practice on Muslim women that is a matter of choice. It is this choice given to Muslim women to use or not to use *niqāb* that is been asserted by most Muslim women activists. They all appear to support the need for Muslim women to dress modestly and decently but are opposed to imposing a form of uniform or *niqāb* on them. Hajiya Bilkiyu Yusuf (mni) editor, Citizen Communications, Kaduna and a leading member of FOMWAN in Nigeria, is one of the Muslim women who decries the debates in Nigeria over the imposition of beard growing, turbans and face-veil which to her, amounts to chasing shadows while the real issues are not being addressed. The real issues to her include the injustice in the implementation of the *sharī'ah* law that has been reduced to a body of laws in the hands of poorly trained and incompetent judges who abuse procedure and ill equipped supervisors whose only pre-occupation is to fish out women who commit adultery'.

As a result of the above Muslim women's tenacious and uncompromising adoption of the *Islamic modest dress*, their sexuality, charms and physical looks—are concealed though they are in the vanguard of Islamic work, bringing out and allowing their femininity to be seen, heard and reckoned with but refusing to allow their sexuality to become public consumption. In *hijāb*, these Muslim women radiate the confidence and focus of real professionals. Though their decision to adorn the *modest hijāb* is at times met with harsh opposition by some secular minded people who also want to take from them their right to choose their dressing, most of these women have

refused to be daunted. Some have personally lost their husbands of many years, their jobs and family friends because of their personal decision to wear the *modest hijāb*. Some of these women who choose to wear the *modest hijāb* by conviction, according to this investigation have even witnessed many violent confrontations from their supposedly loved ones and relations. There was the case of some parents at the University of Ibadan who tore their daughter's *modest hijāb* to pieces in public all because they saw wearing the *modest hijāb* as "uncivilized". Hundreds of Muslim female students at the Universities, Polytechnics and colleges of education in Nigeria are facing or have faced the confrontations over the *modest hijāb* at one time or the other. Some students in fact witness opposition from government owned institutions where they have been barred from attendance at classes because of their *modest hijāb*. One such incident took place at the College of Education staff school in Ikere Ekiti where a female Muslim student was asked to remove her *modest hijāb* if she wanted to continue schooling there. As a matter of fact, the guardian of the *modest hijāb* wearing student was summoned at the College when his ward refused to remove the *modest hijāb*.⁴⁵ Yet in the same college, there are Christian students who were nuns wearing head-covering similar to *modest hijāb* wearing sisters. Even, a principal lecturer at the college claimed *modest hijāb* would disturb students' studies especially in the laboratories. But one unbiased non-Muslim lecturer at one of the universities in the Southwestern part of Nigeria insisted that *modest hijāb* seems not to have affected the performance of Muslim female students who even top their classes in fields like engineering and accounting.

It seems therefore that on the one hand, the *modest hijāb* is scaring some western secularists because these brands of *hijāb* wearing sisters are not only articulate, well dressed, intelligent, and professional Muslim sisters and women but more importantly because these women present the alternative to western women who make their looks and sexuality tools for what they can attain. The above anti *hijāb* wearing postures according to all the interviewed Muslim women are contrary to the mainstream western secularists' attitudes to Christian nuns all over the world. While nuns like their male catholic fathers are set up

⁴⁴ See Al-Albānī, *Jilbāb al-Mar'ah al-Muslimah*.

⁴⁵ See Ibrahim Olatunde Uthman, "The role of Arabic and Islamic Studies in a Secular Society" *Journal of the Nigerian Teachers of Arabic and Islamic Studies*, Vol. 6, No 2, (2002): 80- 86.

materially to direct their attention to services to the Church, getting grants from universities, local governments and even feminist organizations to study Christian theology and other disciplines that can contribute to the growth of Christendom, Muslim women are intimidated to drop the *hijāb* which remove attention from their looks and sexuality to their articulation, intelligence, and professional qualifications. These western secularists are averse completely to *hijāb* wearing sisters and therefore promote anti- *hijāb* wearing values in the minds of the Muslim women in the guise of secularism, westernization and modernization. They argue that all the *hijāb* wearing sisters have to do is to remove the *hijāb* by wearing completely naked or half naked tight and see-through attires like mini-skirts, tight-jeans and jumpers for them to become modern, western and maybe secular in some cases. They also promote pre-marital and extra marital sexual relations through this call to remove the *hijāb*. As a result of postmodern feminism, the so-called average western, secular and modern women see nothing wrong with pre-marital and extra marital sexual relations, going into and out of sexual relations with either married or unmarried partners or even both, drinking alcoholic intoxicants, smoking cigarettes, LSD and other dangerous drugs, partying and dancing with men, walking around in sheer nudity or semi nakedness.

THE EDUCATIONAL DIMENSION

Going by the Islamic teachings, Muslim women cannot abandon the acquisition of knowledge because of *niqāb* or *hijāb*. The significance of women's education in Islam is too well known to be debated. This is based on the famous authentic tradition of the Messenger of Allah (SAW) that "Seeking knowledge is compulsory on every Muslim".⁴⁶ This applies equally to men and women and shows that "Knowledge" in this context refers primarily to and covers all areas of general education, which can contribute to the welfare of humanity and human civilization. It is indeed noteworthy that Islam teaches that both Muslim men and women must acquire knowledge of the human society, the universe or nature as well as revealed knowledge which together constitute holistic sources of guidance. In many passages of the Qur'an such as (3: 190-191, 10: 1, 12: 1, 13: 1, 15:1, and 30: 20-25), both revealed and acquired knowledge are

⁴⁶ Abu Ameenah Bilal Philips, *Uṣūl al-Tafsīr, the Methodology of Qur'ānic Explanation* (Sharjah United Arab Emirate: Dār al-Fatāh, 1997), 6.

referred to as the *Āyāt* or Signs of Allah that must be taken and understood together for human success on earth. The Sunnah is also replete of many incidents that confirm that the *Āyāt* or Signs of Allah found in the divine Laws of Allah that govern the human psyche, society and the universe must be understood to uncover His laws. For instance, the Prophet of Islam (SAW) employed human knowledge acquired from observation, experiment and experience as source of religious and secular guidance when he permitted the practice of *ghīlah* and made it clear that the permission followed his own empirical observation of the consequences of its practice among the Romans and Persians. Similarly, he observed ibn Sayyad, a Jewish youth to understand its unusual character and ascertain if he was indeed, the antichrist. In fact, the Prophet of Islam (SAW) could be regarded by these actions to have employed what is now considered as the prerogatives of the experimental psychology, psychiatry and other paramedical sciences in the study of human nature. It is only when humans both men and women take the initiative to change their natural states through their knowledge of the universe predicated on revelation that they can rise and gain ascendancy from one state of civilization to another (Qur'an 11: 13 and 84: 16-19).

Should one go by the above, nothing, not even the Islamic laws on modesty, especially, the *Niqāb* should stand between Muslim women and the acquisition of knowledge as the provision of and the protection of human rights are basic, fundamental and unchangeable universal ultimate objectives in Islam. The preservation of these ultimate objectives of the Islamic law (*al-maqāsid al-khamsah*) is therefore obligatory. To be in communion with God or the right to freedom of religion is the most central essential longing of all humans according to Islam. It is the right of every human to fulfill this *homoreligiousness* of humanity. The Islamic respect for human life and dignity of every human is sacred because of membership of the human race (Q17: 70).

All humans have the right to decent living and protection from all forms of indignity. All humans have the right to living a dignified life and should not merely survive on the margins of society for whatever reasons and because of the generosity of any other human. They have the right to the minimum amount of shelter, clothing and food necessary to live in all climates, weather and human communities. This is followed by the human rights to intellectual development and education. Humans are the special creation of God and therefore the

most dignified of His creatures. It should therefore go without saying that the development and protection of the human intellect is the inalienable right of every human. This right goes beyond the ability to read and write but to find through education, the means and tools to self-development, actualization and perfection. This means education must be functional and goes beyond producing selective and educationally dysfunctional people. It also means that it is functional education that is the right of every human in Islam (Q96: 1-5). The Prophet also described 'Ā'ishah, his favorite beloved who lived with him and learnt from him for almost nine years, as possessing half of the religious knowledge when he once declared that "learn half our religion from this young and radiant girl (*al-humayrā'*)".⁴⁷

This must have been said by the Prophet because 'Ā'ishah was the first product of the Prophet's educational scheme for women. He was in effect saying that no nation can claim to be educated simply by educating only its men. Women as mothers are the first teachers of children and create an indelible impression in their minds and ultimately determine the destiny of their nation. Accordingly, it is the mass ignorance of Muslim women whether in the name of *niqāb* or not that has led to the decay of the *Ummah*. The ignorance among Muslim women today is contrary to what happened throughout Islamic history, where both men and women earned respect as scholars and teachers in various fields of knowledge including knowledge of the Islamic Faith.

Many prominent women not only played significant socio-religious and political roles but also intellectual and economic roles in early Islam. First and foremost, there was the example of the Prophet's youngest wife; whose whole intellectual legacy is yet to be surpassed by any other woman. This intellectual luminary, 'Ā'ishah once praised the women of the *Ansār* for their learning spirit which she described, as unsurpassed by modesty. In short, modesty was not an excuse to keep women ignorant at the time of the Prophet and they sought to know from him virtually everything. In fact, for practical purposes, these unique early Muslim women demanded from the Prophet an exclusive session in a day with him to learn all that was possible from him. It was this determination and spirit to learn that made many of these women great and renowned scholars. 'Ā'ishah, this Prophet's

⁴⁷ Imām Muhammad al-Zarkashī al-Shāfi'i, *Al-Ijābah li 'irādah mā Istadrakath 'Ā'ishah alā al-sahābah*, (Bayrut: Al-Maktab al-Islāmī, 1980), 2nd edn., 31-36 and 118.

favorite beloved who lived with him and learnt from him for almost nine years, was the first product of the Prophet's educational scheme for women and later attained the rank of a great theologian, hadīth authority and political adviser to the first three caliphs. Her political advice was eagerly sought by them virtually on all matters.⁴⁸ She reported 15% of the traditions of Imām al-Bukhārī, a percentage far greater than that of Imām Ali, the fourth caliph.

No wonder she has been described as the one with the greatest knowledge of *fiqh* and the most knowledgeable and educated among the people.⁴⁹ According to one of her students, 'Urwah ibn Zubayr, there was no scholar greater than 'Ā'ishah among the companions who were her contemporaries in Qur'anic and Hadīth sciences, poetry, literature and history.⁵⁰ She was without doubt on the same intellectual pedestal with all the leading male companions of the Prophet. Her corrections of many *ahādīth* became the subject of an 8th-century book in jurisprudence, which, today, more than ever before, must be read along with the major books of hadīth. As rightly noted by Muhammad Zubayr, 'Ā'ishah was not just one of the most important figures in the whole history of hadīth literature but also one of the most careful interpreters.⁵¹ The same can also be said of all other leading Muslim women mentioned by him above. They certainly played active scholarly and social roles in the interpretation of not only the hadīth literature but also the entire intellectual and legal legacy of the Islamic way of life. Islam produced other outstanding female scholars that became teachers of some of the most illustrious male scholars of Islam, including some of the Imams of the four famous schools.

Imām Shāfi'i, for example, was one of the noble students of Sayyidah Nafīṣah, the descendant of Alī and he sat at her feet in al-Fustat. Jalāl al-Dīn al-Suyutī also studied the *Risālah* of Imām Shāfi'i at the feet of Hajar bint Muhammad. Similarly ibn Hajar al-'Asqalānī was taught by women scholars like Juwayriyyah bint Ahmad and 'Ā'ishah bint 'Abdillāh.⁵² Iyās ibn Muhawiya, an important traditionalist and a judge of undisputed ability and merit said that

⁴⁸ Sidiqqi, 23- 29).

⁴⁹ Al-'Asqalānī, vol. 1 242 and *Al-'Isābah fī tamyīz al-sahābah* (Cairo: Maktabah al-Dirāsah al-Islāmiyyah Dār al-Nahdah, n.d.), Vol. 8, 18.

⁵⁰ Doi, 140.

⁵¹ Muhammad Zubayr Siddiqī, *hadīth Literature, its Origin, Development & Special Features* (Cambridge: The Islamic Texts Society, 1993), 117-123.

⁵² Lemu and Hareem, 16, also see Ibid.

Umm al-Dardā' was superior to all other traditionalists of the period of the Successors, including al-ḥasan al-Baṣrī and ibn Sīrīn.⁵³ Fātimah bint Muḥammad ibn Aḥmad al-Samarqāndī was both a *muhaddithah* (expert in ḥadīth Literature) and *Faqīhah* (expert in Islamic Jurisprudence) who published books in the two fields and was appointed as a Muftī by Sultān al-Mālik al-Ādil Nur al-Dīn al-Ayyubī to counsel him and his family.⁵⁴ In addition, in the Sokoto Caliphate women actually regained their roles as scholars. The daughters of *Shaykh* Uthmān Dan Fodio, especially Nana Asmau wrote about 80 works, some of them translations of the works of her father into Fulfulde or Hausa.⁵⁵

ECONOMIC, POLITICAL AND PROFESSIONAL DIMENSION

Yet their excellence in the intellectual field did not preclude Muslim women from other active economic, political and business professions. In fact, almost all the wives of the Prophet were business experts and they used to work at home. A very good example of the Prophet's wives that were business gurus and experts was his first wife, Khadījah bint Khuwaylīd about whom 'Ā'ishah said she was jealous because of the Prophet's love for her even after she was dead. Khadījah bint Khuwaylīd was one of the most successful business moguls and magnates in Makkah. This is an indication of her sound knowledge of Business-administration. It also shows how influential she was despite being a woman in that society.

The Prophet's respect for this aged woman he married was so deep, and unsurpassed by his love for any other person that he once declared that no one could be like Khadījah in his life. One of the reasons he gave was that she was the first person to believe in him when no other person on earth did and she used her wealth to enrich him.

Another example of such working women was Rufaydah al-Aslamiyyah that can be adjudged the first female nurse in Islam, since she treated and nursed the injured Muslim warriors of the battle of *Al-Khandaq* (the Trench). All these examples and many others show that

⁵³ Zubayr Siddiqi, 118-120.

⁵⁴ 'Umār Ridā Kahhalāh, *Ālam al-Nisā'*, (Bayrut: Muassat al Risālah, 1959), vol. 4, 94-95.

⁵⁵ Ibn Muḥammad, 80-130, Dean and Last, 285-300, Dean, 24-33 and Last, 183-204.

Islam never forbids women to go out to work, whether married or not, as long as they are conscious of and observe the laws Islam has made to protect them, guarantee their safety, and prevent men from molesting or assaulting them. These laws includes wearing and covering themselves with loose clothing that is not tight-fitting or see-through, avoiding ḥarām make-up or perfume or uncovering thier *awrah* as listed in the conditions contained in the book under study and as was discussed in the last chapter.⁵⁶

In light of the abundant intellectual, political and social contributions of Muslim women during the pristine era of Islam, Muslim women can study and engage in any lawful and legitimate profession. Only professions that encourage immorality (*al-fahshā*), corruption (*al-fasād*), and temptation, lawlessness, chaos or mischief (*fitnah*) such as intoxicants and drugs, dealing with prohibited food, gambling, usury, murder, armed robbery, exploitation embezzlement of public funds and all forms of fraud are prohibited in Islam.

The above also reveals that the use of *niqāb* is not an excuse for a Muslim woman not to work or to be a fulltime house wife. This phenomenon contributes to the pervasiveness of poverty in the Muslim community. While it is true that poverty has become endemic in Nigeria, it is however particularly sad that women constitute the majority of those affected. By all socio-economic indicators of poverty, women lag far behind men in securing employment, nutritious diets, education and good health services. In short, they are the hardest hit by the Nigerian economic recession with 52 percent of rural women found to be living below the poverty line.⁵⁷

Of course, majority of the poor households had been found to be residing in rural areas (World, 1996), where the incidence of poverty is higher among male-headed households than female-headed households.⁵⁸ Women would therefore naturally suffer more in these rural households headed by men. Since women suffer more from the above biting economic conditions in Nigeria, no wonder the Muslim Women Group, *Al-Mu'mināt* called on the Federal Government to strive to alleviate the sufferings of the masses of the country, especially

⁵⁶ *Ḥarām* refers to what is unlawful or forbidden while *awrah* refers to the parts of the body that must be covered legally under the Islamic law.

⁵⁷ Ngeri-Nwagha G., "Problem of Gender Disparity", paper presented at the *GothardIHLS Seminar*, (Lagos: the *Guardian Newspaper*, 1996).

⁵⁸ Aigbokan B. E., *Poverty, Growth and Inequality in Nigeria: A Case Study* (Nairobi: African Economic Research Consortium Research Paper 102, 2000).

women. The call was made by the *Amīrah* (female President) of the organization, Hajia Amīnah Abdul-Sattar Anifowose, at the 9th annual camping of the group tagged 9th National *Al-Mu'mīnāt* Training Forum (ATF) which was held in Ikorodu Lagos state. In her call, the *Amīrah* Hajia Amīnah Abdul-Sattar Anifowose urged Nigerian leaders to always be sensitive to the plight of the masses, instead of spending so much money on sports and other related activities to the detriment of the citizens' welfare and that government's policies should be made to have the interest of the citizens as its focus at all times.⁵⁹

This informed the formation of the Federation of Muslim Women Associations in Nigeria (FOMWAN) in 1985 to mobilize Muslim women to play active roles in all aspects of life, and unite them to speak with one voice on national issues etc.⁶⁰ FOMWAN today is one Muslim organization in Nigeria that cares for both Muslim women and their children. It has gone beyond the level of rhetoric and is today practically assuaging women's needs through effective social work. Members of the group with their meager resources are able to carry out some basic social and civic services.⁶¹ In barely two decades of its existence, FOMWAN charities have implanted the society into some facets of the lives of Muslim women. FOMWAN funds a vast range of bread-and-butter projects in female and children education, family aids and orphan cares. It begins in the kindergartens and builds schools for orphans as well as runs aids distribution for needy women and children. It has also championed campaigns against many Nigerian government policies on family planning, inheritance laws and appointment of qualified Muslims as Judges *sharī'ah* courts.

The Muslim students' society of Nigeria, which went as far as making women the vice presidents at all levels, initiated this activeness of Muslim women.

What is clear is that Muslim women, while performing their vocations as wives and mothers are also involved in various economic and productive activities that are vital to the well-being and survival of their families. A direct result of the above today is the presence of

many Muslim women not only in the workforce but also at the top echelon, increase in female participation in outdoor economic activities and white collars jobs and an upsurge in dual-earner families among Muslims. According to a former Imam of the University of Ibadan Muslim community, Noibi, when he came to the University in the post independence era in 1976, there was hardly any presence of Muslim women and certainly no one in Islamic attire.⁶² But three decades after, the University is not only full of Muslim young ladies in virtually all disciplines, they also adorn the Islamic mode of dressing. He described the development as a momentous and overwhelming change in the life of the Muslim community in particular and the country at large. The entrance of active Muslim women into the workforce therefore raises a lot of genuine concerns about their work and the family. These concerns border on the quality of time these women now have for their families, the linkage between their work and their family or non-family expectations and even the influence of their family life on their work. Barnett and Marshal have conducted research on these issues and their findings have shown a kind of conflict between women work and the family. It is their submission that the effects of work on the family lives and attitudes of women and vice versa are negative. In most cases, the demands of work have been incompatible with those of family leading to increase in divorce rates, single mothers and broken families.⁶³ At the same time, family demands have led to women absenteeism, lateness and lack of concentration at work. These negative effects become higher among married women with children.⁶⁴

THE MALAYSIAN EXAMPLE

It is important at this point to learn a lot from the prevailing conditions of the Malay Muslim women in Malaysia not only on the

⁵⁹ Prof. D. O. S. Noibi, talk given to the Muslim Students Society, University of Ibadan Branch when author was the Amir (1991-1992) and formal and informal discussions with author between 1998 and 2003.

⁶⁰ See R. C. Barnett and N. L. Marshall, "The relationship between women's work and family roles and their subjective well-being and psychological distress" in M. Frankenhaeuser, U. Lunderberg, and M. Chesney eds. *Women, work and health*, (New York: Plenum Press, 1991) and R. C. Barnett, N. L. Marshall and J. D. Singer, "Job experiences over time, multiple roles, and women's mental health: a longitudinal study", *Journal of Personality and Social Psychology*, (1992): 62, 634-644.

⁶⁴ C.E Ross, J. Mirowsky and K. Goldsteen, "The impact of the Family on Health: the decade" in review, *Journal of marriage and the family*, (1990): 52, 1059-1078.

issue of *niqāb* but also their socio-economic, domestic and political roles in the formation jurisdiction. In Malaysia, by the late 90s, many Muslim scholars had come to terms with the projection of the country as an Islamic state following the appointment of the immediate past Prime Minister of Malaysia, Dr. Mahathir Mohamad in 1981. Such Muslim scholars like the *Shaykh al Azhar*, Muhammad Tantawi, Yūsuf Qarādāwī, the late Muhammad al-Ghazālī, have at one time or the other hailed the Malaysian model of an Islamic state.⁶⁵ In fact, a lot of commentators had expressed their marvel at how the country was grasping with the concept of a modern day and Islam as a religion.⁶⁶ The whole world was therefore not taken completely unawares when in 2001; the then Prime Minister, Dr. Mahathir Mohamad finally boldly declared that Malaysia was an Islamic country.⁶⁷ What is rather shocking about this modern Islamic state is that Muslim women who are usually portrayed as backward and oppressed by a patriarchal Islam and therefore need to be emancipated are in fact playing a leading role in all sectors of the 'Islamic Malaysian' Society, adorning their Islamic scarf. The visibility of Malay Muslim women who make up about half the Malaysian population today could be said to reflect what this author has earlier termed the re-emergence of the phenomenon of authentic Islamic feminism.⁶⁸

Since its independence in 1957, Malaysia has engendered a remarkable women's entry into the paid labor. Their percentage has increased from about 30% in 1957 to about 48% in 1995. Today Malay Muslim women enjoy basic constitutional rights. They enjoy the freedom to vote, run for office, pursue education and hold administrative and political positions as notable as university presidents and government ministers.⁶⁹ Contrary to the claim of the Norwegian Professor, Ingrid Rudie, the Islamic revival in the 1980s has not curtailed the rights of Malay Muslim women. Her submission that the Malay husband had the right and duty to sanction his wife's

⁶⁵ New Straits Times, (Kuala Lumpur: March 24 1997).

⁶⁶ R. K. Khuri, *freedom, Modernity and Islam- Toward a Creative Synthesis* (Syracuse: Syracuse University Press, 1998), 6.

⁶⁷ New Sunday Times, (Kuala Lumpur: September 30 2001).

⁶⁸ Uthman, "Feminism in Postmodern Society," 131-150.

⁶⁹ Ibrahim Olatunde Uthman, "Muslim Women and the Islamic State; Between Political Activism and the Islamic Law: An Analysis of the *Jilbāb al-Mar'ah al-Muslimah fī al-kiāb wa al-Sunnah* of Shaykh al- Albānī," *IKIM Journal of Islam and International Affairs*, 2/1, (2006) : 133-134.

movement contradicts the realities of today.⁷⁰ The emergence of Malay women in administrative and political positions has changed the power relations in the family and society. This followed the massive recruitment of Malay Muslim women in to the paid labor force after the 1970s economic boom from oil. Thus the equations of power in Malaysian families actually changed and women took over the reins of power in not only the domestic realm but also in many administrative and political positions.

CONCLUSION

Muslim women in Nigeria are unanimous that Muslim women in the country have an important role to play to pull women out of the abyss of decadence and backwardness without being hindered by the use of *niqāb*. Hence, FOMWAN in Nigeria and other Islamic female organizations represent solid platforms in mobilizing all Muslim women, educating them and instilling in them active and full participation in both Islamic work and other public roles in addition to their roles as mothers and wives. This, the paper submits is inline with egalitarian interpretations of Islam as upheld by Shaykh al-Albānī. It is true that some may argue that the above egalitarian interpretations of Islam as upheld in this chapter are not more correct than misogynistic interpretations of Islam. The notion of Islamic feminism is held by Fatima Mernissi and others like her who at the same time hold that the social laws even of the Qur'an support gender inequality. Just as Fatima Mernissi is at great length depicting her own perception of the Prophetic egalitarian teachings and how the Prophet in a period of great stress and turmoil gave in to the whims and caprices of a stern 'Umār who at the head of patriarchal elite subverted these Prophetic egalitarian teachings as it is perceived today in most Muslim traditional societies.⁷¹ But the same 'stern 'Umār' who according to Mernissi led the patriarchal elite that subverted the Prophetic egalitarian teachings was responsible for sustaining the unique and egalitarian position that Islam gave to women in many respects. For instance, the view of 'Umār that a woman is not obliged to carry out household and domestic

⁷⁰ Ingrid Rudie, *Visible Women in East Coast Malay society: On the Reproduction of Gender in Ceremonial, School and market*, (Oslo, Norway: Scandinavian University Press, 1994), 202-289 in Ibid.

⁷¹ Mernissi, *The Veil and the Male Elite*, vi-ix, 85-101, 102-114; 115-140, 141-160, 161-179 and 180-188 and *Women and Islam: An Historical and Theological Enquiry*, 106-114; 178-179, 185.

chores such as cooking food, washing clothes and even suckling her children is today upheld by most schools of Islamic jurisprudence. According to 'Umār, a Muslim woman can refuse to carry out any of the above and only does so out of kindness for the husband. In his words, his wife:

Has certain rights over me. She cooks my food, washes my clothes and suckles my children although she is not in the slightest degree responsible for any of these duties. I enjoy peace of mind on her account and I am protected from committing the sin of adultery. In view of these advantages, I put up with her excesses.⁷²

According to Fatima Mernissi and many others like her who are not satisfied with the above egalitarian interpretations of Islam, there are many misogynist traditions narrated by Abū Hurayrah and other male companions like him to curtail the rights of Muslim women. As a result of their so-called misogynist perception about women, such male companions quoted 'stupid and opportunistic misogynist' Prophetic traditions about women, though they were put under strict vigilance by the Prophet's youngest wife 'Ā'ishah, who took it upon herself to keep the record straight.⁷³ Fatima Mernissi's conclusions above leave no one in doubt that she saw the Prophet as the author of the egalitarian message of Islam, hence he was not under any divine spiritual guidance on the matter of veiling and seclusion of his wives. It is perhaps because of the above apparent rejection of the divine origin of the Islamic message by Fatima Mernissi and her secular and western aspirations for Muslim women that she is regarded as a foremost Muslim feminist who has "extricated herself from the cultural or 'Islamic loyalty' that is believed to plague" many Muslims who are described as Islamic feminists in this chapter.⁷⁴

⁷² M. M. Sidiqqi, *Women in Islam* (Lahore: Institute of Islamic Culture, 1975), 56.

⁷³ Mernissi, *The Veil and the Male Elite*, 49-61 and 64-81.

⁷⁴ Leila Ahmed, "Feminism and Feminist Movement in the Middle East", *Women's Studies International Forum*, Volume 5, number, (1982): 153-168.

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THE POSITION OF ISLAM ON POLYGAMY

By

RAFIAT SANNI*

Marriage Institution in Islam

Islam as a religion touches every aspect of life, social, economic, moral, or spiritual, so as to provide perfect guidance for man as Allah (SWT) says "And if as is sure there comes to you guidance from me, whoever follows my guidance, on them shall be no fear nor shall they grieve" (Q2:38).

Through the guidance from the Holy Quran and the life style of the noble prophet Muhammad (SAW), we understand that marriage is a sacred act in Islam, with rules and regulations guiding it. It is one of the signs of Allah that a man and a woman would live together as husband and wife for a particular purpose that is specifically mentioned in the Quran which is beyond mere sexual satisfaction or production of offsprings.

'And among His signs is this, that he created for you mates from among yourselves that you might live in tranquility with them and He has put love and mercy between your (hearts) verily in that are signs for those who reflect' (Q30:21).

Marriage in Islam is an institution that safeguards the rights of men, women, children and the community at large while at the same time, it takes care of the emotional, spiritual, physical, social, economic and intellectual needs of the family members. The Qur'an says "men are the protectors of women because God has given the one more strength than the other, and because they support them from their means ... (Quran4:34)".

Qawwama, according to Yusuf Alli, means one who stands firm in another's business, protects his interest and looks after his affairs or manages affairs with a steady purpose. This is to say that, a woman under Islamic marriage enjoys full security (protection,

economic, social and spiritual support from the husband). In doing that, she is protecting her morality, modesty and dignity which in turn purifies the larger society: The holy Prophet (SAW) was reported to have said that the condition of any society depends on the women in that society, if the women therein are good and upright, the society would be peaceful and harmonious but if otherwise, there will be confusion and chaos.

Marriage in Islam aims at establishing a family that would have the fear of Allah and carry on the activities of Islam to future generations, hence, the need for a solid marriage foundation based on Islamic principles. Stressing the importance of marriage, Prophet Muhammad (SAW) was reported thus:

Marriage is my Sunnah (tradition) and whoever refrains from my Sunnah is not part of me.

It is clearly understood from the above that it is compulsory that a Muslim must marry and that the question of celibacy does not arise at all. It therefore suggests that whoever is unmarried by any circumstance of being a widow or divorcee should strive hard and ensure that she remarries. Even if a man does not have the means to marry from the high class he can as well go down for the lowly in the society provided his choice is premised on virtue (i.e. chastity and righteousness) and love.

If it is compulsory that a Muslim must marry irrespective of his/her status, therefore, marriage must be handled with care for the purpose for which it was ordained.

History of Marriage

At the beginning of creation, marriage was between a man (Adam) and a woman (Hawwah) it was consummated in the presence of Allah in the garden of Eden but as time went on, due to many factors, man began to have more than one wife, polygamy began to gain ground in the society with a man having 2,3 and even up to 70 wives at a time without limit and with neither rules nor regulations.

Men's enjoyment and campaigns for polygamy was at the expense of women's enjoyment and satisfaction, they were married without their own consent and dropped or divorced at will.

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Their spiritual and economic status were none of the men's concern, women were regarded as household equipment that could be used and dumped at any time. She could not inherit, she had no say even in matters that concerned her to the extent that even if she was ill treated by the husband, she **could not** complain. All these happened before the coming of Islam.

Female children were buried alive because it was considered a shame and a sign of ill luck to have them. These were what actually led to the maltreatment of women, and it got to a stage that, a woman who lost her husband even at early age of her life would not be married again. She would be abandoned and might be regarded as an outcast in the society.

Islam was the religion of all the prophets of ALLAH, because they all preached and taught people on the oneness of ALLAH, and good deeds, but the religion was re-introduced and perfected during the era of the prophet Muhammad (SAW). The Quran says:

Today I have perfected for you your religion, and have completed on you my favour and have approved for you Islam as a religion (Qur'an 5:3).

At the early period of Islam, Muslims were persecuted, though they tolerated and persevered; but when the unbelievers transgressed all bounds, Allah (SWT) instructed the prophet and the early Muslims to fight back which resulted into the killing of many Muslim men, leaving a lot of women and children as widows and orphans. The unfortunate incident prompted the revelation of the following verse immediately after the battle of *Uhud*: "But if you fear that you cannot do justice about the orphans, then marry what pleases you of the women two or three or four, but if you fear that you cannot treat justly, then one or what your right hands own. That is the most appropriate that you may not oppress." (Quran 4:3)

In the pre-Islamic era, many men used to take a multiplicity of wives without any fixed limit and often took female orphans under their care as wives in order to appropriate their properties. The above verse was revealed to prohibit such practices and asks to take other women as wives setting the maximum limit to four if one can treat them impartially or else to have only one.

Since Islam and its teachings are for those who can think, reflect and understand, one found out that, the injunction on plural marriage was specifically to cater for the widows and the orphans of the fallen heroes of Islam. It was to prevent indecency and immorality by such women and to cater for their welfare.

However, the injunction that permits polygamy is not without rules guiding its practice as explained above.

It is important to note that whenever Allah instructs the doing of an act, He always tells its rewards. Such acts like *Salat*, *Zakat*, *Sawm* etc. On polygamy, however, it was a warning against inability to be just.

Women's views on polygyny

Woman is generally monogamous by nature and always think that man is polygamous. There is always that suspicion that her husband would engage in the act. Every woman, no matter her age and condition, would want to monopolise her husband. To a woman, polygamy is seen as a disturbance, an evil that must not be tolerated.

However, in a situation that the inevitable happens, one should not quarrel with her husband as most people do. She should rather accept the fate, pray fervently for Allah's guidance and for the success of the union. She should stick to Allah's injunctions that teach patience, perseverance and accommodation; then behave nicely to the other wife.

One should be careful in listening to advice, as such may worsen situations. She should also not engage in any act that can amount to *shirk* (idolation) as that may incur the wrath of Allah. One should avoid any unislamic means in an attempt to win her husband back, such may be counter productive.

More importantly one should not allow polygyny to ruin her marriage and life. This is because there are many cases of mental disorder in women because of polygamy.

Whenever one realizes that there is plan for another wife by her husband, she needs to engage in prayers to enable her cope with the new situation without offending the Creator who allows it. She should engage in the following;

- not allow anything to disturb her mind (she should rather remember Allah always).
- be cheerful always and be pleasant to her.

- not change her good attitude towards her husband, friends and relations, but change the bad ones for the betterment of your life and those of your children.
- regard the other wife as a colleague and be good to her.
- devote more time to learning the Qur'an and *hadith* to enable her know more of the teachings of Allah.

Advice to other wife (or wives)

Other wife should endeavour to be good to her senior. She has to exercise more tolerance and should accord her senior the required respect. She should desist from any act that can promote rancor or discord. She should see herself as a partner in progress.

Mustapha Muhammad (SAW)

Prophet Muhammad (SAW) married Khadijah when he was twenty five years old while she was 40. It was after the death of Khadijah that he married Aishah, a young girl, and later married women (widows and divorcees) for various reasons ranging from political to religious reasons for the promotion of Islam until there was an instruction from Allah that Muslim men must not marry more than four wives at a time.

Historically, the basis for the revelation on polygyny was to give room for women who lost their husbands in the battle of which, they would have the chance of being catered for and not neglected as it was done before the coming of Islam. If that was the basis for polygamy in Islam, it is the belief of the modern day society that unmarried women are in the majority and as a result, it is a form of jihad to have more than one wife so that the Muslim Ummah may have a chance of stemming immorality in the society.

Prophet Ibrahim

It was learnt that Prophet Ibrahim (A.S.) was advised by his barren wife, Sarah to marry their slave girl Hajarrah for the fear of dying without children. The husband agreed and married Hajarrah, bringing his wife to two. This shows that, there would be reason for polygamy in the society from time to time. It also shows that the marriage was approved by Allah since prophets of Allah did not act outside Allah's directives.

Responsibilities of a Polygamous man

- (i) He must have the means to provide all the wives with the three basic amenities on equal terms (shelter, food, and clothing).
- (ii) He must know that he has the capability of serving them to their satisfaction in terms of sexual dealings.
- (iii) He must not trample upon the rights of any of the wives or those of the children.
- (iv) There must be constant dialogue with the wives for the smooth running of the home.
- (v) He must share his time with the wives as it was done by the prophet (SAW). In no time must he make any of the wives unhappy.
- (vi) He has to show love and affection to all of them irrespective of their age, beauty and every character. He should always remember the hadith that says: "The best of you is he who is kind to his family and I am the best of you because I am kind to my family." If he has to embark on a journey with any of the wives, he should organize ballot in accordance with the practice of Prophet Muhammad (Saw) or any other arrangement that will please all of them.

The Society

The family is the nucleus of a society, if it is infected the whole society will be rotten. It is important that Muslims fear Allah so that a mockery is not made of the essence of the verse of the holy Quran that makes polygamy an option (an alternative to sorrow, diseases, loneliness, or indecency).

Polygamy to every Muslim, whether male or female, must not be seen or handled as a punishment or a curse on the first wife or wives but it should be seen as a solution to many of the societal problems. It therefore behoves everyone to ensure its workability and its success.

Conclusion

Polygamy, as generally defined, is the marriage of man to more than one wife. It is allowed in Islam to solve socio-economic problems of the society. Man by his make up can cope with two, three or four wives as legislated by Islam. While such husband should do justice

amongst his wives, the wives too should surrender, respect and submit to him for the progress of the family.

All the stakeholders should consider marriage as worship (*Ibadah*) to which they either earn reward or punishment. Therefore, patience and perseverance are key to guide their activities individually and collectively.

Women in particular should not see polygamy as evil, they should rather see it as a challenge and test to their faith.

References

Quran 2:38; 30:21; 4:34; 4:3; 5:3.

HUMAN RIGHTS AND DISPENSATION OF JUSTICE

By

MUSTAPHA AKANBI (OFR)*

The last few years have been quite harrowing and traumatic and all hands must now be on deck to help sanitize the polity. I want to believe that this is the dawn of a new era in the vanguard of the struggle to make a determined new Nigeria a model nation state with a new orientation and new philosophy anchored on the fear of Allah (SWT), truth, justice, and fairplay. As Muslims, we have no choice but to join in this bold attempt to charter a new course for our beloved country and help put it back on the path of honour and rectitude. It is a duty we owe to ourselves, to our religion and to our nation.

For as is quoted in the Quran, Surat 3, Ayat 110:-

You are the best of people evolved for mankind, enjoying what is right, forbidding what is wrong and believing in Allah.

The second reason for welcoming the decision of the Muslim leagues for accountability (MULAC) to organize this workshop at this point in time is my firm belief that this is the most opportune and conducive moment to re-examine ourselves, our past role in the scheme of things, search our conscience and appeal to the conscience of Muslim brothers and sisters-in-Islam especially our teachers, Mualims, Shaykhs and Leaders to brace up to the challenges of all times, stand out boldly in defence of what is fair and just as the Quran enjoins us to do. That is the only way we can give meaning and content to what Allah said in the above quoted surah.

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It is no use keeping silent when evil is being perpetrated or speak after the harm shall have been done. Such silence may be construed as tacit approval of unwholesome activities and atimes tend to create false impression in the minds of non-believers. We should not allow those who do not wish Islam well to accuse us of being guilty of conspiracy of silence. We should be seen to be in the forefront of those who speak against perpetrators of evil deeds. After all, we are enjoined to speak the truth at all times and to encourage others to do so. The great Prophet of Islam, Muhammad Rasulu-llai did say:-

The highest kind of Jihad is to speak up for truth in the face of a government (Sultan) that deviates from the right path" – See Abu Daud, Al-Tirmidhi and Ibn Majah on the authority of Abu Sa'id al-Khudri.

Again, it is reported in Muslim that the Prophet said:-

If a person sees something evil, he should remove it by his right hand; if he is unable to do so, then by his tongue; and if he is unable to do even that; then with his heart, the latter being the weakest.

Clearly, Islam does not permit us to condone evil or support it in any way or form. I support that there is now a conscious realization that if evil is allowed to thrive and go unchecked, great harm will be done not only to the Muslim Ummah but to the society generally.

It is sad to read the following observation contained in the coordinator's letter of invitation to me. The observation is a stigma on all of us. It reads thus:-

It is a source of serious embarrassment to the Ummah in Nigeria that with the preponderance of Muslims in the population, and the large number of Muslims in the governance of the nation, moral decadence in the Nigeria national life has reached the level of earning for the nation the unenviable position of the most corrupt nation in the world.

The implication of this assertion is that Muslims in this country cannot exonerate themselves from all that has happened to the country. Sad to say that it cannot certainly be denied that many Muslims were key actors in the events that almost brought the country to the brink of self-destruction and near annihilation. Indeed, it is common knowledge that

but for the special grace of the Almighty Allah, who perhaps out of concern for a few innocent ones among us, decided to spare us the pain and agony of an imminent holocaust. The omens were there for all who care to read between the lines.

How then do we avoid a repeat performance? Do we just go on echoing the Quranic injunction that we are the 'best of creations' without making concerted effort to give full meaning and content to what Allah has made of us. Certainly, Allah has, through His Holy Prophet Muhammad, shown us the path – the path to glory and the way to get there. For the Prophet (S.A.W.) as a parting gift to his followers, stated in unmistakable term that:-

I left with you only two order – source. Never will you go astray, if indeed you adhere to them. The Book of Allah (Quran) and the Tradition of His Apostle (Hadith)

The Prophet is also reported to have said:-

Whoever does backslide from my tradition is not of me.

These sayings have strong backing in the following surah of the Quran, Quran 3:31-32 say:-

If you love Allah follow me then Allah will love you and forgive your faults, And Allah is most forgiving and merciful.

Obey Allah and His Apostle. But if they turn back, Allah loveth not those who reject faith.

Again, Quran 59:7 reads:-

Whatever the messenger gives you, take it and whatever he forbids you, abstain from that. And fear Allah; surely Allah is severe in retribution.

The binding duty of each and every Muslim is to strive at all times to live in accordance with the teachings of the Quran and Hadith, live by examples rather than precepts, and practise what he preaches as did Prophet Muhammad and the rightly guided Caliphs. He has to show by the way he conducts himself and his affairs that he is in truth and in reality the 'best of creations'.

In Surat Al-Imran, Chapter 4, Allah said:-

Verily the most honourable among you in the sight of Allah is he who is most righteous among you. Surely, Allah is All-knowing and All-aware.

It is indisputable that all honour belongs to Almighty Allah and He gives it to whomsoever He pleases. He does not act capriciously. Fairness and justice are part of His attributes, hence the proclamation that the most honourable among men is the most righteous; and as righteousness entails the possession of the striking and sterling qualities of God so also do consciousness, goodness, kindness, humaneness, piety, love, kindness, trustworthiness, honesty and fairness.

It behoves us to always strive to exhibit these qualities in our day to day activities, so that we may be remembered among the honourable men and women in the sight of Allah. A righteous man or woman will not engage in satanic acts. To him, corruption, cheating, deception, and all other evil activities must be avoided like the plague. A righteous person knows that he/she is accountable not only to the society, but also to Almighty Allah in this world and the hereafter, and therefore strives to guard against what will bring him in conflict with his Creator.

The Holy Quran in Surat 16, Ayat 90 specifically states:-

Verily, Allah enjoins justice and the doing of good to others, and giving like kindred; He forbids indecency, manifest evil; and wrongful transgressions. He admonishes you that you may take heed.

Many would have heard this admonition several times and over during Jumat sermons in the various Mosques. What I am not sure is how many of us (as Muslims) find time to ponder over these weighty words of Allah (S.W.T.); allow our lives to be ordered by this covenant. There is no doubt that the passage above sums up what should be the guiding principles of life of a Muslim. It is a passage that sets a focus, a target for all who seek peace in this world and salvation in the hereafter.

Evidently, Islam attaches great importance to doing justice and several passages in the Quran attest to this. Indeed, justice ranks next to piety. In Surat Al-Maida, Quran 5, Ayat 8, it said:-

O You who believe! Stand out firmly for Allah as witnesses to fair dealings, and let not the enmity and hatred of others make you swerve from justice. Be just; that is next to piety; and fear Allah. Verily, Allah is well acquainted with all that you do.

The need to do justice without fear or favour, affection or ill-will and without discrimination on grounds of status in life, position or wealth or vested or personal interest or by reason of consanguinity, has been re-inforced in Quran 4, Ayat 135., It reads:-

O You who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents or your kind and whether it be (against) rich or poor for Allah can best protect both. Follow not the lusts (if your heart), lest you swerve, and if you distort (justice) verily Allah is well acquainted with all that you do.

From the above exposition, it is crystal clear that Islam attaches great importance to fair and proper administration of justice. It imposes strict obligation to do unadulterated justice, not only on the adjudicator, but also on the witnesses at the hearing of the case. That being so, it is pertinent to examine at this stage, the qualities of the *dranatis personae* in any given trial. The key characters in a trial, be it under the Sharia or the common law, are (a) the Judge, (b) the witness or witnesses and (c) the parties in litigation.

(a) The JUDEX, i.e. the Judge or Arbiter, who is more of an 'umpire' He holds the stake. He maintains the balance. On his integrity, his knowledge of the law and procedure and his sense of fairness and justice in the entire trial depends. He is the fulcrum around which everything revolves. In short, he holds the paramouncy of place.

Under the adversarial system, which the Common Law Courts operate, it is the responsibility of the trial Judge to hear the parties and the witnesses, assess and ascribe probative value to their evidence before reaching definite conclusions. The duty of sifting evidence and resolving conflicts is by no means an easy task, but the task is made much easier if the trial Judge is an upright and an incorruptible Judge

who is willing and able to dispense justice in accordance with his Judicial Oath.

Every Judge on appointment before assuming duty as a Judicial Officer subscribes to a Judicial Oath. It is an all-embracing Oath which requires the Judge to discharge his duties and perform his functions honestly and faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the law. He pledges *inter alia* to eschew corruption in all its facets and vows not to allow personal interest to influence his official conduct or official duty. This Oath is taken in solemn form. The declarant or deponent if he is a Muslim holds the Quran in his hands while swearing, and if a Christian he swears by the Bible.

Muslim critics and some Islamic scholars deride this form of Oath, their contention being that it does not strictly accord with the form and substance of Islamic Oath taking. That may well be so, but my candid view is that once one accepts the Quran as a revelation from Almighty Allah, and in good conscience takes this Constitutionally prescribed Oath, then one has put his religion in issue and represented the Oath taken, as binding on his conscience. Consequently, one cannot on assumption of office resile from the position taken when swearing the Oath. After all, Allah is well-aware of what we do and say. He knows our intentions.

The oath taken on appointment as a Judge is a promise, a pledge and an undertaking made to the Creator in the presence of witnesses or before the person authorized to administer such Oath. Therefore, whether one administers the Sharia or the Common Law, he has a duty as a Muslim to be fair, just and equitable. For thus has Allah said in Surat Maida:-

If you judge, judge in equity between them. For Allah loveth those who judge in equity.

I have given attention to this question of oath taking under the constitution to show that it is more a matter of conscience rather than whether that should be of concern to a believer. The true believer is God-conscious in all he does and knows that whether he swears or not, he is accountable to Allah and if he acts contrary to the dictates of Allah (S.W.T.) he will surely be punished for his transgressions. It is perhaps important to say that under the Islamic law, oath taking plays

an important part in the proceedings of the court. In fact, it is sometimes a means of discharging evidential burden.

In proceedings before a Muslim court, the trial is generally inquisitorial. The judge's role is more functional and involved. In trying to unearth the truth, the trial judge engages in a process of investigation by asking questions and eliciting answers from witnesses. This is in sharp contrast to the procedure in the Common Law Courts, where it is the party or his counsel who examines the witnesses at the trial. The trial judge, as is often said in the Common Law Courts is not expected to descend into the arena of the contest.

Whatever is the case, the form of trial should not be our pre-occupation in this exercise. It is certainly not within the province of this paper to make a comparison of the practice and procedure in adjudication under the Sharia, which is accepted as God given law by which Muslims are expected to be judged, and the Common Law or Statute which is the product of human experience and value judgment or the Customary Law – the accepted norms and usages of the people.

Whatever be the form of trial or the nature of the court, the crucial thing is to do unalloyed justice in the matter submitted for adjudication. The trial judge has an onerous responsibility and this is why so much store is set on the integrity, the ability, the caliber and quality of those who are appointed to the Bench. After all, a judge holds his office in trust for Allah. He must therefore like Caesar's wife be seen to be above board. Allah is He who confers judicial preferments and a Muslim judge or ruler should epitomize justice and should not betray his trust. See Surat Maida, Quran IV, Ayat 105. His judgment should not be beclouded by prejudice, or any type of discrimination either on grounds of envy, hatred or even religious differences. The Prophet of Islam set a worthy example in this regard when He gave judgment against Taima Ibn Ubairaq in favour of a few even though the former professed to be a Muslim.

Similarly, there is also the classic example of a Jew who was involved in a case with Khalifa Ali in the Court of Kadi Shurayh. The learned Kadi in spite of the pre-eminence of Ali's position, upheld the objection of the Jew that the evidence tendered by Khalifa Ali in support of his claim of ownership of the armour in the possession of the Jew was inadmissible, since both 'Kambar and Al-Hasan' the two witnesses of Ali were his children. Consequently, judgment was

entered in favour of the Jew against Ali, 'the Khalifa' (See History of the Caliphs by Jalal Uddia A's Sayuti).

I do not find it necessary to make detailed definitions of the word 'justice' or 'the dispensation of justice'. I suppose every reasonable man knows what that elusive word is all about. Any one who has been robbed of victory or who has been denied his right or due deserve, knows what it is like to be unfairly treated. It is certainly injustice to condemn a man unheard. It is wrong to be a judge in one's own case. These twin pillars of natural justice demand that both parties to a dispute be given a hearing before a decision is taken, and that no man shall be a judge or jury in his own case. In plain language however, 'justice is ordinary fairness, fairness in adjudication, fairness in the adjudicating process and fairness in the ultimate decision reached by the adjudicating authority or the decision making body'.

(b) Witnesses at the Trial – There is no doubt that justice depends on the evidence adduced at the trial. The judge does not manufacture evidence, nor does he act on whims and caprices. He relies largely on the testimony of witnesses. And it is correct to say that in any given case, the testimony of parties and their witnesses provide the anchor sheet for the judgment or the decision of the court. This then makes the role of a witness in a trial very important. Generally, success or failure of a case, depends on the credibility of witnesses at the trial. A false witness can cause havoc. A false witness is a purveyor of injustice. The evidence of a witness can make all the world of difference between justice and injustice. And that is why Allah demands that witnesses themselves, aside of the trial judge, must be just. Their role in the dispensation of justice cannot be ignored or played down. In both systems of law, there are rules relating to the competency, compellability and admissibility of the evidence of witness. In summary, witnesses play crucial roles in the administration of justice.

(c) Parties at the trial-next are the parties in an action. They are the ultimate beneficiaries of the decision of the court. They carry the can and bear the brunt. Subject to the applicable rules of court, it is the duty of a party in any action to prosecute his claim and to tender evidence in support of same. The general burden of proof is that he who asserts must prove. As is often said, it takes two to tango. So also invariably in all trials, there is a complainant and a defendant. Often it is the aggrieved party or he who feels cheated out of bargain that

initiates proceedings. All proceedings are governed by relevant rule of court which must be obeyed. However, over the years, the Common Law Courts have ceased to be slaves to the rules, and have oftentimes relaxed the rules in favour of doing substantial justice especially where a strict adherence or application of the rules will result in injustice being done to either of the parties.

PENAL SYSTEM IN SHARIAH

By

ABDULKADIR ORIIRE*

INTRODUCTION

The penal system in Shariah which means the systems of inflicting punishment for offences, had from time immemorial been a subject of controversy. Misrepresentation and attack by the Christian West as well as those people who are brought up under the tutelage of Western law, western thinking and western brainwashing to the extent that the mere mentioning of shariah one is branded as unprogressive who wants to go back to the stone age where thieves' hands were copped up, adulterer stoned to death and alcoholic canned or flogged, without wanting to know that punishment in Shariah has not only defined (*hudud*) penalties but as well as discretionary (*Ta'zir*) punishment.

They could not even see the rationality behind Shariah giving preference to the right of the majority over that of an individual, nor could they understand the Shariah legal system whose aim is to give mankind the required peace through the protection of life and property as well as protection of family life through protection of genealogy, and granting of honour and dignity to humanity as well as providing rights and obligations for every creature living under the sun.

DEFINITION OF ISLAMIC PENAL LAW

The generally accepted norm in Islamic law is that all duties and obligations are divided into two categories. One is known as *haqq Alah*, and the other as *haqq Adam* i.e. the rights

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of God and the rights of man respectively, therefore under Islamic law any punishment which is classified under *hadd* means a punishment which has been prescribed by God in the revealed text of the Quran or the Sunnah, the application of which is regarded as the right of God i.e. *Hadd* Allah and this *Hadd* have three main ingredients:

1. That this punishment is prescribed in the public interest.
2. That it can not be lightened nor made heavier.
3. That after being reported to the judge, it is not to be pardoned either by him or by the political authority or by the victim of the offence.

The unchangeability of the *hadd* punishment is supported by the text of the Quran which says: "These are the limit of Allah, do not transgress them". These offences are generally agreed to be six in numbers; namely:-

1. Drinking of alcohol
2. Theft
3. Armed robbery
4. Illicit sexual relations (such as adultery, fornication, homosexuality, lesbianism and bestianism).
5. Slander accusation of unchastity
6. Apostasy

There are others considered to be criminal offences but which could not be put under *hadd* offences. These offences are murder, assault because they lack some of the ingredients mentioned above. Such offences on which the culprit could be forgiven by the victim or his relatives or punishment reduced by them.

PUNISHMENTS FOR CRIMINAL OFFENCES (HUDUD)

It must be understood that various punishments are laid down for all these offences such as:

- (a) Amputation for theft
- (b) Stoning to death for adultery, rape, homosexuality
- (c) Canning for defamation, fornication and drinking alcohol.

- (d) Banishment for attempted armed robbery i.e. where neither death happened nor property taken
- (e) Crucifixion for robbery i.e. where property is taken and killing of the owner is involved.

Other punishments for other offences like murder or assaults could be:

- (a) *Diyya* (bloodwit) for murder, pardon or restitution
- (b) *Qissas* retaliation for causing grievous hurt
- (c) Forfeiture, closure and destruction of property or objects used in gambling, prostitution and drinking alcohol.

PRE-REQUISITES FOR THE PUNISHMENTS

In Islamic criminal law certain pre-requisites are needed namely:-

- (a) That every culprit shall be personally responsible for his/her crime. This tally with Quranic injunction 6:165 "Each soul earneth only on its own account nor does any laden bears another's load".
- (b) That there must be proof beyond all reasonable doubts before a person is convicted. A *hadith* was reported to have said that it is better to let nine criminals go free than to punish a single innocent person.
- (c) The culprit must have attained certain status before punishment could be inflicted.

THE STATUS THAT THE CRIME OR CULPRIT MUST ATTAIN BEFORE PUNISHMENT COULD BE INFLICTED

In the case of offence of adultery:

1. The culprit must be an adult.
2. Must have been married.
3. The marriage must be legal i.e. one recognized by Islam.
4. The offence must be proved by four unimpeachable witnesses.
5. There has to be witness of penetration of the male organ into the female organ. The mere founding them together

wrapped up in bed does not constitute adultery or fornication.

6. Where the proof of adultery is as a result of pregnancy such a woman must not be married or have been married.
7. Where the accused confessed to the commission of the offence and did retract it before being punished Punishment should be abandoned.

IN THE CASES OF THEFT

1. The value of the item stolen must not be below the equivalent of $\frac{1}{4}$ *dinar*.
2. The accused must be sane.
3. The accused must have attained the age of puberty.
4. The accused must not be the father of the victim.
5. The theft must not be out of necessity i.e. hunger.
6. The property, the subject of the theft must be one that can lawfully be sold.
7. The property must be stolen from a (*hirish*) secured places.
8. The culprit must not have been entrusted with the articles before.
9. It must not be in a place where every person is free to enter or have access to.

ON MURDER AND CAPITAL PUNISHMENT

I left this to be described separately because it has a peculiar approach in its enforcement in that family of victim can pardon, receive compensation or give order that the sentence be effected. In other words the offence falls into the category of civil injury rather than that of public offences or crimes, for it is the relatives of the victim who have the right to demand retaliation, accept compensation or pardon the offence all together.

In this respect the relatives of the victim can sanction death for culprit, or reduce the punishments or payment of compensation i.e. blood-wit which is 100 camels or its equivalent.

ON RETALIATION FOR INJURY TO BODY

Also *Qisas* i.e. retaliation for assault could be physical retaliation or compensation based on the estimated value given to the part injured e.g. impairing of the functions of both members of limbs that are pairs i.e. hands, legs, eyes, lips, ears, breasts. Here a half of the blood-wit i.e. 50 camels or its equivalent shall be paid. On wounds to the head or abdomen or on the lower lip a third of the compensation.

In case of tooth, wound exposing the bone, or miscarriage of child in the womb 1/20 is payable etc.

General damages or compensation are accessible by the court in all other cases.

MODE OF EXECUTION OF THE PUNISHMENT OF FLOGGING

The *hadd* or defined punishments of flogging for fornication, wine drinking, and scandalous allegations of unchastity has laid down manner of their application. Infact it is evident in the application that they constitute a form of public shame and religious penance rather than a physical ordeal, for the one who administers the lashes must hold the whip between his fingers, must keep a stone or similar object under the arm he is using and must not raise his wrist above the level of his elbow.

Apart from the above mentioned penal punishments, there are several others which are called *Ta'zir* left to the discretion of the judge or that of the constituted authority to enact or pass. Such a punishment could be like confiscation of property, reprimand shaving of beard, parade in market places, imprisonment, banishment, suspended sentences etc.

However the entirety of Islamic Criminal and Civil Laws are subsumed under certain rights and obligations i.e.

- (1) The right of Allah
- (2) The right of self
- (3) The right of other human beings and
- (4) The right of other creatures.

These shall briefly be considered below. These rights went beyond merely a matter of human rights which are being dished about by the West.

THE RIGHTS OF ALLAH

As the Creator, Nourisher, Cherisher, Provider and Protector of every human being, Allah has rights upon every person that he should have faith in Him alone; associate none else with Him; obey Him; and His Prophets, worship Him by offering prayers (*salat*), paying poor-due (*sakat*); keeping fasts of Ramadan, performing Hajj and being prepared to sacrifice everything even his life in His cause.

THE RIGHTS OF SELF

In order to have peace and balance in his own life, a man's self has rights upon him that he should provide his body clean, good food, decent dignified dress, rest and cleanliness. He should not consume blood, intoxicants, carrion, or flesh of pig and other prohibited animals, should not indulge in celibacy and not to commit suicide or torture his body.

THE RIGHTS OF OTHER MEN

As an important step to make people live in peace and harmony and to save the society from conflicts and tensions, Shariah makes it a duty of every person requiring him not to commit against them any crime (e.g. theft, robbery, murder, hurt, forgery, cheating, adultery, fornication, sodomy, slander, or calumny, or other injurious activities e.g. gambling, speculation, telling lies, back-biting or harm them through exploitative commerce e.g. (hoarding, black marketing). His wife and children have rights to receive kindness and necessities of life from him. His near relatives also have rights over him to be generously treated, his friends, neighbours, and acquaintances have right to receive courteous and good treatment, non-Muslims also have right upon every Muslim to be fairly and equitably treated and not to have the religious leaders slighted or insulted.

It was Shariah which laid down from its inception law against genocide and crime against humanity. It laid down rules guiding the execution of war, no children, women, religious leaders, the weak should be killed nor those who surrendered and laid down their arms. It further laid down that no crop should be destroyed and that soldiers could only take from enemies farm only what they wanted to eat. Also

places of worship should never be destroyed. These are the rules laid down from time immemorial which the world has just began to practicalise through setting up of tribunals to try some of such crimes.

THE RIGHTS OF OTHER CREATURES AND OBJECTS

Animals, other creatures and things which have been harnessed for man to serve his need possess rights upon him, that he should not recklessly or wantonly harm or destroy them or make them for his sport. For instance, no animal should be killed by continuous pain, no bird be caged for harming it, no tree be cut without purpose, no vegetable nor fruits be destroyed or allowed to rot, and no water or electricity be wasted.

Whatever a man does in relation to these four categories of rights mentioned above shall be put on the scale of punishment or reward to be awarded by Allah as well as by the civil authorities. That is why if a man keeps a domestic animal but failed to feed it, the authority shall force him to feed it or dispose of it by sale to some one who can do that. The ultimate objective of Islamic law is the universal common good of all created beings, encompassing both our immediate welfare in the present and our ultimate welfare in the hereafter. This objective of the universal common good is a distinctive characteristic of Islamic law. That means that no species or generation may be excluded from consideration in the course of planning and administration and issuing of rights which belong to every segment.

ISLAMIC LAW IN CONTEMPORARY SOCIETY

Islamic law in the contemporary society has measured creditably well in all theories attributable with any civilized law. It was Shariah which laid down right from its inception that man is born free and innocent and before he/she could be held punishable for an offence, such offence has to be proved beyond all doubts. This is born out of the theory of "He who asserts must prove" and that "it is better that the ruler is wrong in forgiving than wrong in punishment". This leads to the fact that judgement could only be obtained through procurement of authentic evidence. It is Shariah which laid down so many golden rules such as non-discrimination on the basis of religions or tribes. (The case of a Jew named Ubayriq who was accused of theft and brought before Prophet Mohammad is a test case), also that a man

cannot be a judge in his own case or in a case where he has an interest or that a judge should not have prior knowledge of a case.

It is also Shariah which laid down that parties must be placed on equal status, before the judge neither the poor nor the rich, neither the ruler nor the ruled must be given a preferential treatment or consideration. There is a Hausa adage "Kulia manta sabo" is a fitting epithet of an Islamic judge. In short it laid down that parties must not only be placed on equal terms but must be treated equally before the judge and that every person must be equal before the law. There must not be one law for the rich and another for the poor.

The principal of non-retroactivity in law as well as legality of crime which in simple language means that a person cannot be punished for non-existing law and that punishment could not be made retroactive had been part of the Shariah system from time immemorial, the theory which surfaced only with the article of French Declaration of rights of man in 1789. So it is the same law which laid down the principle of non-violability of life, property and honour of every human being. All what is now known as principles of fair hearing had long been respected and honoured by the Shariah.

CONCLUSION

Those who hated Shariah, and they are many, through cultural or religious bigotry concentrated their attack on few aspects of Islamic criminal punishments such as amputation, stoning and lashes, the proof of which are difficult to marshal. We should therefore not throw the baby away with the bathwater. We should remember that the aim of any effective law should be to protect life, property, honour and dignity of the citizens as well as maintain peace and harmony in the nation which has never and could never be achieved by the law being operated in this country.

In fact a recent research on the effectiveness of Shariah showed that Saudi Arabia using Shariah within a period of 25 years had recorded only twenty-five cases which warranted amputation of hand, while Egypt which had abandoned the Shariah for other system had recorded well over 30,000 of such case during the same period.

ISLAMIC ECONOMY: BETWEEN REALITY AND FICTION

By

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INTRODUCTION

The topic of this write-up presupposes that the economic system currently operational in Nigeria is both ailing and unIslamic. The main thrust of this existence is fixed as presenting an economic system capable of revamping the battered economy of Nigeria. Our first obstacle is defining the purpose or goal of the exercise. Is it purely an academic exercise? Is it only to mock and ridicule the present without any means of operating the suggested option? Will an Islamic option be acceptable to a non-Islamic nation? Is Islamic government not a pre-requisite for operating an Islamic economic system?

The truth of the matter is that Islam as a system operates through a network of an integrated and interdependent sectors of life. One aspect of the system cannot operate efficiently without the concurrent operation of the others with which it is interrelated and interdependent. The Qur'an points out the futility of selective adoption of Islamic norms and values.

Is it only a part of the Book that you believe in and reject the rest? But what is the reward of those of you who behave like this but disgrace in this world and on the Day of Judgment, they shall be consigned to the most grievous penalty. *Qur'an 2:85*.

It is then clear that Islamic economy thrives best under an Islamic Government, guided by an Islamic ideology. However, Islamic norms and values, if allowed to meaningfully influence vital aspects of a system that is not apparently Islamic may improve significantly the output of such a system. This underlines the intrinsic value of the Islamic precepts which make them valuable to all their sincere patrons.

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This fact probably informs the common approach of Muslim contributions to economic debate which largely focus on Islamic recipe for curbing certain economic maladies visible in non-Islamic economy such as Nigeria. Such maladies include usury, hoarding, cheating, bribery and corruption. The underlying assumption of this isolatory approach is that any system which avoids this economic crimes (to Islam) shall prosper. The little consideration is given by many to the fact that almost all the known economic systems condemn in theory all the vices – except usury and hoarding.

The differences however lie in the fact that while Islam sets certain machinery in motion to discourage those vices, most of the other systems, almost invariably are self-destructive by tolerating or accommodating certain situations and practices which make the committal of such vices imperative.

2. THE ISLAMIC MODEL: A SLEEPING GIANT

Mr. Saleem Hassan of the Islamic Council of Europe summed up the general view that Muslims all over the world have not been able to make Islamic economic system a show-piece when he says:

We have to face with regret the fact that the Muslims themselves have done little to evolve free and equitable national orders. Some of the causes can be traced to colonial domination and to the failure on the part of people who occupied positions of authority to live up to the principles and ideals of Islam.

It can be said that Muslim leaders of thought, political functionaries and scholars have proposed alternative international monetary orders which are based on Islamic principles. Such proposals include the formation of organizations of Islamic conference, Muslim World League, International Association of Islamic Banks as well as Daar-ul-Maali-I-Islamii (DMI), among others. Unfortunately, rather than promoting the viability of the Islamic option, the models tend to provide a proof to an ordinary mind that the Islamic option is at best not relevant to the present age. For instance, the (Islamic Monetary Fund), Daar-ul-Maali-I-Islamii (DMI) with headquarters in Geneva, at its formation in 1981, had an authorized capital of US \$1 billion. By 1984, the paid up capital was US \$316.4 million contributed by more

than eighteen Muslim countries. At a press conference in London in 1985, the then new Chief Executive of the fund, Dr. Sanni El-Darwish, disclosed that the fund recorded a net loss of US \$27.9 million and US \$19.5 million at the end of 1983 and 1984 business years respectively. This unfortunate disclosure among many others, depict that Muslims are yet to squarely and successfully address the challenges of the international monetary system.

Furthermore, we are yet to find in contemporary times, a country that can genuinely be described as an Islamic model. We have no facts to contest the assertion that:

There are almost fifty independent sovereign Muslim States, and not one of them has adopted the Islamic order in its true sense. Are the Western scholars then not justified in saying that the Islamic order, whatever it might mean in theory has no practical validity?

One major obstacle in the path of creating an Islamic model is certainly the current international monetary order which renders ineffective the values of Islamic attempts. But this does not totally absolve the Muslims of culpable indifference, greed, selfishness and avarice. Whatever an individual Muslim country does is vitiated by the imposing might of the international monetary order and the gullible adherents to certain 'sacred' economic assumptions. As an illustration, the Islamic country of Sudan had to grant special exemption from the payment of Zakat and ban on usury to a Saudi company in order to make the latter agree to invest in the National Oil Company of Sudan which was to raise funds for the exploitation of the natural resources of Sudan.

Even Islamic Development Bank is being forced to impose certain amounts of usury on its debtors in the name of administrative services. The US \$20 million granted by the IDB for the reactivation of the University Hospital in Ankara was with 3% charges. The World Bank, we were told, grants loan to countries at 8.¾% interest rate.

Another affliction of Islam is the uncritical Islamic adaptation of current terminologies. Our study of the so-called "Islamic banking", as an example, convinces us that there can be no such thing as an Islamic bank properly so-called, because by the time a bank carries out

the roles of Islamic banking assigned to it, it shall cease to fall into the ambit of what a bank is, and can only be appropriately described as an investment center. So rather than calling for Islamic banks, it might be appropriate in our view, to recommend Islamic investment agencies whose functions shall include those of the traditional banks. It is our candid view that all efforts at creating Islamic bank shall continue to produce hypocritical exhibition of exaggerated piety which pursues the shadow rather than the substance. We believe that it is necessary to convince Muslims that investment, rather than savings, is an Islamic option to the current banking system.

From our analysis of the reality on the ground, shall we fold our hands and delude ourselves with nostalgic memory of the Islamic past and watch our common heritage – the world – being brutally vandalized by our neighbours? Our response is NO! We must challenge the present system without creating any sacrosanct area. The whole system at all levels needs restructuring through the adoption and integration of viable options. This leads us to another critical dimension which we shall address immediately.

IS THE PRESENT ECONOMIC SYSTEM GENUINELY OPEN TO FRUITFUL INTERACTIONS WITH ISLAMIC THEOREMS?

'Economics' or 'economy' will not change from being what they are simply by prefixing with 'Islamic'. Economics, developmental studies, and indeed social sciences, have been seen as having peculiar sacrosanct general principles and assumptions which, to the modern social scientists (Muslim and non-Muslim), are not only immutable but all-time eternally valid. It is regrettable that the protective output parroting errors and incomplete circumstantial truth as valid basic principles and philosophy on the excuse of precedence and 'tented' experience. The rigidity, prospective perception in our view, gives little room for change and new phenomena. So, if Muslims propose any alternative to the present system, the social scientists are quick at writing off such developments as "Islamic revivalism", resurgence or militancy. Some consider Islamic economic system as contrived Muslim reactions to the socioeconomic challenges of the West. The latter position, we need to quickly add, is not entirely baseless.

Rather than consider Islam, scientists look at Muslims with their frailties, and explain away Islamic alternatives as having only Islamic garb. This has been succinctly put as follows:

For the social sciences, Islam is that something about the lives of Muslims, and hence they have a greater tendency for focusing on what they believe to be something about the livelihood of Muslims, and to view Islam as a mere factor therein.

Consequently, the social scientists largely consider Islam as having to do with creeds and rituals rather than a complete way of life. So one can see the basis of their bewilderment at the public functions of Islam, which by their own training and make-up are not possible for a religious system which must be inhibitive, distracting and a nuisance to development. So rather than consider Islam and Islamic values as factors for modernization, they explain them away as products of breakdown in the modernization process. Permit me to round-off this section in the words of a distinguished Islamic scholar who says:

The outlook of the social sciences on religion in general and Islam in particular has been so rigidly bound by the precepts of the overriding social science model of development, and so coloured by the polemics of orientalists that it cannot come to terms with the reality of the Islamic world today, save for through a complete volte face.

Having realized this fundamental problem, one needs to persuade the social scientist, particularly the Muslims among them to genuinely accommodate useful suggestions on every particular matter of the system irrespective of the level of challenge it poses to the present order. On the other side, is there a complete Islamic theoretical model from which other systems of economy can profit?

3. ECONOMY AND 'ISLAMIC' ECONOMY

Economics has been defined as what deals with efficient use of resources in best satisfying consumer wants. Sound economy is operational when resources are efficiently managed in satisfying consumer wants. Taiwo, a renown economist defines economic growth of a country as "a sustained increase in the output of a country, whether total or per capita and that economic development is a product

of the combination of economic growth and major structural changes away from primary (extractive) production to secondary production which leads to high standards of living".

Certain concepts in our view need to be redefined to conform with reality. The definitions appear to measure economic growth and development in terms of technological growth and material well-being of the people. This contrasts sharply with Islamic concepts of economic development. Furthermore the "want" of the consumer shall also be taken as legitimate, reasonable and equitable want of the consumer, which must not be at the expense of the needs of other members of the society. Well-being therefore should be measured along with social equilibrium of the society. It is customary for traditional economics to set its goals as eradication of poverty, yet eradication of material poverty if at all attainable is not an assurance of satisfaction and well-being so it is possible that some economic assumptions address the symptoms having taken them for causes with the result that the removal of the symptoms themselves become a recurrent wasteful exercise for as long as the causes remain un-addressed. This possibility calls for critical investigation.

Islamic philosophy of sound economy, on the other hand is that which assures material and psychological well-being of the people but based on the unshakeable spiritual values. This takes cognizance of reality that 'the material' alone in an isolated case, cannot yield any meaningful communal satisfaction unless integrated with moral as well as spiritual well-being for the ultimate goal of a permanent, genuine, reliable and equitably balanced development of not only the individual but also the society. Thus "well-being" is measured not only physically but also spiritually.

The ultimate, in Islam, is not mere comfort but *falaah* – eternal prosperity and contentment. So, material property is not just a comfort for mundane survival, but also of the hereafter. This philosophy, thus propels a real Muslim to seek the common good of the community in order to have all-round pleasure and satisfaction in this world and in the hereafter.

It must however be noted that "Islamic economics", if the term represents any reality, is not a set of divinely imposed fixed system that does not require human input. The fact is that Islam lays down general rules or principles which must not be discountenanced if a sound economy is to be achieved. So while Muslims who conjure certain "Islamic models" which eventually fail are not condemnable. it

is also true that the cause of the failure may be traceable to the human fixation of the principles as well as the neglect of other non-economic variables. This leads us to the stark reality that rather than "Islamic economy" the various Muslim attempts are towards Islamized economy.

Strictly-speaking, the present writer does not see the prospect of designing an Islamic economy because it will be difficult if not impossible to delineate the precincts of economy within the Islamic social order because of the existence of certain factors that are ordinarily non-economic in nature such as the penal system and the security network but which are vital to economic studies and stability due to the interwovenness and integrated nature of the Islamic system. Islamic 'economics', therefore, must not be restricted to the scope of traditional economic study.

The challenge this situation poses can be tackled if Muslim economists in collaboration with Islamic scholars, redefine the scope, objectives, goals and indices of economic development to accommodate Islamic values, norms and practice, which to an ordinary economist, may be extraneous to economic studies.

4. THE IDEOLOGICAL FRAMEWORK OF A SOUND ECONOMY

Elsewhere, we have considered the Islamic recipe for the all-round balanced development of Nigeria, we do not intend to repeat details here. Suffice for this occasion is to reiterate an aspect of that study, which we consider basic to the development of a nation, and Nigeria as a case in view. And this basic factor is the ideology of the Nation.

Ideology or philosophy guides the operation of a system. In Islam, the basic ideology is that God is the "Sovereign" and so the grand norm of the nation. The head of the State is a vicegerent (representative) of God. This philosophy, we argued is legally accommodated by the successive constitutions of the Federal Republic of Nigeria, the preamble of which places the nation "under God". What is then lacking in Nigeria is placing appropriate weight on that constitutional declaration and formulating policies on the premise that the *ipso-facto* Head of State and the grand norm is God and not the temporal Head of State nor human fabrication called the constitution. And that all other provisions which is at variance with that ideology

should be, to the extent of the inconsistency, a nullity. (Then we are not building in vain).

The Qur'an, the revealed words of Allah says:

Say (to believers): if it (be) your fathers, your sons, your spouse or your kindred; the wealth that you have gained; the commerce in which you fear a decline; or the dwellings in which you take delight that are more valuable to you than God, then wait until God brings about His Will. For God does not guide a transgressing people. (Qur'an 9:23).

Allah further questions the rationale of entrusting ultimate decisions on all matters to the whims and caprices of Man who may pursue his lust at the detriment of his own existence.

But if they listen not to you, know that they only follow their own lusts. And who is more astray than one who follows his own lusts, devoid of guidance from God? Allah guides not people given to wrong-doing. (Qur'an 28:50).

Allah asks rhetorically:

Which then is the best - he that lays his foundation on piety to God and his good pleasure - or he that lays his foundation on shifting sand - cliff ready to crumble to pieces? ... The building which they purportedly built will ever be a source of confusion in their hearts until their hearts are shattered. Allah is All-Knowing, All-Wise. (Qur'an 9:109-110).

The creator of man knows that certain matters must be decided universally as general rules which are not subject to human judgement which may be influenced by mere infatuation. Allah says:

... The indecent and the decent are not on the same pedestal, though the abundance of the indecent may dazzle you. So be conscious of God, O you the rational ones, So that you may prosper. (Qur'an 5:100).

Even for material benefit of the nation, the consciousness of God is cost-effective and socially profitable. It has been proved that the fear of being apprehended and eventual reprisal is a vital deterrent against the committal of crime. Consequently, if the state is to effectively police her citizens against the committal of economic and other crimes, the cost might not only be prohibitive but also unaffordable. If, however, the consciousness of God and His definite appraisal is entrenched by the state into her citizens, there shall be little need for detectives and security operatives.

Embedded in the Islamic ideology which places sovereignty in God is also a firm directive that the human leader of a nation must be carefully chosen by the people if the management of the resources is expected to be efficient. The Qur'an informs us that:

Surely, Allah commands that you vest authority into the hands of those worthy of it. (Qur'an 4:58).

This sacred duty of choosing a credible leader is inalienable right of the people. Little wonder then is to be made of the abysmal failure of the economy of most of the 'Islamic' nations where a tiny cabal of individuals has appropriated the wealth of the community for their respective families in the name of monarchy – system that, from the point of view of Islam – is synonymous to man's subjugation of man.

The normal question that is frequently asked about transposing Islamic ideals or philosophy on a multi-religious nations is that of justice and appropriateness. This question leads into being unrepentant proponent of secularism which is claimed to be based on the biblical philosophy of giving unto Caesar what is Caesar's and unto God what is His. Apart from the apparent contradiction inherent in this secularist-theory, no sacred religion including Christianity and Judaism, contests the accuracy of the fact that Caesar and his offerings belong to God. So it will not be offensive to any religion that Caesar, in receiving what is said to be his, should be conscious that the ultimate owner of the

offerings is God. In addition, a critical and dispassionately objective study convinces us that what is objectionable to Islamic economic principles are also not recommended nor promoted by either Christianity or African traditional religion – the two other predominant religions in Nigeria. The sense of morality of the patriotic atheists is also likely to accommodate such high values. In any case, what the western world has imposed on the world as religiously neutral political system is after all, in reality, not that neutral. The strength of the Islamic approach lies in the viability and utility.

5. FACTORS OF PRODUCTION AND THE DISTRIBUTION OF RESOURCES: A RE-EXAMINATION OF PERCEPTION

Modern economics pays much attention to the politics and control of what is considered as factors of production. It is the acid test of the ideology of national economy. The other factor which attracts similar attention of the economists is the society's objective of a national economy with particular reference to distribution of wealth and income. In the case of production, Islam supports both public and private control of the means of production. Justice and equity being the guiding principle in both production and distribution of wealth. However, issues involved, we must admit, are not that simple. There are problems inherent in the perception and evaluation of the major components of the production and allocation theories and principles. We intend to examine the terms under this section with a view to calling attention to certain inherent elements and implied propositions which might not be ordinarily apparent in some of the terms, the understanding of which is being taken for granted.

A. Factors of Production

The factors of production are said to be:

- (i) Land or natural resources
- (ii) Labour
- (iii) Capital
- (iv) Enterprise or management
- (v) Intellectual property.

The listed factors are now to be scrutinized and redefined in the light of Islamic values and philosophy guiding each of the stated factors.

(i) **Land and Natural resources**

“Land”, as used in economic circles is considered as a prime factor of production. Whether it is the state or the entrepreneur, there is the assumption that he can lay claim to exclusive ownership of the land being used for production through permanent or temporary acquisition. If acquisition is not possible, he takes the land as a free gift for which he is not indebted to other creatures. Consequently, in the sharing of profit, he does not consider other creatures or nations as qualified for a share of the profit as supposed co-beneficiary of the land which he had either acquired or considered a no-man property. This in our view is laying a faulty foundation for the production process.

Land or natural resources used in production are more often than not, common benefit or heritage of mankind for which whatever an entrepreneur pays or spends to acquire cannot adequately justify exclusive ownership. The resources are God's benefit to all creatures and should be so considered by man. The actual owner is our common Creator. Allah says:

To Him (God) belongs what is in the heavens and on earth and all between them and all below the soil. (Qur'an 20:6).

And He (God) has subjected to you, as from Him, all that is in the heavens and on earth: behold in that are signs indeed for those who reflect. (Qur'an 45:13).

So, if a nation or an individual utilizes land for production, he owes gratitude to God and in addition, other creatures have right to a share of the common heritage which the nation or individual uses for production. Allah states:

And we have provided therein (the earth) means of subsistence for you and for those for whose sustenance you are not responsible (Qur'an 15:20).

Islam goes further to lay down basic rules to safeguard land and natural resources against unnecessary abuse of the manufacturer. These

safeguards had been examined in some details in a paper entitled “Islamic Recipe for an Ideal Relationship to Earth and Life.

Land or natural resources of a nation is ordinarily an asset but it's possession and reliance on them if not coupled with appropriate human resources can be a source of economic calamity as possession of mineral resources has remained a factor of economic retrogression for Nigeria and Venezuela whereas Japan and South-Korea's lack of such mineral endowment must have propelled their material development.

The Quran warns man of the inherent danger of asset and excessive reliance on it.

Your wealth and your children may be but a trial whereas with God is the highest reward. So be conscious of God as you can, listen, obey and spend in charity for the benefit of your own soul. And those saved from the covetousness of their own souls are the ones to achieve prosperity. (Qur'an 64:15-16).

From our analysis, one can infer that land or natural resources are common heritage used judiciously by the entrepreneur and for which he must of necessity provide for the welfare of other people and creature whose right to the resources are inalienable. The lesson for Nigeria is that land, sea and other resources which the ruling class had appropriated among themselves and which form the bedrock of their 'unlawful' wealth is after all a common-wealth of the people. So as a matter of right the Nigerian populace is entitled to a fair share of such wealth if the economy is to be positively revived.

(ii) **Labour**

The entrepreneur equipped with land and capital considers labour as a machinery or tool for achieving his own personal objectives. This might not be so. Labour should be considered as a partner in production for efficient realization of an equitable goal. What constitutes labour as a factor of production is also to be well defined beyond mere activity.

Islamic law defines labour as an essential service which contributes to legitimate production of a lawful service or material that

the society or its components find valuable. Consequently, some activities such as jest-making, sleeping, production of intoxicants, laughing, lamentation are not regarded as labour. Furthermore, diligent service and loyalty are essential quality of genuine labour which the employer of the labour must accord appropriate dignity by proportionate wages and prompt payment.

The labourer and the employer are individually and collectively responsible to Allah and therefore must safeguard the interest of each other and that of the society. The employer is not exploitative and the employee is not unfaithful, for both are aware that God is sufficient for them. God admonishes:

Is it they (men) who apportion the message of your Lord? We apportion their livelihood in this world and we raise some of them higher in rank than others so that some may employ the services of others but the mercy of your Lord is better than the wealth which they amass. (Qur'an 43:32).

(iii) Capital

The capital that is to be used for beneficial economy is not just capital but legitimate capital. Capital which is acquired through foul means shall vitiate production and render the output less potent as factor of societal development. So it is necessary that the entrepreneur ensures the legitimacy of the source of the capital. Little thoughts is given to the source of capital as a possible cause of corporate failure in Nigeria.

In Islam, on the other hand, the capital to be used for production must be legitimately acquired. In the case of individual, it can only be through any of the three sources: earning through productive labour; gift or inheritance. Any wealth outside the three is not a capital *per se*.

Loan, for instance is not owned by the entrepreneur but the lender. Consequently, the management cannot spend the money except on the project the lender also must have a say in the project. This position makes it impossible for the entrepreneur to regard the loan (a mere trust) as his and thereby divert it to his personal use. The lender who, in a usury-based economy concerns himself with usury that will

hopefully be credited to him whether or not the enterprise succeeds, may end up losing both capital and the expected usury if the entrepreneur allows the physical possession of the capital to give him a false sense of ownership. Consequently, the two parties, the labour and the society become eventual losers. This in our view is a major bane of the Nigeria economy.

(iv) Enterprise of Management

The management of the production processes is also vital to efficient and beneficial output. The management of an enterprise should not measure its success mainly by material profit which accrues to the enterprise. The management must be honest and selfless by situating the management goal within the overall national development goals.

The management must be well immersed in God's consciousness so as not to compromise national survival at the altar of corporate expediency. Many managers of public and private enterprises are known and proved to have subverted national interest to achieve selfish and narrow interests. For the economy of the nation to be revived, both the training and perception of "management" must be reviewed and channeled towards higher ideals than mere profits which in the final analysis are, in reality, gross loss which on the long-run, is injurious not only to national economy but also to the permanent interest of the very enterprise which had accumulated societal interest, as artificial momentary profit.

A study of the activities of the banking industry in Nigeria will, as far as our knowledge is concerned, convince our audience of the banks' gradual extinction of the subsistence of the masses. Here again Islamic ideology which defines real management as that which is based on God's consciousness and concern for humanity is likely to be of utmost remedial assistance to the Nigeria economy.

(v) Intellectual property

Modern social scientists define intellectual property in production which includes innovation research, strategic planning and technological development. Since man is expected to be conscious of his being God's creature, he owes whatever endowment of his to Him - The Creator.

Many verses of the Qur'an point to the intellect as one of the prime endowments granted to man by God. Intellect and knowledge are therefore vital to the subsistence and comfort of human beings on earth.

However, the intellect should not be used to deprive others of what rightly belongs to them. Western imperialism, as an example, misuses their intellect and technology to exploit other nations whose misfortune is also largely traceable to lack of adequate intellect. Khurshid Ahmad have rightly identified the western world's use of intellect to exploit as well as the lack of intellect on the part of Muslim nations as a major factor of economic retrogression in Muslim countries. Ahmad illustrated his opinion thus:

... in almost all these (Muslim) countries developmental effort is modelled after the prototypes of growth developed by the western theorists and practitioners of planning and "sold" to the planners in the Muslim countries.... No effort worth the name seems to have been made to re-think the basic issues of development economies in the light of the ideals and values of Islam and its world strategy.

What is being said here of Muslim countries is particularly appropriate to the Nigeria economy.

Another negative aspect of intellectual property apart from the tendency to exploit others with it, is over assessment of intellect. Science and technology have brought a high level of comfort to man but man must not then be enslaved by science and technology which are only means to an end and must not be taken as absolute.

Science cannot be made the sole determinant of truth, there are certain truths beyond science, therefore, man's intellect in our view, must encompass the truth that intellect is not pinnacle of all solutions. Certain things exist which human knowledge, science and technology may not yet be in position to insist that whatever is not scientifically explicable cannot be accommodated in planning strategies. For instance, of recent, there was a report of a woman-patient who complained to a consultant surgeon at the Lagos University Teaching Hospital, that another person had mysteriously implanted an object into

her head without any direct physical contact. This complaint, expectedly, was discountenanced but eventually the consultant reluctantly x-rayed the woman's head and detected the existence of a key which was eventually removed through surgical operation. This incident shows that what science dismisses as superstition can in fact be a pointer to the fact that science itself is not scientific enough by restricting the vision of its possessors, limiting their discoveries and thereby inhibiting the pace of growth and development.

Conversely, Islam does not teach a Muslim to disbelieve or wish away the existence and potency of mysterious or scientifically inexplicable happenings such as the mystery of the witch crafting episode of the key. The Qur'an asked man to seek Allah's protection from "the evil of those who blow on knots". The verse implies that the evil of such witch crafting is real but extinguishable by Allah's protection.

The essence of reappraising the concepts of the "factor of production" is to call our attention to the possibility of digging the grave of our economic planning through simplistic understanding which takes shadow for the substance.

A person whose planning and management studies compels to station policeman at his gate to protect his properties at night may meet his Waterloo through poor definition of "a policeman". Is a policeman any one in police-uniform? Is he anyone employs brand designated by the state as a policeman? Is he a thief who by mistake or design finds himself recruited into the police force and who, in addition to being a potential thief, is also unjustly denied his wages and other entitlement by the state? Definitely, the planner must have through simplistic definition; put a hungry thief on guard while he goes on to sleep. So, realistically, our perception or concepts of factors and actors in the development machinery must transcend artificiality and uncritical assumptions. This then leads our discussion to the other economic developmental theories – the distributive factors.

In conclusion, the genesis and solutions are intertwined and known. The problem is not restricted to Nigeria. The cause is not just to avoid the locally bred vices but also to redefine artificially coated definitions which are not valid. In Nigeria corruption is a factor but more fundamental is having philosophy and guide. The Qur'an serves as guide and return to the path of the Qur'an is the solution to the Nigeria economic problems.

References

Quran 2:85	Quran 43:32
9:23	4:58
28:50	20:6
9:109-110	45:13
5:100	64:15-16

POLITICAL AND SOCIAL IMPACT OF GLOBALIZATION

BY

SAUDATU SHEHU MAHDI *

INTRODUCTION

The description of the world as a "global village" has never been as true as it is today. The Institute of International Studies, University of California, Berkeley (1998), noted that global and transnational processes are clearly challenging geopolitical and social terms just as the very ideas of region, nation, community, or area are confronted by what it called "the network society". The network referring to movements, linkages, and flows that reshape and often undermine the integrity and coherence of border and sovereign entities.

According to the World Development Report 1999/2000, two forces will significantly alter the development landscape in the early decades of the 21st century, with implications for how the development agenda can be tackled, who the relevant actors will be and what forms their interactions are likely to take (The World Bank, 2000). These forces are **globalization** and **localization**. It will be appropriate here to define localization first and focus thereafter on globalization, which is the nucleus of this paper.

Localization is "the increasing demands of local communities for greater independence, which will be reinforced by the growing concentration of developing countries 'populations in urban centers' (The World Bank, 2000). Globalization predates the 21st Century having started after the World War II and rapidly increased in the 1980s and 1990s. The World Bank prediction earlier mentioned has been confirmed by events at the international level and neither the promoters nor the opponents of globalization can ignore the emerging trends. Even the events that led to and culminated in the tragedy of September 11th have been linked to globalization. (Brainerd 2001). While promoters of globalization argued that the attacks were directed

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at globalization or that it was the chief casualty, others argued that globalization would unsympathetically continue its campaign unmoved by those events far reaching as they have proved.

In view of the reality and the all-encompassing influence of globalization as well as the divergent views on it, the choice of the theme – Globalization and the Muslim world is very relevant. More than ever before, and not withstanding national borders and religious beliefs we see globalization enter not only into our sitting rooms but our bedrooms. Unless we understand what globalization means, we as women can either miss out on the benefits therein due to ignorance or become consumed by its pervasive power due to carelessness.

WHAT IS GLOBALIZATION

Bourdieu, a French sociologist, argues that globalization is not an accident but a politics. He contends that the term globalization is both descriptive and normative. This means it can be clearly seen and could also be a way of life. According to him everything included in globalization is the precise result of a conscious and calculated politics, which has led the liberal and even social democratic governments of several economically advanced countries to deprive themselves of the power to control economic forces.

Bourdieu (2000) also submits that these advanced countries have at best relinquished those powers only to see them concentrated in the 'green rooms' of big international concerns, such as the World Trade Organisation; or in 'networks' of multinational companies which through all manner and means, are in the process of imposing their will.

Although Brainerd (2001) differentiates between globalization, capitalism, American power and modernity, a number of definitions showing current views on globalization and compiled by Lechner (2001) give us a detailed picture of globalization. Globalization has been defined as:-

1. "The inexorable integration (determined merger) of markets, nation-states, and technologies to a degree never seen before in a way that is enabling individuals, corporations and nation-states to reach around the world further, faster, deeper and cheaper than ever before the rapid spread of free-market capitalism to virtually every country in the world" (T.L. Friedman, *The Lexus and the Olive Tree*, 1999, p. 7-9).

2. "A social process in which limitations of geography on social and cultural arrangements fade away and in which people become increasingly aware that they are receding: (M. Waters, *Globalization*, 1995, p. 3).
3. "The historical changes made up by the sum total of particular forms and instances such as:
 - (i) The active spread of practices, values, technology and other human products throughout the globe;
 - (ii) When global practices exercise an increasing influence over people's lives;
 - (iii) When the world serves as a focus for, or a basis in shaping, human activities" (M. Albow, *the Global Age*, 1996, p. 88).
4. "As experienced from below, (by those at the lower rungs of the social or multi national relations) the dominant form of globalization means a historical change in the economy, livelihoods and modes of existence in politics, a loss in the degree of control exercised locally, in culture, a devaluation of a collectivity's achievements. (J.H. Mittelman, *The Globalization Syndrome*, 2000, p. 6).

There are several other conceptions of globalization depending on who is defining it.

Some have opined that the ideology behind globalization focuses on trade as the vehicle for improving the conditions of people everywhere. Others however argue that the restructuring associated with globalization does not even attempt to promise anything to those traditionally disadvantaged in the society. Therefore, the unemployed cannot expect jobs, the poor cannot expect prosperity and women and other disadvantaged people cannot expect equality in opportunities. From the views on globalization presented so far it is obvious that globalization is not all about trade and finance. There is also the globalization of knowledge and technology.

Inayatullah (an Islamic Scholar) puts it more concisely:

If we ask not what is globalization but which globalization – along with the globalization of economy and the globalization of technology (its acceleration) also consists of:

- (i) The globalization of awareness of the human condition (of hope and fear);

- (ii) The globalization of responses to market and state domination (the emergent global civil society of transnational organizations);
- (iii) The globalization of governance (both below and above);

CRITICISMS AGAINST GLOBALIZATION

From the foregoing, it is easy to note why many people are opposed to globalization in spite of its enumerated successes. Lencher (2001) identifies the following reasons:

- Globalization is used as an ideology by the powerful to deceive the people about misleading benefits of a dehumanizing system, in other words, globalization is really a myth that needs to be exposed, a form of false consciousness that prevents people from seeing their true interests.
- Globalization brings about the inequity and exploitation inherent in capitalism.
- Globalization polarizes the world and therefore creates an even more unjust world.
- Globalization is not subject to democratic control and therefore cannot serve the interests of the people at large.
- Globalization intensifies long-standing problems, such as the deterioration of the environment due to large-scale changes.

GLOBALIZATION AND THE MUSLIM WORLD

Lechner (2001), noted that Islamic activists are among the opponents of globalization because of its capacity to impose alien values and standardization of the globe on secular terms. The Muslim world is not an island to itself and this cannot shy away from the reality of the effects of globalization on the *Ummah*. The Library of Congress (2001) summarizes this scenario:

“Like the east of the world, Muslim societies from Morocco to Indonesia and Nigeria to the Islamic Republics of Central Asia, have been deeply affected by globalization. The lives of their people have been changed, as have their thinking patterns, and sense of creative expression. Some have welcomed these changes, while others worry about the nature of the

transformations taking place and the capacity of those affected to regain appropriately. One of the underlying causes of such anxiety has been a many-sided natural concern on how:-

- (i) To protect a unique heritage in the face of global pressure; to uphold religious traditions; to preserve linguistic purity;
- (ii) To defend social institutions; and ultimately,
- (iii) To maintain a viable identity in the midst of a rapidly changing environment”.

The grave consequences of globalization on Islam informed Inayatullah's argument that Islam in the diverse dimensions of globalization is:

- “First about an alternative to the Western project, that is a promise of a more spiritual society based on a unity of thought.
- An alternative notion of science and political economy”.

Various Muslim Scholars particular a ten-fold alternative model to the “Western Project” of globalization comprising ten concepts. Four are standing alone and three opposing pairs.

Tawheed (unity), **Khalifah** (trusteeship), **Ibadah** (worship), **Ilm** (knowledge), **halal** (praiseworthy) and **haram** (blameworthy), **adl** (social justice) and **sulum** (tyranny) and **istislah** (public interest) and **dhiya** (waste).

Explaining this alternative model, Inayatullah writes:

- **Tawheed** articulates the larger Islamic unity of thought, action and value across humanity, persons, nature and God.
- **Khalifah** asserts that it is God who has ownership of the Earth. Human beings function in a stewardship, trustee capacity, taking care of the earth, not damaging it. The goal of the Islamic worldview is **adl**, (social justice) and it is based on the larger needs of the people, **istislah**. To reach, these goals, **Ibadah**, (worship) or contemplation is a beginning and a necessary step. From deep reflection, inner and outer observations. **Ilm** (knowledge) of self, other and nature will

result. One's action then are **halal**, (praiseworthy) and not **haram**, (blameworthy). Moreover, with this framework, **dhiya** (waste) of individual and collective potentials (*and resource*) is avoided as it is **zulum**, (tyranny).

I shall now attempt to highlight some of the political and social impacts of globalization generally and specifically the impact on women as a disadvantaged group. I shall not try to demarcate between political and social impacts because a neat separation is hardly possible. Meanwhile the classification of the impact into positive and negative is a subjective issue depending on one's perception of globalization.

1. Globalization pulls down power from the government down to civil society. Statistics show that between 1956 and 1998, the number of international (i.e. operating in at least three countries) non-governmental organizations (NGO) increased from 985 to about 23,000 (French 2000). The same writer reports a study of NGOs in 22 countries worldwide, which found that the non-profit sector accounted for 5.7 percent of the national economy on average and employed 5 percent of the total workforce. In Nigeria, for instance, several NGOs focusing on diverse issues have sprung up over the years due to globalization and are acting as pressure groups, advocacy bodies or watchdog on government at all levels. Apart from networking locally they also collaborate with international NGOs to execute diverse projects. This could if well harnessed enhance development at all levels.
2. Globalization pushes power out beyond national borders to other regions and into global domain. Locatelli (2002) argues that many factors are pulling the world into greater interdependence through arranged international relations, new sources of information and technology, the internet, new cultural forms, international environmental and health initiatives and new market structures that go beyond political borders. This has exposed countries to manipulations resulting in instability of economy and polity. The stronger nations dictate and sometimes arbitrarily determine trends from politics to security, while at the same time using regional and global

bodies to set standards that are self serving only and in many instances incompatible with local settings or yearnings of weaker nations.

3. Globalization creates a free but unfair market. The UN ESCAP (2002) views this unwholesome trend thus:

"Globalization promotes imports especially of consumer goods."

That is why today in Nigeria; we find several confectioneries, different brands of toothpaste, matches, cosmetics and fabrics. The country to say the least is becoming a dumping ground for foreign products on account of globalization and free market policy.

4. Globalization undermines the culture of people and nations. It is a tool of cultural imperialism. Lechner (2001) identifies some reasons to think that globalization might undermine cultural diversity. He submits that multinational corporations promote a certain kind of consumerist culture in which standard commodities promoted by global marketing campaigns exploiting basic material desires, create similar lifestyles – "cocoa-colonization". Backed by the power of certain states Global western ideals are falsely established as universal, overriding local traditional – "cultural imperialism". Modern institutions have an inherently renationalizing thrust, to make all human practices more efficient, controllable, and predictable, as exemplified by the spread of fast food – "McDonaldization".
5. Globalization increases the inequalities between sexes as well as between the rich and the poor. Franco (2000) submits that the opportunities created by the process of globalization have opened clear avenues for development but in some cases its benefits have not been equitably distributed, thereby impeding efforts to promote advancement of women, particularly those living in poverty. This position is also supported by Lei (2000) who asserts with respect to China that:

"The gains of globalization have not been equitably distributed and the gap between rich and poor countries is widening."

CONCLUSION

From the foregoing we can see that whereas some are givers in this rapid ongoing globalization others are mere receivers. The givers are always the winners and the receivers often the losers. This therefore calls for a review of the concept of globalization, which is founded on the false assumption that all human behaviour is motivated by economic interest. Relations between nations are therefore based on the market and not on people. There is need for a new type of globalization that is more people oriented rather than profit oriented. This will ensure that the market is not only free but it is fair. As long as 60 percent of the world's population (3.6 billion people) live on less than \$2 per day and 1.2 billion people earn less than \$1 per day, globalization would only be seen as serving the selfish interest of the developed world.

Our government needs to implement seriously the national communication and cultural policies such that the benefits of globalization are appropriated by the nation and individuals while at the same time the nation and individuals are shielded from cultural imperialism especially the social vices and immorality that are being transferred/communicated through the new information technology.

As the Islamic world gains access to the Internet, which broadens knowledge, families must ensure that the Islamic culture is not eroded. The perception of those aside the Islamic world is that globalization has impacted Moslem women in Africa to participate in women's organizations around the world to address their domestic problem. The trend has become noticeable of a critical mass of educated women in Muslim societies where Muslim women have been excessively repressed now mobilizing organizing and educating the womenfolk especially at the grassroots to bring about the desired change. This is commendable but caution must be exercised to ensure that Muslim women do not become a willing tool in the hands of those whose ulterior motive it is to demonize Islam. Furthermore, and in this regime of globalization Nigeria Women Organisations must think globally and act locally being selective about foreign/international organizations to network with.

Permit me to end this chapter with the submission of the United Nations, Secretary General, Mr. Kofi Annan:

- Nigeria's experience is not different from that of China as any gain at all has been enjoyed by a few elites. If a wider range of people is to gain, globalization must be reshaped so that it is more people-centered and more accountable to women instead of profit centered.
6. Globalization promotes immigration especially of labour into high wage countries from low wage countries. Just as capital moves globally in search of lower costs and higher profits at the same time, labour migration takes place as a result of globalization in pursuit of better wages. News of such vacancies is either sourced from the Internet or from relatives who are resident in such countries. These days' international/foreign job seekers rely on the information super highway. However, the number of Nigerians who may have benefited from such may be inconsequential since most Nigerians including the educated are not computer literate or have no access to the Internet except from the business/communication centers.
 7. Globalization reduces the power of nations to regulate business, tax corporations and provide for the peoples needs. Not only does the new international rule of trade to multinational corporation makes them escape regulation of nation states, government loses great income from their tax evasion and other violations. In India, for instance as noted by South Asian Voice, globalization rather than increase the government's ability to solve pressing problems, actually weakened the financial ability of government to intervene in the areas of education, health care and essential infrastructure. This is probably true of most developing nations.
 8. Globalization should ideally transfer technology, however, as in Nigeria not all business brings new technology. Some multinationals do transfer technology but some others invest in areas that require no serious technology. The later, therefore, do not contribute to the technological development of the countries where they operate while they hide behind lack of infrastructure to support the transfer.

"If globalization is to succeed, it must succeed for poor and rich alike. It must deliver rights no less than riches. It must provide social justice and equity no less than economic prosperity and enhanced communication".

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CREATING WEALTH THROUGH INVESTMENT LEAST AND MOST OPTIONS

By

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INTRODUCTION

The primary operative words in this essay are creating wealth, investment and options. The secondary operative terms are more or less the corollaries to wealth and investment. They are interest, profit, dividend, bonus and commission. To give us a focus, it is necessary to explain or define these terms.

CREATING MEANS CAUSING SOMETHING TO EXIST

Wealth is the stock of assets accumulated by individuals, households, businesses, or nations. These assets can be physical possessions e.g. land, buildings or written books, financial assets – bank accounts and securities (shares, bonds etc) human capital (peoples, skills and talents), or natural resources (mineral deposits). Wealth may be accumulated by saving out of current income or it may be inherited. Wealth, in turn, can create income for instance owners of bank deposits are paid interest and shareholders receive dividends. (Isaacs et al. 1998 1420).

Investment is the purchase of capital goods, such as plant and machinery in a factory in order to produce goods for future consumption. This is known as capital investment. The higher the level of capital investment in an economy, the faster it will grow. It is not limited to capital investment alone. It is also the purchase of building – society, deposits etc. with a primary view to their financial return, either as income or capital gain.

Options are the right or power of choosing.

Interest is payment made by a borrower to a lender during specified time periods in return for the use of a capital sum. To the

borrower, these payments represent the cost of borrowing. To the lender they are a reward for postponing consumption (by saving rather than spending) and for the risk involved in making the loan. (Isaacs, 1998:706). Interest is the strongest component of wealth. It is called *riba* in Islam. Wealth is a synergy of income saving and investment. Interest is an element in wealth, income, saving and investment. Interest is so controversial, but those who do not believe in it are forced to take it because of economic homogeneity (globalization) that made it difficult to operate Islamic Laws even in predominantly Muslim Nations. Perhaps the only way to do without interest is to abrogate MONEY. In this situation, everybody, every nation will prepare its own needs and where exchange is necessary for example salt for a farmer, it would be TRADE BY BARTER. We shall come back to what Islam says about interest later.

Dividend is the amount (per share) of a company's profit that is distributed to shareholders. (Isaacs, 1998:706).

Profit is the excess of the selling price of an article or service being sold over the costs of providing it in a single transaction. (Pallister, 1996:400).

Bonus is the shares issued to the existing shareholders of a company." (Pallister, 1996:62). It is usually one share for a specific number of shares owned in a company.

Commission is a payment made to an intermediary such as agent, broker etc. It is to keep him or her in business.

It is important to note that Bonus, Commission, Dividend and Interest are different economic terms but they have something in common. It is the positive difference between the initial capital and the amount (i.e. capital plus any one of them). With the exception of commission, other terms are more or less gratuity (gift for having done something) which are in one way or the other, synonymous with interest but not the part regarded as *riba* in Islam. This is because interest comprises of *riba* and service charge.

PART TWO: CONTROVERSIES SURROUNDING WEALTH, MONEY AND INTEREST AND THE POSITIONS IN THE BIBLE, THE QURAN, AND THE PROPHETS AND INTELLECTUALS

With all these definitions behind us, let us have a second look at our topic – Creating Wealth through Investment. Wealth is a synergy

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of income, saving and investment. That means income plus saving plus investment is equal to wealth. In other words, work creates income, saved income creates investment (if you are financially literate) and investment creates wealth. It is a continuum. None of the steps can be avoided, neither is any of the steps existing without INTEREST. Where do we go from here? What are the Quran, the Bible, the Hadith, the Prophets, the Mullahs etc. saying about wealth and interest?

Quran chapter 92 verses 1-11 and 18-21 says:

1. By the night as it conceals the light;
 2. By the day as it appears in glory;
 3. By the creation of male and female;
 4. Verily, the ends ye strive for are diverse;
 5. So he who gives (in charity) and fears (Allah),
 6. And (in all sincerity) testifies to the best,
 7. We will indeed make smooth for him the path to ease.
 8. But he who is greedy miser and thinks himself self-sufficient,
 9. And give the lie to the best,
 10. We will indeed make smooth for him the path to misery;
 11. Nor his wealth profits him when he falls headlong in to the pit.
- And
18. Those who spend their wealth for increase in self-purification,
 19. And have in their minds no favour from anyone for which a reward is expected in return,
 20. But only the desire to seek for the countenance of their Lord Most High
 21. And soon will they attain (complete) satisfaction.

Furthermore, Quran chapter 104 verses 1-6 says:

1. Woe to every (kind of scandal-monger) and backbiter,\
2. Who pileth up wealth and layeth it by,
3. Thinking that his wealth would make him last forever!
4. By no means! He would be sure to be thrown into that which breaks to pieces.

5. And what will explain to thee that which breaks to pieces?

6. It is the fire of Allah kindled to a blaze.

*There vices are condemned in the strongest terms:

(1) Scandal-mongering, talking or suggesting evil of men or women by word or innuendo, or behaviour, or mimicry or sarcasm, or insult; (2) detracting from their character behind their backs, even if the things suggested are true, where the motive is evil; (3) piling up wealth, not for use and service to those who need it, but in miserly hoards, as if such hoards can prolong the miser's life or give him immortality: miserliness is itself a kind of scandal.

In the Bible, Matthew chapter 19 verse 23, Jesus said:

... it is hard for a rich man to enter the kingdom of heaven. It is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God (New King James Verse, Life Application Bible 1993:1720).

Also in Matthew chapter 25 verse 14, Jesus told the parable of the loaned money. Three persons were given 5, 2 and 1 talents respectively. The first one and the second traded with their talents and doubled them. The third one buried the only talent given to him. When their master came, he praised the first two for doubling their talents from 5 to 10 and 2 to 4 and cursed the third after taking the buried talent from him. He gave same to the first with 10 talents who then had 11 talents. (Tyndale House 1993:1734). This is either interest or profit. This parable which seems supportive of interest (Riba) from Jesus (Prophet Isa) is corroborating Prophet Muhammed (PBUH) who said "Wealth property employed is a blessing; and a man may lawfully endeavour to increase it by honest means.

Let us examine what some theologians have to say about Wealth and interest (riba) and their equivalents (profit, dividends, bonus and commission). Professor Glasse in his popular book – Concise Encyclopedia of Islam writes:

Riba-usury or profit – interest from the loan of money or goods, is prohibited in any degree. Today, the prohibition is hardly observed in any Islamic country. Riba – it is simply disregarded – the Egyptian Mufti

Muhammed Abuduh once declared "moderate interest" lawful – or else it is referred to by some such euphemism as "commission". To stay within the letter of the religious law and soothe consciences, some banks offer the solution of mudarabah (sleeping partnership): this defines the placing of capital as a co-investment, which naturally brings returns to both parties." (Glasse 2005:384).

In an attempt to conform with the Quranic injunction that rejects interest absolutely, Professor Glasse writes on Islamic Banking as follows:

The Koran prohibits usury or interest on loan (Riba). This has been interpreted as meaning that money can be used as means of exchange but cannot be treated as a commodity. Since money qua commodity is inextricably bound up with modern economics, the general practice in modern times has been to accept the requirements of economic necessity and disregard the question of interest. **Banks in most Muslim countries have long given interest on deposits and taken interests on loans. This is not without legal basis: it is an accepted principle among the schools of law that "necessity makes prohibited things permissible."** ... In the past, various legal devices were used to circumvent the prohibition against interest. In modern times, the prohibition has most often been simply disregarded. Even Ottoman Banks, for example charged and paid interest." (Glasse, 2005:220. Emphasis is mine to enhance rumination).

Perhaps additional move to circumvent interest is Mudaraba, mentioned above. It is:

A business partnership where one partner puts up the capital and the other labour; a sleeping partnership. ... Mudaraba is a deposit of money making the depositor a limited partner in the ventures of the bank thus earning a return on investment

... the mudaraba is an experiment that has been endorsed by a number of religious authorities as a legal; device to authorize earnings on deposit capital" (Glasse, 2005:319).

Readers of this essay! Where is the way out of this maze? Picking from the Bible, Quran, Prophets and the theologians, for example: "Wealth for increase in self-purification", "piling up wealth in the service of those who need it", "properly employed wealth is a blessing" by Prophet Muhammed, "doubling talents" by Prophet Isa and necessity makes prohibited things permissible" by schools of law, it is possible to conclude that wealth and interests, profits, dividends, bonus, commission which are bye-products of work and services are permissible, provided nobody is cheated; provided it is employed in the service to the humanity. There is essentialism and existentialism, what it should be and what it is. If what it should be is impossible, the next choice is what it is. What it is, economic situation centred on money, made mudaraba – an expediency –eroded by some religious authorities, legal earnings on deposited capital. An example of deposited capital is money spent on buildings, land, shares, bonds and so on yielding income (rentage, interest, dividend, bonus etc). That leads to wealth creation for what? Monetary empowerment to be able to educate our children in the best schools, to be able to build beautiful and standard mosques, to be able to live standard life and not to be found wanting in different ramifications of power: political power, administrative power, academic power, economic power and religious power.

Perhaps one of the strongest reasons why the world Ummah is in abject poverty and the attendant impotence (Asupoto 2004) is the disbelief in wealth and interest). This is the most terrible interpretation or mis-interpretation. Wealth, a bye-product of interest, if properly managed, is a blessing. It enhances policy formulation and execution. The top powers know themselves. America will not harass Russia; the two of them are aware that each has sufficient power to annihilate each other. The same is not true between America and Iraq. There is a correlation between wealth and education The first four universities in the whole world are Muslim universities. Complacency and relapsing illiteracy have relegated the Muslim World into the background. For example, there can be no technocracy without technology, there can be

mathematics and there can be no mathematics without numerals desired from Arabic figures. How come, that first has become the last! The solution is not violent jihad. It is peaceful jihad based on knowledge and wealth creation.

PART THREE – WEALTH CREATION

Now that we are out of the jungle of interpretation or mis-interpretation as a result of perception and perspective, how do we create wealth? In the words of Einstein: doing the same thing over and over again and expecting different result is insanity. The belief that money is evil and yet everybody looks for same should change to money is friendly and I will use same in Allah's cause. "I don't think much of a man who is not wiser today than he was yesterday." (Trump and Kiyosaki, 2006: 162).

The least option is spending less than you earn and investing the difference. The most option is an hybrid of the least option plus the leverage e.g. loans with a focus, where the income from the initial investment is reinvested with a multiplier effect called compounding. God is a multiplier. He multiplies arithmetically, geometrically, exponentially and infinitely. Take for instance a maize grain, a pawpaw seed an orange seed. Plant and examine them in the next three months (maize), nine months (pawpaw) and five years (oranges). They would have multiplied in the folds enumerated above. If God multiplies, why should we bury our 'talent' instead of multiplying it. The unbeatable fact is "if you are going to be rich, you will need to know many different ways to make money with money" "Most people spend and make themselves poor. If you are going to be rich, you need to know how to spend to make yourself rich" (Trump and Kiyosaki, 2006:236, 238). If you want your wealth to grow, go to a place where people are getting rich (like a real estate office or stock broker's office), join an investment club, or start a study group and meet new friends who also want to grow rich.

Many people today are in financial trouble or not getting ahead simply because they are suffering from financial illiteracy. People, some highly educated, go through life working hard but without much leverage. They never harness or implement any power beyond themselves. Donald J. Trump writes, I always did more than was required. You have to do what others don't want to do to have an edge. The worst disservice we can do to our selves is to expect things to be easy.

Finally, before we go into the details of wealth creation or monetary empowerment, let us understand the difference between God and gold (money). The difference between God and gold is the letter L. If we remove L. for loser, L for looter and L for lousy leader and liar, we change gold to God. Hence good money is gold without L which makes you very powerful. Please create wealth – i.e. gold without L through investments that yield interest, dividend, rent, bonus, commission and so on and use them for God's purposes.

Money means medium of exchange. Power is the ability to seek compliance. Empowerment is making someone, family, local government, state or a nation powerful. Therefore monetary empowerment is making someone, a group of people or a nation to command respect, or to be obeyed or to be important as a result of having money or financial capability. Financial capability is wealth. Wealth is a synergy of income, saving and investment. Wealth and rich have many things in common but wealth is superior to riches. Riches can evaporate wealth cannot unless the owner refuse to train someone who will manage the sources after him. Let us examine income, savings and investment because they are *sine qua non* for wealth.

Income is money that one gets for one's work, from one's trade. Savings means money kept to be used later. Investment means money put into a business with a hope that it will become more and more. These are processes through which one has to pass to be monetarily empowered. "Kop is Abuja loran open" – there is no short course. Monetary empowerment is an achievement. It is the success one attains by the understanding of what is asset and what is liability. Assets and liabilities are two sides of a coin. It is almost impossible to do without liabilities as we seek assets. This is why it is essential to seek knowledge and information on how to invest on books, land, shares and bonds. Borrowing terms from Robert T. Kiyosaki with Sharon L. Lecher in their book "Rich Dad Poor Dad" asset means anything that puts money in your pocket. Liability means anything that takes money out of your pocket. Asset can be described as income. There are three types of income: earned income, passive income and portfolio income. Earned income is the money given to you for providing a service e.g. salary. Passive income is the money given to you as rent on your land, house, cassette or diskette. Portfolio income is the money given to you from your investment in shares, stocks, securities and bonds. To be rich and wealthy, you need to turn earned

income into either passive or portfolio income or both before you can be monetarily empowered or successful.

Success is the achievement or height attained as a result of talent or manifest competition, John Mark Templeton's doctrine of an extra ounce says "if everybody's one pound is sixteen ounces, make your own seventeen" to enable you become a superior colleague of your colleagues. To be superior to your colleagues, you must be committed, compassionate, confident, courageous, creative, decisive, dedicated, dependable, devoted, effective, efficient, enthusiastic, excellent, faithful, financial-literate, focused, forgiving, generous, happy, hardworking, helpful, holy, honest, hopeful, kind, knowledgeable, loving, loyal, merciful, obedient, optimistic, patient, persevering, persistent, positive, prayerful, prudent, purposeful, responsible, sincere, thankful, trustworthy and wise. These 43 concepts are too nebulous and can, therefore, be reduced to 10 that are capable or substitutes. This is acronym for success to enhance easy assimilation.

ACRONYM FOR SUCCESS WITH EMPHASIS ON FINANCIAL -LITERACY AND KNOWLEDGE

You cannot be financially or monetarily empowered without earning (income). You cannot save without income. You cannot invest without saving. You cannot be rich or wealthy without investment. Even when you are rich as a result of your earnings for example a minister, a director, a professor, or an engineer, without investment, it is money – soon – gone or 'sa la ri' salary seen frequently without riches. This gives rise to the acronym – E F H K L P P P P P or EFHKL5Ps where E stands for Enthusiasm, F stands for Financial-Literacy, H stands for Hard-work, K stands for Knowledge, L stands for Love, 1st P stands for Patience, 2nd P stands for Perseverance, 3rd P stands for Persistence, 4th P stands for Prayer and 5th P stands for Prudence as graphically represented in Table 1 below:

TABLE 1: ACRONYM FOR SUCCESS

Enthusiasm	Financial-Literacy	Hard work	Knowledge	Love	Patience	Perseverance	Persistence	Prayer	Prudence
E	F	H	K	L	P	P	P	P	P

Enthusiasm is a Greek word meaning in God. Anyone who is enthusiastic will, therefore, succeed because he is already in God. "a man who thinks confidently, who is full of faith in God, and who will work and study can accomplish amazing results. ...enthusiasm is the bridge between poverty and prosperity, empty pockets never held anyone back, it's only empty heads and empty hearts that do." (Peale pages 99, 98 and 88). To my mind, the above quotations are enough to describe enthusiasm.

Financial Literacy and financial intelligence are corollaries. Financial intelligence is a situation where your income exceeds your expenses and you invest the difference (Olotu 2005:13). Financial literacy is ability to delineate between asset and liability. It is the practice of manipulating and managing money to become rich and wealthy. Wealth is a synergy of income, saving and investment. It measures how much money your money is making and, therefore, your financial survivability.

"Financial intelligence is the mental process via which we solve our problems. It is ability to direct money to make more money. It is how much you keep and for how many generations you keep it" (Kiyosaki and Lechter 1998:67). We are in a world where spending is emphasized over saving. Rich people acquire assets. Poor and middle class people acquire liabilities, but they think they are assets. (Kiyosaki and Lechter (1998:69). We focus on "literacy" and not financial literacy. It is what is in your head that determines what is in your hand. Schools and colleges were designed to produce good employees instead of employers and entrepreneurs.

Hardwork is the strongest pre-requisite for income. Professor Freud, the father of Psychoanalysis said "In order to have mental health, a man has to work". Work, he pointed out is a consistent and fundamental means of staying in touch with the world and mastering it." Without hardwork you cannot save, without saving you cannot invest. Without investment you cannot be wealthy. "He who sows sparingly will also reap sparingly, and he who sows bountifully will also reap bountifully." (2 Cor. 9:6). For example, One naira, invested in Intercontinental Bank shares in 1989, became one thousand and sixty naira in 2004 while one thousand naira yielded one million and sixty thousand naira. A two bedroom bungalow that was built with eleven thousand five hundred naira in 1978 needs more than two million naira now.

Knowledge is one of the foci of this lecture. It is knowing and perceiving with mind. A knowledgeable person is well-informed person. Our fathers worked harder than us and achieved many goals. But because they are not knowledgeable on investment that will make their money work for them, their riches died with them. Knowledge is so diffused that nobody is a repository of it. That is why Professor Woodrow Wilson, 1913 President of United States said "No student knows his subject. The most he knows is where and how to find out things he does not know". We want our money to work for us. We therefore, go to Stock Exchange through stock broker.

In a paper – The Voice of World Assembly of Muslim Youth (WAMY) – Dr. Abd-Muhsin Abd-Aziz Al-Sheikh wrote:

Muslims in this country need to know how to move from ignorance to enlightenment, backwardness to advancement. Knowledge is the light that guides us in this life, in the grave and in the Hereafter. So if you look at the situation of Muslims and Muslim societies today, you will find that majority live in darkness. We ask ourselves why are we living in darkness even when we have the light – Quran and the Sunnah? The answer is that the Muslim Ummah has neglected the issue of education. In the true sense, education in Islam means the knowledge of religion and other aspects of life be it economy, agriculture, industry, technology, politics etc. One of our foremost scholars, Sheikh Muhammad Al-Gazali said that if the Muslims in an area need the

service of a medical doctor, for instance, and they cannot find any amongst themselves, then all of them have become sinful. Likewise if a Muslim community need an Imam to lead them in prayers and teach them the Islamic religion and cannot find one amongst themselves, they will be held accountable for it. Also if a Muslim community which Allah has blessed with arable land do not have amongst them anyone who possesses the correct knowledge of crop production, then they have committed a sin. The same goes for other fields of human endeavours such as Engineering, Journalism, Information Technology, among others, if they cannot find people who are knowledgeable in these areas amongst themselves, Allah will question them for it on the day of judgment. Therefore, the education that we need is not only the knowledge of the Shariah. We have been commanded to seek knowledge in all aspects of human life. (Voice of WAMY Feb/March, 2007 back page).

In a similar vein, this writer in a paper "An Antidote to Islamic Extremism, Backwardness and Impotence" wrote: "Despite the fact that the first University in the whole world – Cordova in Southern Spain, the next three – All Azhar University in Cairo, Egypt; Qarawiyyin University in Fez, Morocco and Zaytuniyya University in Tunis, Tunisia – were Muslim Universities, over a thousand years ago, the Ummah became conceited. The western world stole all the knowledge, expanded them and lord it over the Ummah." (Asupoto Dec. 2004:5). Holy Quran 39:9 says "Are they equal those who know and those who do not know?" Prophet Muhammad (pbuh) said "if knowledge is in China we should seek it" seeking knowledge for one hour is greater than praying for seventy years". (Abudu 2000:105).

Monetary empowerment is a function of education, knowledge, literacy and wealth. It is therefore not surprising that there is a great correlation between tertiary education and wealth. For example, out of 20 best universities in the whole world, 17 are from USA, 2, from Britain and 1 from Japan. Out of 20 richest people in the whole world, 11 are from USA, 2 from France, 2 from Germany while Canada, India, Medico, Saudi Arabia and Sweden have one each. It is highly embarrassing that only two or three Muslims belong to the group of 50

richest people in the whole world! We have seen knowledge, education and financial literacy; financial illiteracy will be examined later. It is significant to know that yearly changes in the statistics does not affect the correlation between knowledge and wealth.

Love means warm affection. Buying shares and books for your children at five, ten, fifteen and twenty is a better type of love than squandering money on elaborate party. If you spent 500 Naira on birthday party for a loved one in 1989, that amount would have become five million and three hundred thousand naira (₦5,300,000) or in 2000 if the money was invested in Intercontinental Bank, First Bank, Union Bank or Guaranty Trust Bank.

Patience is the first P in the acronym EFHKL5Ps. It is ability to wait for result. For example, if those who invested their money in Ashaka Cement in 2001 when the price was N6.88, were not patient, they would have lost a lot of gains when the price became N72.60 in 2007. The Quran says: Surely the patient will be paid their wages in full without measure (39:10). Patience is realizing that things take time, effort and thought.

Perseverance is the 2nd P. It is constant efforts to have money to achieve something. Constant efforts to have money save and invest it instead of spending it on parties and conspicuous consumption.

Persistence is the 3rd P. It means occurring again and again no matter what is happening. For example if when starting to invest on shares, you started with Savannah Bank, you do not quit because quitters do not win and winners do not quit. You do not jettison electricity because of electrocution. If because Gulf Bank had problem and you close your eyes on portfolio income, you would not participate in the stupendous gain on Zenith Bank, Guaranty Trust Bank and First Bank. Problems are the price of progress. The obstacles of life are to make us better not bitter. "Those who have cultivated the habit of persistence seem to enjoy insurance against failure." (Hill 1938:229).

Prayer is the 4th P. It means seeking help from God (Allah, Olorun, Chineke). There are many things He gives us whether we are good or bad. For example, rain and sunshine. God works with us; He does not work for us. Anybody who did not invest one Naira in Intercontinental Bank in 1989, cannot get one thousand and sixty Naira in 2004.

Prudence is the 5th P in the acronym. It is the tenth concept. It means carefulness; not wasteful. We should be as wise as a farmer who keeps the yam – head in the heap for next year's harvest. Every worker

is a potential retiree; you have within you the power to turn terminations into transitions by investing in shares in the first day you start working.

FINANCIAL ILLITERACY

Although comparison whether vicious or invidious is odious, the difference between black and white does not manifest until proper juxtaposition I, therefore, want to give ten examples of successful hard workers whose wealth died with them because of financial illiteracy. They worked and earned a lot of money but did not allow their money to work for them. They were rich but not wealthy. In the words of Olotu (2005:68); riches could come by hardwork, but wealth comes through investment. To be rich is to have plenty of money; to be wealthy is to have assets that continue to fetch plenty of money without one's personal efforts.

TABLE 2: SOME RICHEST – BUSINESS MEN

S/No.	Names	Position	What happened after 25 years
1.	Charles Schwab	Head, Largest Independent Steel Company	Died penniless after 5 years borrowing
2.	Howard Hopson	Head, Largest Gas Company	Went in same
3.	Ivar Krueger	President, International Match Company	Died broke
4.	Samuel Insull	President, World's Largest Utility	Died broke in a foreign land
5.	Leon Frazier	President, Bank of International Settlement	Committed suicide
6.	Richard Whitney	President, New York Stock Exchange	Released from prison.
7.	Arthur Cotton	Biggest Stock Speculators	Died broke
8.	Jesse Livermore	Biggest Stock Speculator	Committed suicide
9.	Albert Fall	Member, President Hardings Cabinets	Released from prison.
10.	Bello Asupoto	1 st user of Cement, 1 st vehicle owner, 1 st to buy scale, 1 st story building owner, 2 nd Bale Oniwon in Kire, Osun State of Nigeria	Died broke.

Source: Rich Dad Poor Dad, Robert T. Kiyosaki and Sharon L. Letchter 2002 page 66 for serial numbers 1-9; 10 is the writer's father.

You are strongly advised to educate yourself financially and your children. There are many books on motivation and financial literacy capable of turning poverty to wealth and allow wealth to be passed from generation to generation. Examples include:

1. Robert T. Kiyosaki & Sharon L. Lechter: Rich Dad Poor Dad,
2. George S. Clasin: The Richest Man In The Babylon.
3. Hauwa M. Audu: Can Every Nigeria Be a Millionaire?
4. Bridget Olotu: Think Learn Take Action and Grow Rich,
5. Michael A. Uzo: How to Buy and Sell Shares in Nigeria,
6. Williams J. O'Neil: How to Make Money in Stocks,
7. Phil Laut: Money is My Friend.
8. Trump, Donald J. and Kiyosaki, Robert T.: Why We Want You To Be Rich. (see page 20).

Most of the quotations and ideas are from these books. For example: Audu (2005:98, 130,, 136) says "one of the Principles of financial success is to spend less than you earn" "investment is sowing your physical seeds. If you have a seed but do not sow it, it will not multiply." "The monthly contribution could be used in purchasing shares of quoted companies in your name. "Dividends, bonuses capital appreciation will accrue to you directly, it is assumed that you re-invest your returns in the market."

Olotu (2005: 13, 63, 66, 98) says you must endeavour to acquire financial intelligence. This is one of the secrets of wealthy men and women. An instance of financial intelligence is this. Your income must always exceed your expenses, while you must invest the difference." "Learn how to buy into the market when the price is low and possibly sell when the prices are high (i.e. when you are investing in the short term)." "Our parents were either strugglers themselves or just got by financially. Even those of them who are wealthy either spoil us with gifts and money or do not take time to teach us how we can duplicate their success".

Kiyosaki with Lechter (2002:84, 88) say "by the time I was 16, I probably had a far better foundation than both my Mum and Dad"; "When I want a bigger house, I first buy assets that will generate the cash flow to pay for the house"; "... schools were designed to produce good employees instead of employers."

If you, your spouse and, of course children have these books and read them along with our Bible and Quran, our story will be different from what we have in Table 2 above.

PART FOUR: METHODS OF INVESTING IN SHARES

A possible interpretation of our topic creating Wealth Through Investment – is investing in shares and properties. This is the core of this paper. It is synonymous to a person going on a journey. He has something to do before the journey, during the journey and after the journey. There are many principles for investing in shares. Some which, are familiar and which we are still learning are:

- Price Potential,
- Time Potential,
- Yield,
- Management Team,
- Government Policies and
- Others – contrarian approach, hit list, wish list, trading.

Price Potential is the most empirical way of knowing how good a stock is. It is the difference between the highest price and the lowest price expressed as a percentage of the lowest price. It is $\frac{H-L}{L \times 100}$

where H is the highest price, L is the lowest price. For example, the price potential of First Bank of Nigeria-Plc. between January and December 15, 2006 is $\frac{H-L}{L \times 100} = \frac{7276-2900}{2900 \times 100} = 151$. In the same way,

the price potential for Benue Cement Company at the same period is $\frac{4518-650}{650 \times 100} = 595\%$

We can use this formula, called almighty stock formula, to list all the 318 – 320 securities in Nigeria Stock Exchange from 1st to 320th. The short coming in this is that, dividends, and bonuses are not taken into consideration. It is, however, good for taking a broad look at companies' price movement at a particular period.

Time potential is the period that it takes a company to reach its highest price. For example, the highest price reached by GTB in 2006 is 19.00 from 2.72 in July 2000. The time potential for price movement from N2.73 to N19.00 is 5 years.

Yield is the ratio between the annual cash-dividend per share paid by a stock and the current price. It is calculated by the formula $\frac{D}{P} \times 100$. Where D is the dividend, P is the current price. (P/E Ratio) is the market price of a stock divided by its earning per share. It indicates

the premium the investors are paying for a company's earnings or how long an investor has to recover their investments in a stock based on current earnings.

Financial Year of a company shows the month the company closes its accounts to show the shareholders and stakeholders the history of the company's performance. Experience shows that when you buy shares one or two months after this date you gain equally with someone who bought the shares ten months earlier for example dividends and bonuses.

Earnings per share, price earning per share, and full year-end of 50 familiar companies are shown on Table 5 below as guide to most readers to enable them understand professional terms used by the stockbrokers.

Management Team are the top-level administrators who formulate policies for the day-to-day running of the company. Their integrity and professional competence or lack of same can make or mar the company's goal satisfaction. Some companies that were unable to pay bonuses and dividends under some directors became rejuvenated after changing their chairmen and directors. That is why most companies usually advertise the profiles of their directors and chairmen to enhance credibility.

Government policies affect companies. For example, because of budgetary allocations and ban on some commodities, the prices of building materials (cement for instance) have gone up. A cursory look at Table 3 below vindicates this assumption. Three companies – Benue Cement Company, Cement Company of Northern Nigeria and West African Portland Cement Company came 1st, 2nd and 3rd amongst 50 companies on price potential (see table 3 below). In 2007 just as consolidation of banks jacked up their share prices in 2006, prices of insurance companies have also gone up after consolidation of insurance companies.

Ban on importation of textile materials has also affected the price of Afrprint Nigeria Plc. The Price, which rose from 36kobo to 94kobo has stabilized around 64kobo in December 2006. Last year, for instance, 29th March, 2007; the price rose to 132kobo. This growth is more than 250%. Anybody who invested 1000 naira sometimes 2006 now has over 3500 Naira! Today, 10th April, 2008, its price is 843kobo. Imagine the exponential growth from 64kobo to 843kobo within 13 months.

Fundamentals are the inherent strength of a company. Although there is no company that cannot liquidate some are more liquidatable than others. Companies with either highest market capitalization in Billion of Naira and most active stocks have greater than average chances in making profits and of course declaring bonuses, dividends and capital appreciation. As a result of their liquidity buying and selling is easy. Table 5 below shows 20 most capitalized companies in descending order and also belong to 20 most active stocks to guide investors.

Other approaches on investment techniques are 'trading', 'wish' and 'hit'. They are subsets under a set called contrarian approach. The philosophy behind this approach is that any thing that bubbles will eventually burst. Analyst, experienced and professional investors get out when a security becomes too popular. By then he would have made his gain. He retains some bonus and spend part of his gain on unpopular up-coming securities which in most cases are under-priced. This is where the significance of price potential hibernates. All securities are reduced to a common denomination of formula barring the greater risk in penny stocks or kobo stocks. These are stocks whose prices are less than ten Naira.

Wish list is a list of stocks to be purchased while Hit List is a list of stocks to be sold.

PART FIVE: LEAST OPTION USING THE APPROACH OF THE RICHEST PERSON IN THE WHOLE WORLD

Now that we are on our journey to the least option for creating wealth, let us examine salary. Salary is a combination of trash and cash. Cash to those who will save at least 10 to 20 percent and trash to those who will not. It is synonymous with carrot and ass. If you want an ass to carry a load, you just tie the load to its back. If it refuses to move as a result of the weight, dangle a bunch of carrot in front of the ass and walk towards the spot where you want the load to be placed. It will follow you there. Instead of creating your own business or invest your income in what will yield another income, the dangled carrot called salary turns you to an ass called worker. Earning, saving and investment is the least option for wealth creation. This takes us back to work, the mother of income, a *sine qua non* to saving. The more savings and investments you make the wealthier you be. There are three types of income. Earned income (from your sweat) passive

income (from your house, land and written books) and portfolio income (from investment on shares, bonds etc). In 2006, Bill Gates was the richest person in the whole world. Now, Warren Buffet is the richest.

The bulk of his riches are from portfolio and passive income. At age 11 he bought his first shares. At the age of 14 he bought his farmland. Buffet's advice to young people summarizes everything.

Stay away from credit cards (bank loans) and invest in yourself and remember: money doesn't create man, but it is the man who created money. Live your life as simple as you are. Don't do what others say; just listen to them, but do what you feel is good. Don't go on brand name; just wear those things in which you feel comfortable. Don't waste your money on unnecessary things; just spend on them who really in need rather. After all, it's your life, then, why give chance to others to rule your life. (Money wise Vol. 3 No. 99 March 24, 2008. Excerpt in Appendix 1 below).

The civil service (including most salary earners) is perhaps the greatest conduit pipe in this country. They dualise wives, cars, houses (not necessarily for income purpose), television is the worst. A bulk of time is spent by them, spouse and children. This negates reading culture and time for work and rest. In the words of Abudu "Reading to your child Develops His Reading Habit" (Abudu 2000:104 and 105). He quoted many thinkers as follows:

Every man who knows how to read has it in his power to magnify, to multiply the ways in which he exists, to make his life full, significant and interesting – *Adolphus Huxley*

It is not true that we have only one life to live; if we can read, we can live as many more lives and as many kinds of lives as we wish – *S. I. Hayakawa*

Book love ... is your pass to the greatest, the purest, and the most perfect pleasure that God has prepared for His creature. *Anthony Truller (1915-1992)*

Seeking knowledge for one hour is greater than praying for seventy years – *Prophet Mohammed*

We pray to God to allow our children to be greater than us. Is it in television viewing? Robert Kiyosaki said that anybody who spends one percent of his time on television cannot be number one. One percent of our time is: one times 24 times 60 divided by 100. It is 14.4 minutes.

Whether Warren Buffet (world's richest person), Carlos Slim (2nd richest person), Bill Gates (3rd richest person), Alwaleed Bin Tala Al Saudi (5th richest Person), Aliko Dangote (1st richest person in Africa) or Asupoto or yourself, nobody has more than 24 hours a day. If we are poor it is our making not God's. I believe in the efficacy of prayers. For example in 1986 during the launching of Obafemi Awolowo University Mosque Fund, we did not invite Alhaji Aliko Dangote but he came and donated 50,000 Naira (imagine 50,000 when a bag of cement was Five naira and now, N2000 naira). The Chief Imam – Mr. Abubakar Abefe Sanusi now Doctor Sanusi specially prayed for him.

When sometimes last week I heard on the radio that Aliko Dangote is the richest in Africa, I said may be it is as a result of the donation and or the prayer of 1986. Wealth from interest or investment, spent in the way of Allah will increase arithmetically, geometrically, exponentially and infinitely. No debate. Nothing of interest has no blessing of Allah and so will not increase in Allah's estimation.

The most important option to create wealth through investment is motivation. There is no point giving mirror to a blind man. Those who want to be poor will see wealth as evil. Those who want to be rich will see wealth as God's blessing that can be wrested by working hard and saving. Poor people rationalize that it is their destiny. If they really want to justify poverty they would have seen complacency and financial illiteracy. Two clerks got Udoji and Ani awards in 1970s. One used his own to buy a television set and radiogram. The other used his own to buy books, a big piece of farmland and some shares in some companies. The two of them are Muslim brothers who pray and pay Zakat regularly. In the first one the television and radio have packed up and he managed to retire as a peripheral senior staff. The second one reached the pinnacle of his career and has four houses. This is a living

testimony of a paradigm: "it is the paradox of life that the way to miss pleasure is to seek it first." While the first spent much on his Saturdays and Sundays on radio and television, the second spent same on working and reading. God is neither a liar nor a loafer. Anyone who, together with his spouse and children, spends plenty of time on television and prays to God that his children be greater than himself/herself will have children who are greater in television viewing, weaker in reading culture and work that will disallow them from being number one. Work produces income; invested saving from income produces wealth.

If the Prince of Saudi, Alwaleed Bin Talal Al Saud, the fifth richest person in the world, elevates womanhood by hiring one as pilot and the marginally literate poor Muslims in Nigeria purdarise womanhood "he get as he be" – borrowing the lyrics of Orlando Owo, a singer and philosopher.

Somewhere, in this essay it has been written that insanity is doing the same thing all the time and expecting a different result. The Muslim Umah has been wallowing in direst poverty and have refused to change their attitude towards wealth resulting from investment because of the far on interest.

May be we are not aware of what the Holy Quran Chapter 13 Verse 11 says "Verily never will Allah change the condition of a people until they change what is in themselves. Mentions were made of the current richest persons in the whole world to serve as role models. Prayer and work are two different things. Prayer and investment are two different things. Without work that is a pre-requisite for income; without investment that is a pre-requisite for wealth creation, we will not only remain as we are, those who take action will lord the result of their action over us. This is because prayer without action is impotence.

PART SEVEN: CONCLUSION AND RECOMMENDATIONS

Before rounding off, let us examine some paradigms or models that are capable of putting some thoughts in us. We cannot earn without work. We cannot save without earning. We cannot invest without saving. We cannot be wealthy without investment. The wealth will evaporate without endometrial or educational commercial or financial literacy. John Mark Templeton said "It is the paradox of life that the way to miss pleasure is to seek it first".

In American two young men were given \$3,000 each. One used his own to buy suits and polo sets. The other used his own to buy a completely run down bungalow. He spent Saturdays and Sundays in refixing the house and sold it \$200,000. The former lost his job because of his lack of commitment.

In Ife, two lecturers got N200,000 each from Cooperative Society. One used his own to buy tokunbo car, the other invested his money on shares through the assistance of honest broker. Today the first one's car has packed up. The second one has a brand new car and four beautiful houses. This phenomenon is best illustrated by the allegory of the usher and the spectator. The difference between an usher and a spectator is that an usher is paid and also watches event while a spectator pays for watching an event. There payment of loan is the event and gain is for usher while the loss is for the spectator. In whatever you do, be an usher not a spectator. Bad debt makes us poorer than we were, while good debt makes us richer.

Professor A.O. Abudu said "living daily from hand to mouth and not providing for the future is a perfect prescription for the future stress". This paradigm is vindicated in most of the first generation tertiary institutions where retirees have problems in getting their pension and gratuity when due.

One, those who save and invest can enjoy the fruit of the magic of compound interest or compounding. If you are asked to choose between one Naira that doubles itself everyday for thirty days and ten million naira and that payment of both is due on the thirtieth day, which one will you take? On the 5th day it is N32. On the tenth day it is N1,025. On the 15th day it is N32,768. On the 20th day it is N1,048,576. On the 25th day it is N33,554,432 and on the 30th day it is N1,073,741,824 i.e. N1.07 billion. Please see Table 7 below. This is the magic of compound interest or compounding vindicating the significance of saving and investing as early as humanly possible.

To create wealth you must spend less than your income and invest the balance. This balance, at any point in time, should not be less than 10 percent after Zakat and Zakat have been paid. In other words, every income you earn has seed and fruit in it. The fruit is for your consumption and the seed is for your multiplication. In the words of C.M. Urim, "God has given every man seed. But what you do with it can make you grow or groan!" We just have to use our brains to invest. Most portfolio managers think they are analysts who just pull a trigger to buy or sell stocks. But if they are going to do the job

properly, they should be a combination of strategist, analyst and trader. If you are just above average in each one, you are going to have a great return. But if you are bad at anyone of them you are going to find it difficult to achieve consistent returns.

The best investors are rarely influenced by other people. We make the mistake of looking at what has just happened rather than thinking about what might happen in the future. Our attitude to money should change. Money is not the root of evil. Believe that there are good people who have money and you are now one of them through the assistance of good books and good stock-brokers.

Teach your spouse and children financial literacy through the acronym EFHKL5Ps. 5,000 naira spent on birthday party or aso-ebi and trinket in 1989 is a perfect substitute for 5, 300,00 naira on Intercontinental Bank shares in 2004. What you are is enough to make you what you want to be. To "arifa fege"¹, please do not wait for your parents, society or government. Those who wait waste.

What are the phenomena of financial empowerment or deprivation? In the words of Engr. Adeniji Raji at the Fund Raising Luncheon by the Lekki Muslim Ummah (LEMU) at the Lagoon Restaurant, Victoria Island, Lagos on 11th March, 2007 where Dr. Lateef Adegbite was the Chairman: "There are over 30 churches at Lekki Peninsula conveniently erected on larger pieces of land where a piece (50ft x 100ft) is over 5 million naira. The only Central mosque in Lekki, not very assessable, it is under construction.

In Ife, Ajebandele (Power line) to Lagere, how many churches? Where is a mosque? At Obafemi Awolowo University Religion Center, how many churches? The only mosque is under construction since 1986, how far?

In a book – Comparative Politics in Transition: (Second Edition page 350), John McCormic wrote, on Religion: "Nigeria is divided between a predominately Muslim north and a non-Muslim south," (the emphasis is mine). Non-Muslim south is a 'scientific' statement if it is based on the number of churches in Lekki (Lagos State) and Ajebandele to Lagere (Osun State). How do we correct this anomaly? It is monetary empowerment, financial literacy not monetary

deprivation or financial illiteracy. Wealth, through investment yielding interest is not a taboo for the Muslim.

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¹ Arifa fege means someone who jubilates by chesting out for anything that is free. ?For example: free educating, heel, free medical service, heel! Even when it is either free ignorance or free death.

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CHANGING THE FACE OF BREAST CANCER IN NIGERIA

By

SIMIAT O. ELIAS*

CANCER

Cancer literally means 'crab'. The term was first used by Hippocrates who compared the enlarged veins in some breast tumours to the outstretched legs of a crab. Cancer is an abnormal growth occurring usually in organs of the body in which growth is possible.

Cancer is otherwise referred to as malignant tumour or growth. The cells involved in cancer grow faster than they die and do not obey any known law regulating cell growth. Cancers spread easily to other organs by way of the blood or lymph. These malignant cells readily grow into other tissues and replace healthy cells in these tissues. This spread of cancers to other cells is referred to as metastasis. Metastasis and its effects are the cause of death in about 90% of cancer deaths, not the actual cancer itself.

EFFECT OF CANCER

When left untreated, malignant tumour most certainly will lead to death because:

1. The abnormal cancer cells displace normal tissue so that the usual function that should have been performed by the normal tissues would be adversely affected. For example cancer cells originating from the breast may go to the liver, displace the normal liver cells but they themselves cannot perform the functions of the liver.

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2. The tumour cells can block vital passage ways. For example, if tumour cells block a bronchus (a wind pipe) in the lung, then respiration will be compromised, or if it rests on a blood vessel, then the organ that should have been supplied by that blood vessel will be compromised.
3. Tumour cells compete with normal cells for nutrition. This is one of the causes of the general weakness, fatigue, weight loss and increased susceptibility to infections seen in cancer patients.

In a nutshell therefore, Cancer is the medical condition in which a collection of cells of the body are damaged and no longer obey any law guiding cell growth in the body. The cells are completely out of control; they grow fast, spread to other parts of the body, displace normal cells and affect normal function.

CAUSES OF CANCER

The World Health Organization (WHO) estimates that 60-70% of cancer is caused by environmental factors generally referred to as carcinogens; the most notorious of which are cigarette tar, radiation and some viruses. Of the remaining 30-40% , hereditary factors (10%) play a major role and in some cases, no known reason can be adduced.

BREAST CANCER

This is cancer occurring in the breasts. It is the most common cancer seen in Nigerian women. It however also occurs in men though very rare. Unlike the general belief, breast cancer is very common in Nigeria. It is increasingly being seen in younger women in this country, occurring up to two decades earlier than is traditionally believed. In other words, breast cancer is now being seen in women in their third and fourth decades of life as against the fifty and sixth decades in Caucasians.

WHO IS AT RISK FOR BREAST CANCER?

The simple and scary answer is that all women are! However, some are even more at risk than others.

Risk factors include:

- i. Age: As mentioned earlier, women older than 50years are traditionally more at risk. However breast cancer can occur in women of any age. As a matter of fact more cases of breast cancer are being reported in younger women.
- ii. Early menarche: Menarche is the time of first menstruation. Girls who start menstruating early (before age 11) get exposed to oestrogen, the female hormone, earlier.
- iii. Late menopause: Women who stop menstruating after the age of 55years. These groups of women are exposed to oestrogen for a longer period (especially if they had early menarche).
- iv. Nulliparity: having no children at all.
- v. Elderly primigravidae: Having the first child late in life that is, after the age of 30years.
- vi. Not breast feeding: Breast feeding each child for over 6 months is thought to protect a woman against cancer of the breast.

Other risk factors include:

- Patients with precancer conditions such as Atypical Ductal Hyperplasia, Lobular Carcinoma
- Family history of breast cancer: Breast cancer in a first degree relation such as mother, sister, or daughter predisposes a woman to risk. The younger these relations were at diagnosis, the greater the risk for their relations
- Previous history of breast cancer in same woman
- Smoking
- Diet high in fat
- Exposure to radiation
- Alcohol: especially early in life
- Women on HRT (Hormone Replacement Therapy) e.g. for alleviating symptoms of menopause, or following oophorectomy (oophorectomy)
- Women who have inherited the genes for breast cancer

However, it must be stressed that even when all of these factors are absent, breast cancer can still occur.

SYMPTOMS

1. Lump: This is the most common symptom reported by patients. This is usually painless and is detected almost always accidentally. This is why every woman is advised to do Self Breast Examination (SBE) every month from the age of 20years.
2. Nipple Discharge: A watery or bloody discharge from the nipples
3. Changes in the Nipple: retraction, flattening and so on
4. Changes in the breast: dimpling of any part of the breast, crust formation on skin, eczema, increase in size or shape
5. Reddening of the skin, with or without pain
6. Lump or swelling in the armpit

DIAGNOSIS

1. Clinical Breast Examination in which the doctor examines the patient and characterizes the lump
2. Mammogram: radiologic study of the breast which is to be done annually by all women over 40years. Between the ages of 40 and 49years, it should be done at least every 2years.
3. Breast ultrasound scan
4. Needle biopsy: a sample of the lump is removed by a specialized needle. The sample is then sent for histology examination in the laboratory
5. Excisional biopsy: removal of the lump which is then sent for histology in the laboratory.
6. Magnetic Resonance Imaging (MRI)
7. Computerized Axial Tomography (CAT) scan

MRI and CAT scan are rarely used for diagnosis in this environment

TREATMENT

After some investigations such as chest x-ray, abdominal ultrasound scan and some blood tests, the following methods of treatment are offered:

- i. Lumpectomy: the surgical removal of the lump
- ii. Mastectomy: the removal of the breast itself with varying degrees of clearance of the nodes in the armpit

- iii. Chemotherapy: this is the administration of cytotoxic (anti-cancer) drugs at intervals and over a period of time
- iv. Radiotherapy: this is the application of radiation to the healed skin in the area of surgery, that is the anterior chest wall and the armpit
- v. Antioestrogen: since the breast cancer is thought to grow better in the presence of oestrogen, patients are given drugs that prevent or antagonize the action of oestrogen. These drugs are given for a period of time between 3years and 5years. Ideally this treatment is offered based on the hormone receptor status of the tumour.

TREATMENT OUTCOME/PROGNOSIS

This depends on the stage at presentation, accessibility to treatment, as well as availability and affordability of treatment. Compliance with treatment advice also plays a role. When reported early and treated properly, up to 90% of such women are reportedly 'cured'.

PREVENTION

Generally, there is no preventive method that has a hundred percent efficacy against the occurrence and/or recurrence of Breast Cancer. However, healthy living such as the following may help:

1. Not smoking
2. Reducing drinking of alcohol
3. Reducing salt intake
4. Increasing exercise
5. Reducing fat intake and obesity
6. Increasing high fibre diet
7. Increasing Vitamins A and C intake (tomatoes, apples, carrots etc)
8. Reducing salt-cured, smoked foods

THE PUBLIC AND BREAST CANCER

This topic is relevant to every one of us: individuals, faith-based organizations, non-governmental organizations, and governments. I believe that there are numerous ways in which we can change the face of Breast Cancer in Nigeria.

1. **Public Awareness:**

Most women in Nigeria are unaware of Breast Cancer. This is not limited to uneducated women alone. Many researchers working amongst the elites have also elucidated this fact. Oduanya *et al* (2002) and Uche (1999) both working among educated women in Lagos reported that only about 35%-53% of our educated women know that breast lump is a symptom of Breast Cancer. Also only about 3% have had mammograms (Oduanya *et al*, 1999). Whereas one will expect this to happen among those who do not know, this same phenomenon has been reported even amongst nurses.

2. **Myths about Breast Cancer**

There are a number of unfounded suppositions about why a woman may have breast cancer. One of these is that the woman has been promiscuous or unfaithful to her spouse. This has prevented some women from making open complaints about their condition and precluded them from seeking orthodox medical help. Where diagnosis was made in the hospital, the fear of being tagged unfaithful and therefore stigmatised has led to women not going back for treatment. Some women have been divorced by their ignorant husbands for this reason.

Another more popular myth about breast cancer is the practice of alluding the cause of the disease to some evil spirits or evil machinations of the woman's enemy. Therefore instead of presenting early in an orthodox medical centre, some women have gone to seek "deliverance" in spiritual homes thereby wasting precious time and allowing the cancer to get ahead. They only seek orthodox care when they realise those other sources of "help" have not helped them and they present at such late stages in their illness that there is very little that can be done for them.

3. **Time of Presentation:**

Many breast cancer patients in Nigeria have discovered their cancers accidentally. This implies that a lot of our women present late for orthodox treatment. Even when the lump or nipple discharge is discovered early many of the women will have gone round and round, from the herbalist, to the native

doctor, to healing/spiritual houses before eventually ending up with the Medical Doctor. By this time, as mentioned earlier, the cancer will have spread such that, whereas the 5years survival rate in the United States is about 85%, it is a dismal 10% in Nigeria.

4. **Screening/Diagnosis:**

Screening and Diagnosis Centres for Breast Cancer are thin on the ground. Aside from the regular General Hospital and Teaching Hospital environment, screening and diagnosis centres are not many. Even in Lagos, apart from the Teaching Hospitals mammography is available only in a few private diagnostic (X-ray) centres. What this translates into is that these services are expensive and therefore out of reach of most patients much as the latter desire them.

5. **Treatment:**

Surgery, chemotherapy and radiotherapy: These are the bedrock of orthodox breast cancer management. Except in the General Hospitals and Teaching Hospitals, these treatments are also beyond the reach of the average patient due to cost. Radiotherapy is available only in two centres in Lagos, Lagos University Teaching Hospital (LUTH) and the EKO Hospital, Ikeja. There are others scattered around the country such as in the University College Hospital (UCH) Ibadan and the National Hospital, Abuja. In the year 2002 when those in UCH and LUTH broke down, the EKO Hospital was the only recourse for patients in the South Western part of the country! Aside from the cost, how many patients can one centre take care of? And there are hundreds of patients requiring radiotherapy at any one time.

6. **Supportive Care:**

Cancer and its treatment lead to a lot of stress on the patient and her relations or other care givers. These range from the uncertainty about the disease, possibility of recurrence, disability following the surgery, fatigue from the treatment especially following chemotherapy and radiotherapy, hair loss following chemotherapy as well as the possibility of death.

There are also the issue of loss of income, marital discord and actual divorce. Sometimes these patients have lost their homes because of the masteromy which they have had to undergo. At other times, they themselves have experienced an altered self-image which had affected their self-worth. Some have even developed psychologic and indeed psychiatric problems following their breast cancer diagnosis and treatment.

Once the patient survives the treatment period and becomes a 'Breast Cancer Survivor' supportive care in terms of Psychologic care, social welfare support and even nursing/palliative care for those near the end becomes very important. When such support is available and accessible, the Breast Cancer Survivor can then live a qualitative life and enjoy the period of survival.

Many Breast Cancer patients are unaware of the availability of Breast Reconstruction Surgery nor are they aware of the availability of 'Breast Prostheses' which latter are artificial breast forms that can be worn by women following mastectomy. Even when they are aware, they can ill afford either or both of these, little thanks to the economic clime of the country.

Supportive care, to my knowledge, is available only at the University College Hospital (UCH), Ibadan and the EKO Hospital, Lagos. These centres run what is called a HOSPICE which is like a stop-gap-home for women undergoing treatment or even women, after treatment, who require psychological, social, or nursing care support.

A few Non-Governmental Organizations such as 'The Bloom', and COPE (Lagos) BRECAN (Ibadan) and Princess Nikky Cancer Foundation have taken up some of the responsibility for supportive care for Breast Cancer Survivors but of course, these are very inadequate.

A number of International Organisations are also involved in various aspects of cancer care. Most of these have established websites which are accessible to educated breast cancer

survivors and their care givers. Examples include (www.cancercare.org) of the Cancer Care Incorporated, New York; "People Living With Cancer" www.plwc.org which is the website of the American Society of Clinical Oncology and "Living Beyond Breast Cancer" (www.lbbc.org) to but mention a few. These websites serve as succor to many breast cancer patients and survivors, many of whom have no one to discuss with or share the burden of their illness with. Teleconferences are organized by these organizations while telephone counselling services are available to those who can afford them. Some of the organizations also organize conferences for survivors and their care givers to update them on current practice in Breast Cancer management.

CONCLUSION

I have deliberately walked us through the various stages that I think requires attention I am confident that whatever aspect you as individuals or organizations decide to focus on, you will expend your energy in such a way as to make an impact that will not only be felt by the individual patient/survivor but by the nation at large. The news has to be spread to the nooks and crannies of this country that a diagnosis of Breast Cancer need not be a verdict of death. Women need to be aware that help is available in their locality and should be encouraged to seek orthodox care as soon as they notice any irregularity in their breast or any unexplained nipple discharge. The importance of Self Breast Examination (SBE) cannot be over emphasised.

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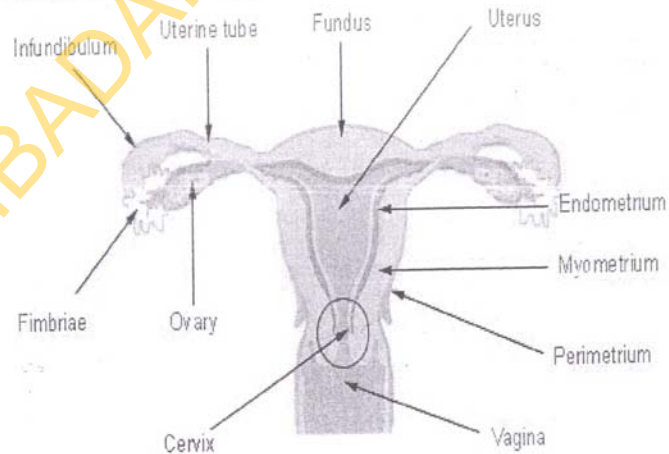
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CERVICAL CANCER: CAUSES, SYMPTOMS AND MANAGEMENT

By

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Uterus and Uterine tubes



Worldwide, cervical cancer is the fifth most frequent cancer in women, when ordered by number of deaths. Worldwide, cervical cancer is second only to breast cancer in incidence and approximately three

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fourths of cases occur in developing countries. It is a major reproductive health problem for women in the developing countries. It generally affects multifarious women in early postmenopausal years with enormous social impact. In many of these countries women are the sources of moral and educational values to their children. Cervical cancer is more common in the elderly, the economically disadvantaged, and those who do not participate in screening programs. In the developing countries, it is the most common cancer of the female reproductive tract.

Close to half a million women are diagnosed with cervical cancer each year and it causes 274,000 deaths. About 80% of new cases and 85% of the deaths occur in developing countries. World wide a woman dies of cervical cancer every 2 minutes while in sub-Saharan Africa a woman dies of cervical cancer every 10 minutes. In Nigeria, there is no reliable statistics for the incidence of mortality from cervical cancer. According to the IARC, about 10,000 women in Nigeria develop cervical cancer every year leading to the deaths of 8000 women. These are hospital based figures. The actual number may be more than this because there are no community-based cancer registries and most cases do not present to the hospital. In many developing countries the age-standardized incidence rates above 25 per 100000 women are observed in many developing countries in sub-Saharan Africa, Central and South America, South Asia and South-East Asia as opposed to rates lower than 10 per 100000 in most developed countries. Rates lower than 7/100000 women are observed in the Middle Eastern countries. Apart from the high incidence in developing countries, survival of patients with cervical cancer is also poorer in developing countries. This is due to advanced clinical stage at presentation and to the fact that a significant proportion of patients does not avail or complete prescribed courses of treatment, due to deficiencies in treatment availability, accessibility and affordability in many developing countries. Estimated age-adjusted cervical cancer mortality rates exceed 10 per 100000 women in most developing countries, with rates exceeding 25 per 100000 in East African countries as opposed to less than 5 per 100000 women in most developed countries.

WHY DO DEVELOPING COUNTRIES HAVE HIGH INCIDENCE OF CERVICAL CANCER? This is because most women in these countries are not aware of the disease. There are very few screening facilities in many developing countries and these are concentrated in the urban areas. There are also competing health needs like infectious diseases, malaria and HIV/AIDS. In addition many people have wrong perceptions about cancer generally.

WHAT CAUSES CERVICAL CANCER?

Very early, it was hypothesized that cervical cancer was related to sexual activity. Several measures of sexual behaviour are consistently associated with increased risk of developing cervical cancer. This is because cervical cancer was common in female sex workers. It was rare in nuns except for those who had been sexually active before entering the convent. It was more common in the second wives of men whose first wives had died from cervical cancer.

A sexually transmitted aetiology for cervical cancer has long been suggested by epidemiologic research. Epidemiologic risk factors for the development of carcinoma of the cervix include young age at first sexual intercourse, multiple sexual partners, high parity, and history of other sexually transmitted diseases. Among women with one lifetime sexual partner, high risk sexual behaviours by the male partner contribute to the development of cervical cancer. The long recognized association between sexual behaviours and cervical cancer has suggested a sexually transmissible agent as a causative factor.

The principal agent is a virus called Human papillomavirus (HPV). HPV is the most common sexually transmitted infection world wide. Everybody who is sexually active is at risk for HPV infection (40-75%), usually within 2-3 years after sexual debut. There are about 100 types of HPV and are divided into low risk, intermediate risk and high risk types based on the ability to incorporate their nuclear materials into the host cell genome. About 40 different types target mucosal cells in the ano-genital tract, causing cellular abnormalities; about 15 types are thought to cause cervical cancer HPV types 16 and 18 are the most important ones, causing more than 80% of cervical cancers globally. HPV infection is however, self limited. The infection tends to clear spontaneously within 18 to 24 months. It is the persistence infection by the HPV that leads to cervical cancer.

Other factors contributing to the risk of developing cervical cancer include exposure to cigarette smoke, long term use of oral

contraceptive pills, HIV; AIDS and immunosuppression. Carcinogens present in cigarette smoke are concentrated in cervical mucus and may interfere with local immunity. Immunosuppression leads to reduced ability to clear the HPV from the genital tract.

SYMPTOMS OF CERVICAL CANCER

Abnormal bleeding from the genital tract which may be in the form of; bleeding after sexual intercourse, bleeding after the menopause, intermenstrual bleeding. Other symptoms are foul smelling vaginal discharge. In advanced cases, patients may present with genital fistula which is passing of either urine or faeces from the vagina, bone pain, reduced ability to pass urine and sometimes uncontrollable bleeding from the vagina. Death usually results from excessive bleeding from the vagina, infection and renal failure

MANAGEMENT OF CERVICAL CANCER

When a patient with cervical cancer presents to the hospital, several investigations are carried out. These investigations include correction anaemia (shortage of blood), checking the functions of the kidneys, chest X-ray to determine if the cancer has spread to the lungs (chest). After these investigations, the woman is taken to the theatre to confirm the disease and to determine the severity or extent of spread of the disease. In the theatre small sample is taken from the cervix and this is sent for pathological examination to confirm the cancer. Cervical cancer is classified into four stages based on the degree of spread from the cervix.

In stage 1, the cancer is only limited to the cervix;

Stage 2 involves in addition to the cervix the upper part of the vagina as well as the sides of the cervix;—

In stage 3 the cancer has spread to the pelvic side walls where it can compress the ureters which are the organs that brings urine from the kidneys to the bladder

Stage 4, the cancer has spread to other parts of the body.

Definitive management of cervical cancer can either be by surgery or radiotherapy (using invisible light like X-ray to destroy the cancer . The choice of therapy depends on the stage (degree of spread of the cancer from the cervix). All stages can be managed with radiotherapy but cure cannot be achieved in stage 4. Surgery can be used to cure the patients in early stages like stages 1 and early stage 2. The surgery involves removing the uterus and the cervix as well as the

lymph nodes surrounding the cervix and removing the upper part of the vagina.

PREVENTION OF CERVICAL CANCER

The objective of cervical screening is to prevent invasive cervical cancer by detecting and treating women with high-grade cervical intraepithelial neoplasia (which are precursor's lesions) and the effectiveness of screening is evaluated by the extent of reduction in cervical cancer incidence and mortality following screening. Cervical screening tests such as cytology, visual and HPV tests are capable of identifying women having CIN as well as early, preclinical invasive cancer. The critical components of successful cervical screening are high coverage of target women with accurate, quality-assured screening tests and of screen-positive women with diagnostic investigations, of women with confirmed cervical neoplasia with treatment and follow-up care.

Of all the cancers that affect the female reproductive tract, the only one that offers great potential for prevention is cervical cancer. This is because it has a well-defined premalignant or precancerous phase that can be detected and cured if a woman is screened regularly. It develops very slowly taking about 15 to 20 years from precancerous lesions called Cervical Intraepithelial Neoplasia (CIN) to invasive lesion. Developed countries of the world have succeeded in reducing the incidence and death from cervical cancer by regularly screening their women and providing adequate treatment and follow up of detected cases. Screening can be several forms.

There is primary screening which is the screening that is done for asymptomatic people without a disease. Since the factors causing cervical cancer are known, what is done in primary screening is to avoid these factors. This is what is known as behavioral modifications like promotion of healthy living, cessation of cigarette smoking, avoidance of sexual intercourse in the adolescent years, safe sexual practices. Recently vaccines have been introduced against cervical cancer. The vaccines are directed against the Human Papilloma Virus (HPV) which is the organism that causes cervical cancer. The vaccines are only useful for individuals that have not been exposed to cervical virus.

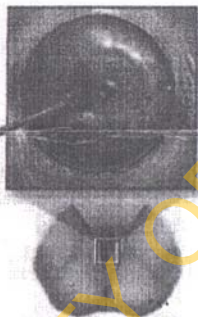
SECONDARY PREVENTION OR SCREENING

This form of prevention is applied to asymptomatic patients who have the early forms or precancerous form of the disease. Examples are Pap smear, visual inspection techniques and testing for the presence of the virus that causes cervical cancer, this is known as HPV Testing.

Pap smear is the most widely used method. It involves scraping the cervix with either a spatula or brush or both. The cells are transferred to a glass slide, fixed and stained before being read by a cytologist.

TAKING PAP SMEAR

Pap smear:
cells are scraped from the cervix
and examined under a microscope
to check for
disease or other
problems

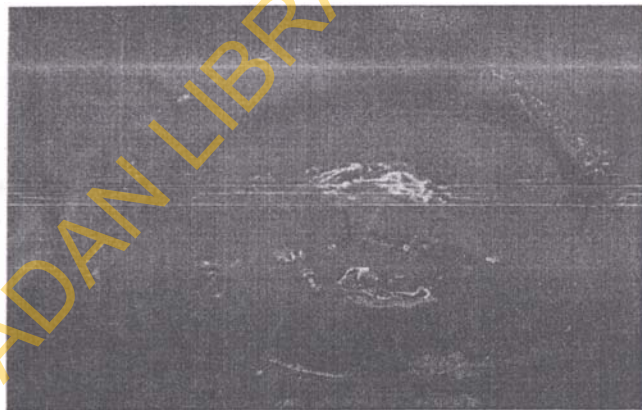


Cervix viewed
through speculum

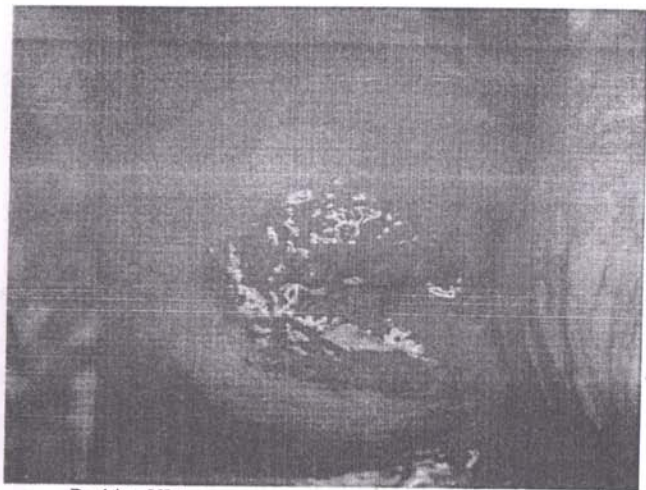
VISUAL INSPECTION TECHNIQUES

This is a low cost technique that was introduced in many developing countries. It involves painting the cervix with dilute solutions. This causes the precancerous lesions to temporarily change colour. This enables the health worker to identify and treat the abnormal cells. Pre malignant lesions of the cervix contain a high amount of protein. When dilute acids like 5% acetic is applied to these

cells, the protein are temporarily coagulated making them to appear white. This is called aceto-white reaction.



Normal cervix



Positive VIA

TREATMENT OF PREMALIGNANT OR PRECANCEROUS LESIONS OF THE CERVIX.

It is not just enough to screen. Screening must be linked to treatment. In the absence the desired result of reducing the deaths and suffering from cervical cancer cannot be met. There are several methods of treating precancerous lesions of the cervix. Most of these methods involve either destroying the abnormal cells or removing them completely from the cervix. The treatments are done on outpatient basis, which means that the woman can go home that same day. It does not involve sleeping in the hospital or admission to the hospital. These methods of treatment do not affect the reproductive or sexual functions of the women. They can get pregnant and it does not affect their menstrual functions.

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TECHNOLOGICAL ADVANCEMENTS IN THE FACE OF DIVINE TRIALS

By

MORUFAT O. BALOGUN*

INTRODUCTION

Man is always striving to make his existence on earth as problem-free as possible. This ranges from the pursuit of social, economic and political security to perfect health. Examples include the status of the female gender as it relates to the male, systems of government that will bring social peace, means of defense used in communities separated by geographical boundaries, ranging from sword through guns to nuclear weapons. Others are sources of energy to ease the tasks of man, whether physical, mechanical, solar, and more recently oil and gas; and threats to good health, ranging from a simple stomach bug through tuberculosis to cancer, infertility and HIV/AIDS.

The ways employed by man to achieve these have differed over the ages. These include philosophical, spiritual and psychological means, and more recently, science and technology. The enormous volume of scientific and technological advances which is characteristic of this millennium and their potential capabilities in overcoming human problems is so amazing. However, although some of these problems have reduced significantly, majority are far from total eradication while new problems arise. One therefore wonders if these are transient problems or divine trials. This calls for a pause and re-evaluation by man, especially Muslims, since Islam is a religion of all times. I therefore present here, a treatise on technological advances as it affects human problems in the light of the guidance of the Qur'an and Ahadith. Poverty and hunger shall be used as a case study with particular reference to genetically modified corn.

THE PROBLEM

Absolute poverty affects more than one billion people, or about a quarter of developing country population, mostly in South Asia and Sub-Saharan Africa. Relative income distribution is very skewed and worsening both internationally and in many countries. The richest one percent of the world population earns as much as the poorest 57% (UNDP, 2002). Between 1990 and 2000, per capita income increased by close to \$5000 in high income countries but decreased by about \$20 in Sub Saharan Africa (UNDP, 2002). About 165 million preschool children, equivalent to about one-third of all preschool children in developing countries, are malnourished and unable to grow to their full potential (See Plates 1a and 1b). Five to six million of them die every year from nutrition related illnesses. In particular, Nigeria is classified as one of the twenty poorest nations with about 80% of her people living below poverty line (Alika, 1999).

At the world food summit in 1996, more than 180 countries agreed to the goal of reducing the number of food-insecure people by half, to 400 million between 1990 and 2015. Having now passed the half way mark, it is clear that the goal will not be achieved. In fact the number of malnourished people stays close to constant, actually increasing in developing countries excluding China where there was a decrease.



Plate 1a: A child dying from starvation in famine-stricken Sub-Saharan Africa.

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In Nigeria for example, 60.38% of the work force is engaged in Agriculture while 68% of secondary school leavers are unemployed. In the United States however, only 5% are farmers, with an output that is nearly sufficient to feed the entire world. If agriculture-based industries are established in rural communities, unemployment, and poverty will be reduced (Alika, 1999).

Maize has great potentials in alleviating hunger and poverty in developing nations. Maize is very adaptable and versatile in both its cultivation and consumption. It is a major staple food in many developing countries including Nigeria where it is receiving attention in the industrial development of the country (Omueti, 1999). In the past, maize was used as livestock feed in advanced countries, but is now popular in the food snack industry especially in the United States of America, now leading in industrialized alkaline cooking of corn. This has opened vast new markets for maize products and consequently boosted the economy of the country.

THE IMPORTANCE OF MAIZE

Maize is the third most important cereal crop today after wheat and rice, and it has the highest yield of food energy (in calories per hectare) relative to wheat and rice (Anon, 1968). Maize is widely cultivated throughout the world, and a greater weight of maize is produced each year than any other grain. While the United States produces almost half of the world's harvest, other top producing countries are as widespread as China, Brazil, France, Indonesia, India and South Africa. Worldwide production was over 600 million metric tons in 2003 — just slightly more than rice or wheat. In 2004, close to 33 million hectares of maize were planted worldwide, with a production value of more than \$23 billion (Wikipedia, 2007). In addition, it is an important raw material for the brewery, confectionery and livestock industries. In Nigeria, maize is a very important cereal crop and it is grown in virtually all the agro-ecological zones of the country (Okocha, 1999).



Plate 1b: A boy eating the faeces of a cow so as not to starve to death.

CONSTRAINTS TO MAIZE PRODUCTION AND EFFORTS SO FAR

Maize production is constrained by a number of insect pests and diseases (Obi, 1991). These include common armyworm, fall armyworm, common smut, stalk borer and common rust, among others. Thus, when these constraints are prevalent (e.g. in developing countries) yields are below optimum and its supply as raw materials from domestic sources to manufacturing industries are grossly inadequate.

Industrial revolution by maize is only achieved with the concerted efforts of breeders, biotechnologists, agronomists, soil scientists, biochemists, food technologists and nutritionists. Scientists worldwide have taken big strides in breeding for multiple objectives, including pest tolerance, drought tolerance, increased yields and better quality of the seeds. Varieties suitable for various ecological zones (Olakojo *et al.*, 1999) and hybrid varieties with high yield (Kim *et al.*, 1985) are emerging. Although developed countries now have research-based, good production practices for maize, differences in climatic conditions and other components of agro-ecologies between the

developed and developing countries make it necessary for the latter to come up with practices specific to their environmental conditions.

GENETIC ENGINEERING

The current technology being used to develop improved varieties of corn is Genetic Engineering (FAO, 1999). It is used to change the genetic makeup of cells and move genes across species boundaries to produce novel organisms. It involves highly sophisticated manipulations of genetic material and other biologically important chemicals.

All living cells-microbial, plant and animal including man - contain the genetic material DNA (deoxyribo nucleic acid), which determines the expressed characters of its offspring. The molecular gene is a definite sequence of bases in the DNA chain which together code for the production of a particular protein. By directly manipulating the DNA, scientists can change inherited characteristics in predetermined ways. Here the term 'genetic engineering' (GE) shall also mean 'recombinant DNA technology', -- i.e. the technology of copying pieces of genetic code from one organism of the same or different species to another by means of the techniques of the molecular biology laboratory. It results in a 'genetically modified organism' (GMO). Gene replacement is like transplantation surgery although at the molecular level.

Genes are the chemical blueprints that determine an organism's traits. Through genetic engineering, organisms acquire new combinations of genes - and therefore new combinations of traits which cannot be developed by natural means. Such an artificial technology is radically different from traditional plant and animal breeding that can occur in nature through sexual reproduction. For example cows must breed with other cows (or very near relatives). A breeder who wants a purple cow would be able to breed toward one only if the necessary purple genes were available somewhere in a cow or a near relative to cows. A genetic engineer has no such restriction. If purple genes are available anywhere in nature -- in a bacterium or in a flower, they can be used to produce purple cows. *This unprecedented ability to shuffle genes means that genetic engineers can concoct gene combinations that would never be found in nature.*

GENETIC MODIFICATION OF CORN

Bt-corn is a type of genetically modified organism (GMO). The donor organism is a naturally occurring soil bacterium, *Bacillus thuringiensis*, and the gene of interest produces a protein that kills Lepidoptera larvae, in particular, European corn borer. This protein is called the Bt delta endotoxin (Europabio, 2001).

The Bt delta endotoxin was selected because it is highly effective at controlling Lepidoptera larvae, caterpillars. It is during the larval stage when most of the damage by European corn borer occurs. The protein is very selective, generally not harming insects belonging to other orders. Bt corn is used as an alternative to spraying insecticides for control of European and southwestern corn borers. For this reason, GMOs that have the Bt gene are compatible with biological control programs because they harm insect predators much less than broad-spectrum insecticides. The Bt endotoxin is considered safe for humans, other mammals, fish, birds, and the environment because of its selectivity. Bt has been available as a commercial microbial insecticide since the 1960s and is sold under many trade names. These products have an excellent safety record and can be used on many crops until the day of harvest.

To kill a susceptible insect, a part of the plant that contains the Bt protein must be ingested. Within minutes, the protein binds to the gut wall and the insect stops feeding. The gut wall breaks down within hours and normal gut bacteria invade the body cavity. The insect dies of septicaemia as bacteria multiply in the blood. Even among Lepidoptera larvae, species differ in sensitivity to the Bt protein.

However, Bt-corn hybrids do not differ only in that they possess the genetic code to produce the Bt protein. A new gene is inserted along with additional genetic material: a promoter sequence that, in part, determines the mode of expression of the trait (e.g. timing and location of expression) and a marker gene that allows breeders to easily determine which plants have been transformed. Herbicide and antibiotic tolerance promoters are usually used to identify transformed plants. There may also be a plasmid or vector sequence that allows for rapid multiplication of the gene of interest in a bacterial host prior to insertion in the crop plant.

PROSPECTS OF GMOS

The GMOs on the market today have been given genetic traits to provide protection from pests, tolerance to pesticides, or improve its quality. This has created an abundance of food and various methods to protect new products and enhance productivity. In the United States, average yield increases for transgenic maize that has built-in pesticides were estimated to be approximately 9 percent in 1996 and 7 percent in 1997 (FAO, 1999). For other types of crops for which such information is available, the yield increases were approximately 5 percent for herbicide tolerant soybean and 14 percent for Bt cotton in 1997, both in the United States, and approximately 8 percent each year for herbicide tolerant canola in Canada.

With the use of GMOs, there is reduced use of plant protection agents and this contributes to biosafety. In addition, the extra yield can be used to cover the steadily rising requirement worldwide, while efficient agricultural production contributes towards reducing the costs in the food production sector. This will in turn alleviate hunger in the low-income communities when foods are cheaper.

Yields from GMOs are well above the background rate of, at best, 3 percent yield growth per year that has derived from traditional breeding (FAO, 1999). It is clear the new technology is providing a significant jump in the curve of continual increase in yield per hectare. However, it is yet uncertain whether these examples reflect a one-time advance, or the first stage of a continuing increase in yields. Considering, however, that there are many new technologies that will, over time, be applicable for plant improvements and/or integrated into plants, the most reasonable judgment is that the new technologies will continue to provide yield increases, that these will be introduced on a regular basis, and that each of the associated yield increases will be somewhat more than historical trends. Other examples of GMO field crops include Bt-potatoes, Bt-sweet corn, Roundup Ready soybeans, Roundup Ready Corn, and Liberty Link corn.

RISKS ASSOCIATED WITH GMOS

Many ethical issues are raised by scientific development of genetic engineering, especially the consumption of GM foods as a threat to health (FAO, 1999; Europabio, 2001). Genetically modified foods are foods derived from GMO crops. For example, corn produced through biotechnology is being used in many familiar foods, including corn meal and tortilla chips. In addition, corn is used to make high

fructose corn syrup, which is used as a sweetener in many foods such as soft drinks and baked foods. It is also used in livestock feed.

People with food allergies have an unusual immune reaction when they are exposed to specific proteins, called allergens, in food. The majority of foods do not cause any allergy in the majority of people. Food-allergic people usually react only to one or a few allergens in one or two specific foods. A major safety concern raised with regard to genetic modification technology is the risk of introducing allergens and toxins into otherwise safe foods.

Antibiotic resistance genes are used to identify and trace a trait of interest that has been introduced into plant cells. This technique ensures that a gene transfer during the course of genetic engineering was successful. Use of these markers has raised concerns that new antibiotic-resistant strains of bacteria will emerge. The rise of diseases that are resistant to treatment with common antibiotics is a serious medical concern of genetic engineering opponents.

The potential risk of transfer from plants to bacteria is substantially less than the risk of normal transfer between bacteria, or between us and the bacteria that naturally occur within our alimentary tracts. Nevertheless, genetic engineers have been advised to avoid using marker genes that encode resistance to clinically important antibiotics.

One concern is that relating to environmental and ecological issues. Pollen may be transferred from GM, glyphosate-resistant crops to related weeds, conferring resistance to glyphosate on the latter. Although this has been described as a possibility, such weeds could still be controlled with other products. There is also the fear of GM crops escaping into the wild and causing ecological imbalances. However, it is unlikely that such plants survive as wild weeds due to limitations in their growth and seed dispersal.

Some environmental biologists believe GM crops could have unpredictable effects on non-target species because not every potential impact can be foreseen. For example, in 1999, researchers at Cornell University found that pollen from Bt corn could kill caterpillars of the harmless Monarch butterfly. However, follow-up field studies have shown that these caterpillars are not likely to come into contact with pollen from Bt corn that has drifted onto milkweed leaves (preferred by caterpillars) under real-life conditions.

Another fear is that large-scale adoption of Bt crops will result in resistance in targeted pest populations. Although insects possess a

remarkable capacity to adapt to selective pressures, *Bt* tolerance in targeted insect pests are yet to be detected.

There is a great concern about loss of biodiversity in our natural environment with increased use of GM crops. Increased adoption of conventionally bred crops raised similar concerns in the past, and this led to collection and storage of seeds of many crop varieties. These collections are used by plant breeders. Modern biotechnology has demonstrated the importance of preserving genetic material, such that genetic engineers also maintain the genetic diversity of crop plants needed for the future. Although transgenic crops ensure a reliable supply of food, markets for specialty crop varieties and locally grown produce are expanding in the U.S where adoption of GM crops is highest. Thus the use of genetically modified crops is unlikely to negatively impact biodiversity.

There are *potential* adverse effects of GMOs, although so far, scientists know of no generic harms associated with GMOs. For example, it is *not* true that *all* genetically engineered foods are toxic or that *all* released-engineered organisms are likely to proliferate in the environment. However, specific engineered organisms may be harmful by virtue of the novel gene combinations they possess and risks can differ greatly from one gene-organism combination to another.

ADVICE FROM THE QUR'AN AND HADITH

The Qur'an is a book of guidance and light, revealed to put mankind on the right path, leading them to eternal bliss. It is a framework through which mankind should look at life, so as to be in harmony with other inhabitants of the universe:

'And this is a book which We have revealed as a blessing: so follow it and be righteous, that ye may receive mercy' Q6¹⁵⁵.

Islam is a religion of all times as stated in the Qur'an:

'This day have I perfected your religion for you, and have chosen for you Islam as your religion' Q5³.

A phrase in the Quran about "changing God's creation" is very relevant here. Satan disclosed some of his plots to astound man, saying:

"Verily of Thy servants I shall most certainly take my due share, and shall lead them astray and fill them with vain desires. And I shall ORDER them so that they cut off the ears of cattle (in idolatrous sacrifice), and I shall order them to deface the (fair) nature created by GOD." Q4¹¹⁹.

Yusuf Ali comments that:

To deface the (fair) nature created by God: there is both a physical and a spiritual meaning. We see many kinds of defacements practiced on men and animals against their true nature as created by God, partly on account of superstition, partly on account of selfishness. Spiritually the case is even worse. How many natures are dwarfed or starved and turned from their original instincts by cruel superstitions or customs? God created man pure: the Evil One faces the image.

This verse affects the decisions of Muslims on such issues as plastic surgery and gender transformation (sexual conversion) operations. Fortunately, however, the consensus is that this Quranic verse cannot be invoked as a total and radical ban on genetic engineering. If carried too far it would conflict with many forms of curative surgery that also entails some change in God's creation.

God also tells us in the Qur'an that it is normal for man to struggle for the betterment of his existence on earth:

"I do call to witness.....(mystic ties of) parent and child;- Verily We have created man into toil and struggle. Thinketh he that none hath power over him?" Q90¹⁻⁵.

and

".....If it be that ye can pass beyond the zones of the heavens of the earth, pass ye! Not without authority shall ye be able to pass! Q55³³.

However, success in his efforts will only be achieved if God permits it:

"No misfortune occurs except by Allah's permission. Whoever has Iman in Allah - He will guide his heart. Allah has knowledge of all things". Taghabun 11.

The Prophet (peace be on him) also said:

"Remember that if all the people gather to benefit you, they will not be able to benefit you except that which Allah had foreordained (for you); and if they gather to harm you, they will not be able to afflict you with anything other than that which Allah had predestined for you. The pens had been lifted and the ink had dried up"—Tirmidhi.

Allah has made problems: health, poverty, infertility e.t.c. to be part of man's existence so as to differentiate the believers from the non-believers:

We will test you with a certain amount of fear and hunger, and loss of wealth and life and fruits. But give good news to the steadfast: Those who, when disaster strikes them, say, 'We belong to Allah and to Him we will return' those are the people who will have blessings and mercy from their Lord; they are the ones who are guided. Q2¹⁵⁵⁻¹⁵⁷.

CONCLUSION

Significant improvements in crop productivity have been achieved as science changed from conventional to molecular plant breeding. These improvements would not have been possible if efforts had not been made. However, new kinds of problems have been created in addition. For example, Chlorofluorocarbons turned out to float into the upper atmosphere and destroy ozone, a chemical that shields the earth from dangerous radiation. It is therefore very humane to dread possible negative consequences. Allah says:

Be fearful of trials which will not affect solely those among you who do wrong. Know that Allah is severe in retribution. Q8²⁵.

On the other hand applications such as the diagnosis, correction, cure or prevention of genetic disease are acceptable and even commendable. Modern Biotechnology, especially genetic engineering offers a powerful poverty reduction tool, if used as part of comprehensive effort to achieve broad-based economic growth and food security. More stringent environmental regulations could shift the focus of biotechnology research towards techniques that could reduce some negative environmental effects of agricultural production. Research into complex biological and ecological systems will give clues regarding harmful effects that might be associated with the use or release of GMOs. As long as such uncertainty remains, trade and total adoption in these products is likely to be restrained.

We should be cautious about a profit-driven mentality that may propel the innovators rather than a poverty-elimination mentality. Change in agricultural technologies should be determined by specific needs of people (Pinstrup-Anderson, 2006). The objectives should be to afford the most benefit to those in need and to prevent hunger around the world. Extreme caution should however be exercised in genetic modification of animals and man.

Muslims must connect scientific knowledge and ethical behavior based on faith. God has commanded us to seek knowledge and make discoveries to better our lives and our environment. We must not forget that that the earth and all the heavens belong to God, and breakthroughs are only possible with God's permission. We should, however, not be discouraged by the emergence of novel problems, since man has been created into toil and struggle.

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RESURRECTION AND JUDGEMENT IN ISLAM

By

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1. INTRODUCTION

The day of resurrection, which is in Arabic Language, generally known as *Yawmul-Qiyamah*, calls to query as to resurrection of what? And, moreso "the day". Alluding to what the Islamic conception of the day of resurrection is; the Qur'an states: "I swear by the Day of resurrection. And I swear by the self-reproaching person. Does man think (that) We shall not gather his bone? Yeah, We are powerful to make complete his whole make (75:1-4). The verses assure man that not only his bones are to be resurrected, but also the very tips of his fingers. The Qur'an in another verse also shows clearly that there will be judgement on that day. "So Allah will judge between them on the day of resurrection in that wherein they differ". (2:113)

There are many names with which the Qur'an refers to the day of resurrection which give clear indication of its import and significance. The most prominent among these names is *al-Akhirah*, which signifies that which comes after or in future'. "And seek with the (wealth) which God has bestowed on thee, the home of the hereafter" (28:77). Maududi, in his book: 'Towards understanding of Islam' interprets resurrection day differently. While elaborating on the articles of faith, he says:

The life of this world and of all that is in it will come to an end on an appointed day. Everything will be annihilated. The day is called *Qiyamah* i.e. the last day. That all human beings who had lived in the world since its inception will then be restored² to life and will be presented before God Who will sit in 'court' on the day. This is called *Hashr* resurrection.

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There is, however, according to this extract, a demonstration between the actual day when everything will be annihilated and the subsequent resurrection for re-coming. On their own, the Sufis use the term from spiritual perspective for the state of a man, who having counted himself dead to the world, 'stand up' in a new life in God³. Belief in man's resurrection after his death is one of the basic articles of faith in Islam. Qur'an even makes it the second article of faith. "It is not righteousness that you turn your faces towards East or West, but it is righteousness to believe in God and the last day (2:177).

2. ESSENCE AND PURPOSE OF RESURRECTION

The purpose of resurrection of man cannot be successfully examined in isolation leaving the essence of his existence in life in the first instance. Man, according to the Qur'an, is created mainly for the worship of Allah, his creator (51:56). His sustenance or economic activities therefore become secondary and surely remain a means of keeping his soul and body together to serve God better. His relationship with God and with other human beings and even with animals are considered worship for which he has to account later.

All activities of man while in life are recorded for or against him by the agents of the Divine. The results of such actions shall only be made manifest in another life. That is the basis for the emphasis the Qur'an lays on belief in resurrection as stated above. Different views are held by people of different religious groups, about the day of resurrection. A school of thought claims that there is nothing left of man after his death, and that there is no other life after this one. Another school upholds belief in life after death, but in a different angle. Man, according to this school, is here for a while, first like a buyer in the market who must go home (hereafter) to continue to play his role. This is a Yoruba traditional belief in life after death. A king, according to this belief, will continue in the hereafter as king and pauper will after death, continue as pauper. That was why when one died, some of his precious properties, money, slaves, gold etc. were buried along with him hoping that the property would be of use to him in the hereafter.⁴

Another view calls for belief in the day of judgement, the resurrection, man's presence in the Divine court and the administration of reward and punishment. This is a common belief of all prophets⁵ of God. Examining the first view point, one has the impression that, the proponent of such stand, base their argument on a simple reason that

no one has gone to heaven and returned to inform us. Life after death, they contend, is a mere speculation. The only person who can be definite and dogmatic about life after death, is one who had crossed the barrier and come back. Just like an astronaut who successfully rocketed to the moon. Anything short of his empirical approach is at best considered a mere romanticism and speculations. Such a stand is not convincing. The fact that no man has gone and come physically to tell the story is not enough a reason to deny the existence of life after death.

On the second view point, the Yoruba holds different opinions on the belief in life after death. It is believed that after death, individuals returning to heaven give the accounts of their deed on earth to the gatekeeper. The gate keeper looks into records to either authenticate or falsify the claim of the returnee to heaven. This is why one is admonished to be good as to be free from questions at the gate of heaven. A verse in Ifa poem runs thus:

E ma sika laye o
nitori a nrurun
T'abade bode ao rojo⁶

Meaning:

Desist from wicked deeds
because you will go to heaven
At the gate, you will give account
of your stewardship.

This belief runs counter to the one that allows status *quo ante* in the heaven. The fact that there is a gatekeeper at the post between the earth and the heaven, to whom the account will be rendered, shows that if a king was atrocious on earth, he would have to account for his atrocities. The result of that account would then determine his status. Or else, how do we explain the role of the "Onibode" (گateman)?

The third school of thought which is Islamic point of view seems to convince one about the purpose of life after death. The creation of man was done with a purpose. According to the Qur'an; "I do not create the *jinn* and man except that they should worship Me" (51:56). This is surely the obligation expected of him to do. Man is also told of his origin and essence. "He it is who created you from clay and decreed a stated term. And there is in His presence another determined term" (6:2). Here, another determined term is definitely the

life after death. From the point of view of history, it is clear that man is created for an appointed term.

Denial of belief in resurrection, according to Islam, makes all other beliefs, meaningless.⁷ A man who believes in the next world and has a firm conviction of the final consequence of his acts, would look upon worldly gains and losses as temporary, ephemeral and transitory.⁸ Islamic scholars, including the Sufis, expect man's obedience to God to be based on love for Him as the creator and the nourisher, and to seek His favour. According to them, the doctrine of the belief in life after death is not strictly that of reward and punishment. This however needs more time to examine the verses of the Qur'an describing God's punishment as severe. "If you are grateful, I will add more unto you. But if you show ingratitude, truly, my punishment is severe" (14:7). It is when one looks in the light of the Qur'an, at the nature of punishment for evil act and reward for the virtue, and one discovers that the reward for the former is not commensurate with the latter, that one can accept the *Sufi* claim as mentioned earlier. "If one does evil, the doers of evil are only punished to the extent of their deeds", (28:84). In effect, the reward is not apportioned according to the merits of the receiver. The reward to good is in manifold, whereas the punishment is just for evil deed done.

The purpose of faith in life after death sounds more convincing when the Qur'an says: "Do you then think that we have created you in vain and that you will not be returned to us"? (23:115). Purest and highest impulses, so does the resurrection idea introduces seriousness into man's life which cannot be otherwise attained. There is a higher life for man to live beyond this world such is the aim of human life⁹. Belief or disbelief in life after death makes man adopts different courses in life. As a Muslim, if one does not believe in the day of judgement, it is absolutely impossible for him to fashion his life as suggested by Islam.

3. FORM OF RESURRECTION

Having established in our own way, the belief in and purposefulness of the life after death, we can now examine the form and nature of life in the hereafter. It is not possible to come to any conclusion as to how the day will look like, without having examined the Qur'an. Two distinct schools of thought on the matter will be considered.

The first as represented by Al-Ghazali is what can be referred to as traditionalism. Al-Ghazali in his *Ihya 'Ulumud-Din* relies so much on traditions to explain the nature of resurrection corporeally. The other school explains the resurrection basing its argument so much on the Qur'an. Maulana Muhammad Ali, being one of them, tried to marry corporeality with incorporeality. While Yusuf Ali dismisses the whole argument as highly socialized spiritual events, Muhammad Ali, with some air of skepticism, explains that since spirits receive all its impression of pleasure and pain through the body, whether the soul at resurrection will receive back old body is another question.

Going through the Qur'an, there is nothing to show that the body which the soul left at the death will be restored to it. This is purely on the verse: "We have decreed death to be your common lot, and we are not to be frustrated from changing your forms and creating you (again) in (form) that ye know not", (56:60-61). This explains why Muhammad Ali in later exposition said: "The old heaven and the old earth will pass away and there will be a new heaven and a new earth. If the very earth and heaven have changed at the resurrection, how can the body remain the same".¹⁰ That is not be so, especially considering a verse of the Qur'an. "Thereof (from the earth) We created you, and thereunto We return you and thence We bring you forth a second time (20:55).

The strict traditionalism represented by Al-Ghazali saw the resurrection as wrought by the power of God, basing his argument first on the Qur'an.

"And the trumpet is blown, so all those in the heaven and all those in the earth will be shown except such as Allah pleases. Then it will be blown again! They stand up waiting. And the earth beams and the witnesses are brought and judgement is given between them with justice and they are not wronged" (39:68-69).

Interpreting the verses, he says that Asrail will take the life of everything including that of Jibril and other angels, after which Allah will cause him (Asrail) to die. All the creations that were left dead after the blowing of trumpet by Azrafil will be in *Barzakh* for forty years. Allah will then raise Azrafil up to blow the trumpet the second time for all the creation to rise on their feet for judgement¹¹.

Barzakh, literally means interval or obstacle.¹² The Qur'an makes reference to both: "And He it is who has made the two seas to flow freely, the one sweet and the one salty and bitter. And between the two He has made a barrier and inviolable obstruction" (25:53). As

signifying the state of man between death and resurrection, God states: "By no means! It is but a world that he speaks and before them, there is a barrier" (23:100). In effect, *Barzakh* would mean the state between death and resurrection for judgement.

There however, seems to be an inference that *Barzakh* would differ in duration. Forty years according to his description for those who heard the trumpet, makes it shorter than those who had died since inception of the creation. The idea of period may however not hold since they would not have consciousness of time based on the Qur'an: "And when the animals are gathered together, so by their Lord! We shall certainly gather them together and satan then shall We bring them on their knees" (19:68). Al-Ghazali explained that man, animal and the *jinn* shall be assembled for judgement. This, he buttressed on the basis of Qur'an:

And there is no animal in the earth nor bird that flies on its two wings but (they are) communities like yourselves (6:38).

Al-Ghazali paints a painful picture of the day and says that the sun will be at its highest degree of intensity; and that man would sweat profusely. He quotes a tradition of Prophet Muhammad's (SAW) had it:

That man's sweat will engulf him up till his ear shows the intensity of the heat.¹³

However, the Qur'an on the other hand says of the situation in the hereafter: "When the stars are made to disappear, and the heaven is rent asunder (77:8-9). When the sun is folded up (81:1). This suggests that there is no sun to cause intense heat, and no sweat will drown any man. Also the Qur'an says: that it will be a new environment in a new plane altogether.

On that day when the earth will be changed into a different earth and the heaven (14:48)

4. CONCLUSION

Whatever the opinions and beliefs in the doctrine of life after death, it has come to form an essential part of religious belief of man. As for Islam, the belief is basically necessary. There is need for man to offer his best to the uplift of his fellow beings and the community in which he lives without expecting to be rewarded in kind or cash here

on earth, but in the hereafter, a Muslim fulfils his moral obligations. With a strong belief in the hereafter, a Muslim confidently says:

We feed you for Allah's sake only, he desires from you neither reward nor thanks (76:9).

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