

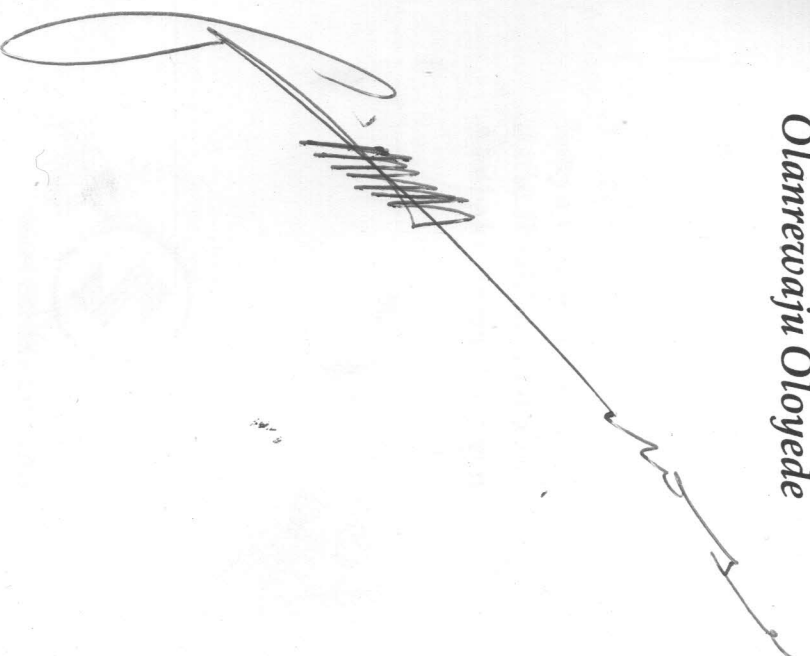
Dynamics of Revealed Knowledge and Human Sciences

Essays in honour of Professor
Is-haq Olanrewaju Oloyede

Editors

**Y. O. Imam
R. I. Adebayo
A. I. Ali-Agan**

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KNOWLEDGE AND HUMAN SCIENCES**
*Essays in Honour of Professor Is-haq
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Pp. 286-298

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Abubakr Imam Ali-Agan



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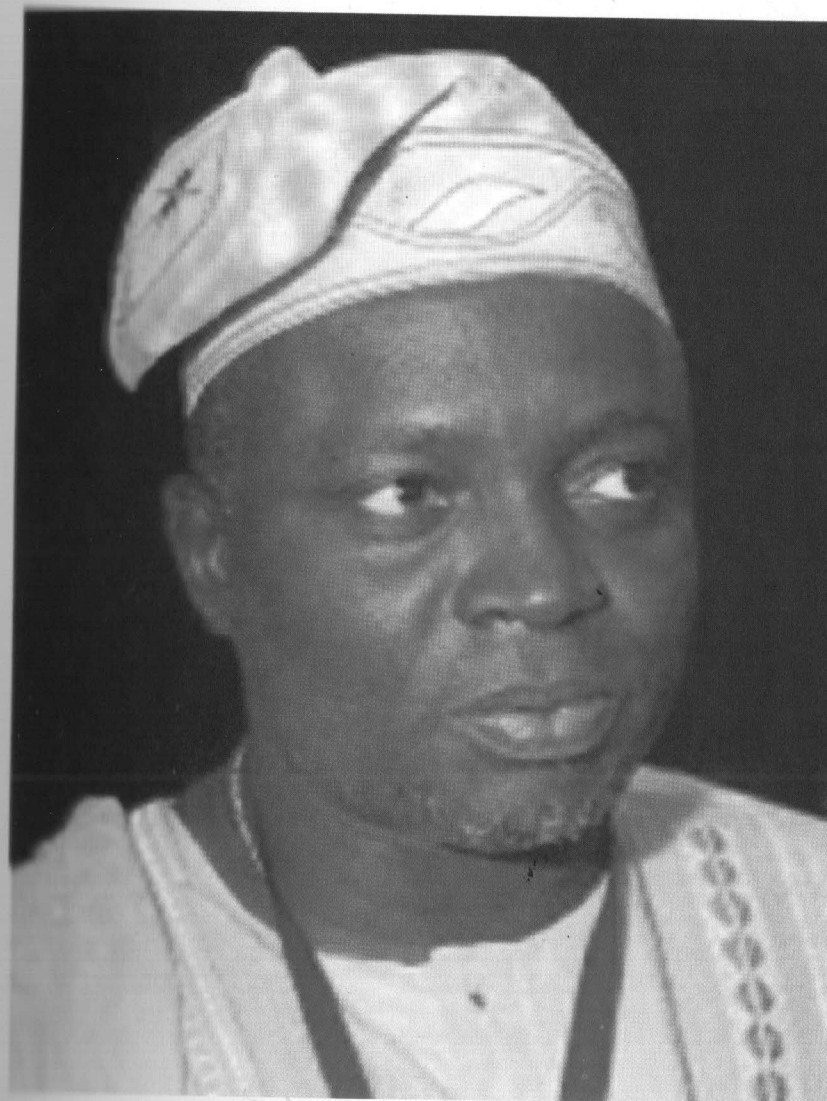
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PROFESSOR IS-HAQ OLANREWAJU OLOYEDE, OFR, FNAL

DEDICATION

This work is dedicated to our teacher, mentor, benefactor and role model, Professor Is-haq Olanrewaju Oloyede, OFR, FNAL.

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FOREWORD

Bismillahir Rahmanir Rahim

In the name of Allah, the most Gracious, the most Merciful. You alone we worship and you alone we implore for help. The Lord of the two worlds who taught man by the pen what he knew not. May the peace and blessing of Allah be upon Prophet Muhammad (SAW), the unlettered Prophet who commands Muslims to seek both mundane and religious knowledge.

I wish to start this foreword by showing my appreciation to the editors of this important and knowledge laden collection for requesting me, out of all people, to write a foreword to this master piece of a book in honour of one of the most accomplished Islamists of contemporary Nigeria. I consider this honour to be one of the good things that have so far happened to me because of the high regard I have for Professor Is-haq Olanrewaju Oloyede.

Professor Oloyede deserves more than these finest chapters my colleagues put together to honour him while he is still living and ascending higher in his ever commitment to better the practice of Islam, academia and education in Nigeria. His sojourn in the arena of Islamic activism especially in the Muslim Student Society of Nigeria (MSSN), teaching, research and administration in the academia where he rose to the position of a Vice Chancellor as well as his contribution to inter-religious harmony in Nigeria as National Coordinator of Nigeria Inter-Religious Council (NIREC) testify to his commitment to making Nigeria a better place for all of us.

The title of the book, *Dynamics of Revealed Knowledge and Human Sciences* (Essays in Honour of Prof. Is-haq

Olanrewaju Oloyede) is apt judging by the content of the book. Attempt is made, through the various chapters, to show close relationship and harmony between divine knowledge and human developed sciences in making a better world for human habitation. The topics treated in the chapters cut across various disciplines in arts and humanities ranging from Islamic Studies, Arabic, History and Comparative Religion to Economics, Banking and Business Administration among others. What is worth noting from the contents of the book is that materials treated in each chapter are current and products of rigorous research contributed by seasoned academics and their students. Two chapters contributed by an Associate of the Chartered Institute of Bankers and a Broadcast journalist add value to the book. It seems each contributor is trying, in his chapter, to project the image and contributions of Oloyede he knows, which lends credence to the fact that many of them (contributors) are either his colleagues who work with him in the University or his students who went through his tutelage.

The honour done to Professor Oloyede in this book is a clear departure from posthumous recognition we adopt to celebrate the dead. Therefore, the living achievers deserve our accolade while they are alive so that they celebrate their labour with their loved ones. I therefore congratulate Professor Is-haq Olanrewaju Oloyede for being so recognised and commend contributors and editors for giving the academia and reading public fresh materials for our consumption. I also call upon colleagues in the academia to borrow a leaf from this feat by singling out excellent performers from among our scholars for similar treatment.

I have no doubt in my mind that, chapters contained in this

book are among the best materials that one can get anywhere. This book is therefore relevant to the needs of students and scholars in the Arts and Humanities that need current and well-researched materials to update their knowledge on topics covered in it. I must also emphasise that general readership stand to benefit tremendously from this book as it can afford them to understand the position of Islam on certain issues better.

Wassalam Alaikum Warahmatullah.

Professor Ja'afar M. Kaura

NATAIS President, 2007-2011

13 September, 2013/07 Dhul Qa'adah, 1434

PREFACE

All praise is due to Allah, the Lord of the Worlds, Who taught the use of the pen and taught man what he did not know. May the peace and blessings of Allah be upon the soul of our Master, Prophet Muhammad (SAW), members of his household, Companions and followers of the right path.

The decision to write this book was jointly taken by the editors whose doctoral theses were supervised by Prof. Oloyede as a token of their appreciation to their worthy teacher a few months to the expiration of the tenure of the honouree as a Vice Chancellor of the University of Ilorin, Ilorin. To realise that, a concept paper was written by Dr. R.I. Adebayo justifying the need for the work and stating strategies for carrying it out. That paper was circulated among the editors for input. After a few meetings, it was decided that the concept paper should be converted to a call for book chapter and circulated both electronically and in the hard copies to scholars within and outside Nigeria. It was also decided by the editors that the presentation of the book would be made after the completion of his tenure as Vice-Chancellor.

Consequently, the call was circulated as agreed and responses started pouring from local and international contributors. It is gratifying to note that over thirty responses were received and were sent out for review. Responses from the reviewers show that twenty-eight contributions were publishable and their authors were contacted to correct their papers as suggested after the return of the corrected articles, Spectrum Books Limited, was approached for the publication. Upon the

receipt of the manuscript, Spectrum also gave it to its reviewer whose comments were communicated to the editors. While some of the opinions of the Spectrum reviewer were accepted by the editors, others were unacceptable with reasons for such unacceptability communicated to the publisher. Consequently, two other articles were removed as unworthy of inclusion, thus reducing the total number of articles contained in the book to twenty-six.

Authors of the twenty-six chapters were drawn from the humanities. Though majority of the chapters have been written in English, a few others have been composed in Arabic. This bilingual approach is not accidental but deliberate giving the background and leaning of the honouree, Prof Is-haq Olanrewaju Oloyede who possesses a good mastery of the two languages.

Topics discussed include Independent Shari'ah Arbitration Panel in Oyo State; Non-interest Banking in Nigeria; *Musharakah* in Islamic Cooperatives; Synergy between Islamic banking and *Zakah*; Missionary activities of the Deeper Life Church; Human Development Index and the Nigerian Muslims; Discourse on *Fada'ilu'l 'amal* of the *Jama'tu't- Tabligh*; Challenges of mandate to the British colonial rule in Ewedom; Teaching of Arabic in the International Islamic University, Malaysia as model for Nigerian Islamic Universities; Standardisation of Ajami; Islam and Public Life; Lessons for Nigerian Islamic Propagators (*Du'at*) in the *da'wah* methodology of Prophet Ibrahim; Rights and duties of an astute administrator as exemplified by Thomas Hobbes; Globalisation of Islamic banking and finance; Shaykh Adam Abdallah Al-Ilori's reform thoughts; Arabic and Islamic collections in the Lagos State

University; role of Arabic in the Islamisation of Knowledge project; Selected indigenous Qur'anic intonations; Trial of Shehu Usman for homicide; Life and works of Shaykh Nasru'd-Din Albani; Reflections on the Personality of Prof. Oloyede in the Nigerian Arabic poetry; Lessons from the story of Prophet Yusuf; Islamic propagation through the medium of Arabic poetry and finally, the development and activities of *Zumuratu'l Mumin*.

Each of the topics has been carefully discussed by the authors and appropriate sources and references have been acknowledged at the end of each chapter and relevant statistics provided where necessary. While the editors appreciate the brilliant approaches of the writers, it is worth stating that the opinions expressed are those of the authors and not of the editors.

The editors therefore wish to thank the authors for their contributions and express their profound gratitude to Prof. J.M. Kaura, Former President of the Nigeria Association of Teachers of Arabic and Islamic Studies (NATAIS) for writing a foreword to this book. Others who have contributed to the success of the book at one stage or the other are equally acknowledged.

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THOMAS HOBBS (1588-1679) ON THE RIGHTS AND DUTIES OF AN ASTUTE ADMINISTRATOR

Patrick U. Nwosu

Introduction

Taking bearings from the philosophy of Thomas Hobbes (1588-1679), this chapter aims at articulating the rights and responsibilities of a legitimate administrator in a civil society. Thomas Hobbes described it as the rights of the sovereign. The chapter applies historical, critical, and analytical methods in highlighting the essential rights of an administrator or the sovereign without which the covenant or the office is empty word. The chapter proceeds by presenting the philosopher, Thomas Hobbes (1588 - 1679) and followed by the sub-headings: Rights, Law and Society; Rights and Duties of the Administrator; Hobbesan Will - to - Live; and Conclusion.

Thomas Hobbes' Life and Writings

The man, Thomas Hobbes was born in April, 1588 in West-Port. His father was a cleric, who was ill-tempered and uneducated. Hobbes' father lost his job by quarrelling with a neighbouring vicar at the church door. Hobbes was brought

up by an uncle. He acquired a good knowledge of Classics in Oxford University (1603-1608). The knowledge enabled him to translate the Medea of Euripides into Latin at the age of fourteen. Later, he entered the Magdalene Hall, Oxford University where he studied Scholastic Logic and the Philosophy of Aristotle and obtained a Bachelor's degree.

After his Oxford training, Hobbes entered into the service of Cavendish family, serving as a tutor to the son of the first Earl of Devonshire. With his charge, he made a ground tour of France and Italy in 1610, where he learnt foreign languages, observed new customs and discovered that the brand of philosophy taught in Magdalene was held in disdain over the continent.¹ After the death of Earl of Devonshire in 1628, Hobbes served as a tutor for another lad and made his second voyage to Europe. In this regard, Russell notes that this tour brought Hobbes "into contact with great thinkers like Galileo, Mersenner, and Rene Descartes".² Hence, Thomas Hobbes began to be numbered among philosophers from the time of his voyage and acquaintance with other philosophers.

In 1637, he returned home adequately prepared to expand his philosophical system in a tripartite treatise on body, man, and society. His interest in Mathematics enabled him to learn the Euclidean geometry and this helped in all his intellectual struggles and accorded him the chance of tutor of Mathematics in France in 1640.³

As a social reformer, Hobbes wrote *Elements of Law* in 1650, and *De Corpore* in 1665. His other writings are *De Cive*, published in Paris in 1642 and *Leviathan* in 1651. The rationalism of his work, *Leviathan* offended most people and its bitter attacks on the Catholic Church offended the French government. Hobbes, therefore, fled secretly to London, where he made submission to Crownwell and abstained from all political activities.⁴

In early 1652, Hobbes made peace with the Commonwealth

and took up residence again in England. He had a controversy with Bishop Brainhall on free will. Hobbes was a firm and rigid determinist. His life was characterised by fear of death and constant search for peace. He died in December 4, 1679 at the ripe age of 91. Hobbes' constant search for peace led him to insist that there is no reason why human beings should be considered exceptions in this world outside the prisms of rights, law and society. Hence, the next subheading makes a comprehensive survey of Hobbes thoughts on rights, law and society.

Rights, Law and Society

For Hobbes, the issue of rights, law and orderly society was fundamentally "unsociological". That is to say, how can people in a state of nature, where each is presumed to be politically, culturally, and religiously separate from each other ever achieve the condition of society, order, peace and tranquility?⁴ This question or concern expresses the Hobbesian problem of rights, law and order in the society. This "Hobbesian problem" is premised on the fact that there is "a condition of pre-social strife and opposition."⁵ In Thomas Hobbes' mind, there were such people living in the state of nature. Among such people, Hobbes tells us that, "there is no industry, no arts, no society; and the life of man, solitary, poor, nasty, brutish, and short".⁶ But here, Hobbes missed the mark by not including the preliterate people of Africa in his account. The state of nature in preliterate Africa, despite limitations, reflected high degree of order and solidarity resting on kinship, tribe, and complex confederations of ancestral societies.

Hobbes, nevertheless, presents a detailed and extended analysis of the meaning and nature of rights, law and society. His analysis hangs on two basic principles in people's psychology. That is, instinct and reason.

Rights have a place in both everyday and scholarly language. It is part of a person's status. In this regard, David Hume contends that "a right ... exists whenever man recognises another because of relation previously established in their thinking regarding another as their ruler".⁷ Right, therefore, embraces various facets of people's lives. The notion is practical and real in everyday life.

The word "right" comes from the Latin "rectum" meaning straight. Hence, Miltner maintains that rights "establish an objective order among individuals that adopt their mutual relations in such a way as to create among them a just situation..."⁸ However, in the true Hobbesian sense, right is the liberty each person has. It empowers the subject to use power for self-preservation. Again, Milen notes that there are two kinds of rights: rights of action and rights of recipience. To have a right of action is to be entitled to do something in a certain way. To have a right of recipience is to be entitled to receive something or to be treated in a certain way.⁹ A right of recipience is violated when someone from whom you are entitled to receive something refuses to provide it. That action is breached when someone stops another from doing what he/she is entitled to do.

The analysis of the concept of rights, however, would lack objectivity without bringing to light the nature of rights claimable. There are civil and political rights, economic and social rights, and collective rights and so on. The distinction between these rights is made possible by virtue of the United Nations' usage of right warrant.¹⁰ Diverting from a kind of popular opinion, Brownie declared that civil and political rights include right to life, liberty, security of persons, privacy and property, fair trial and freedom from slavery and arbitrary arrest. Economic and social rights are the rights to work and for a just reward, the rights to rest and leisure, rights to a

standard of living adequate for health and well-being, the rights to social security, education and so on.¹¹

The collective rights are chiefly those of the legitimate administrator which Thomas Hobbes called "the sovereign power". It is the sovereign rights that are the concern of this chapter. But suffice it to say that these groups of rights form a long list. The sovereign rights of a legitimate administrator are universal and broad in application. They are rights held on behalf of the people and society for the common good.

Hobbes linked rights with law to show that the two are inseparable. It would, therefore, be correct to say that it is law that bestows rights on the citizen. The denial of rights would then tantamount to denial of law. The authenticity of the law depends on how the rights of people are respected. Law works well in any society where rights are given due consideration. At this then, Usanga notes that, 'no right can be conferred by the positive law that is contrary to, and not directly derived from the natural law.'¹²

Law, in Hobbes' conception, is derived from two basic principles in a person's psychology. That is, instinct and reason. In other words, it is that which according to nature, is bound in conscience and reason, considering a person's desire for security, dictates that he/she should desire that the laws be observed. Law, in the strict sense of it, is an order from the legitimate and astute administrator. Within this context, Hobbes defined it thus: "Law properly, is the word of him that by right have commands over them."¹³ Kanu welcomed the definition Hobbes gave to law, especially when himself notes that;

Law is a rule of conduct prescribed by a sovereign, whether as an individual or as a definite body, for a community of men wherein its author is the administrator.¹⁴

Law derives from the supreme ruler and such law needs to be obeyed since it is "an institutionalisation technique for protecting the fundamental claims of individuals against utilitarian policies aiming at the greatest happiness of the greatest number."¹⁵ Since the notion of Law is intellectually vast, this chapter considers law only as a necessity for the creation and substance of a peaceful and just society in the light of Hobbes' philosophy.

Osita Eze is of the strong view that society cannot exist without Laws.¹⁶ Any society that has no Law cannot qualify as a state since state is for the common good. Unfortunately, the feeling that law is inherently necessary for people in a properly ordered society receives little attention.

Human society would neither be well-organised nor beneficial unless it includes an administrator invested with legitimate authority to preserve law and order. Law then represents, for Hobbes, what all people recognise as justified in order to avoid wanton injury. Thus, in Hobbes' philosophy, law and right could not be separated; both terms are inseparable.

Hobbes sets out to portray the origin of the society. In his thinking, when the state of insecurity became unfavourable, there was a common agreement made by the individuals to search for an administrator. In the bid to reach for this administrator, the people agreed to surrender their rights and unite themselves to form one body which resulted to the civil society as we have it today.¹⁷

Analytically, the society as we see it today, is a relatively independent or self-sufficient population characterised by internal organisation, territoriality, and cultural distinctiveness.¹⁸ The society therefore, being internally organised makes laws that would ensure the welfare and security of its subjects. A good society presupposes a good law and a good law must of necessity take into consideration the good of the greatest number of the people.

The Rights and Duties of the Administrator

An evolution towards a unified institution is the description of Hobbes' society controlled and managed by a legitimate administrator, the sovereign power. Hobbes, like any political philosopher, knew the importance of rights and duties in any institution. Since people are unnecessarily weak in the state of nature, Hobbes annexed to the administrator rights and duties of absolute nature. The rights, in the understanding of Hobbes, have correlative duties.

The administrator in Hobbes' philosophy is the same as the sovereign and it commands habitual obedience. In its earliest usage, the term was used to identify the monarch. Hobbes conceived the rights of the administrator as inalienable. According to Nisbet, Hobbes did not shrink from making the administrator's power absolute over people because, first the contract made it so.¹⁹

The administrator has his leadership office as a right once his authority is established through a legitimate means. It is then unjust and a gross breach of contract for the community to work against the administrator that represents her good. Thomas Hobbes pointedly argued his case in this regard in the following statement:

They that have already instituted a common wealth being thereby bound by covenant, to own the actions and judgement of one, cannot lawfully make a new covenant, among themselves, to be obedient to any other in anything whatsoever without his permission.²⁰

However, the administrator can legitimately confer or delegate some consultative rights to other individuals or committees. He has the right to delegate powers, yet such powers are subordinate to him. This is a right of recipience.

The administrator cannot be fringed. The contract that

establishes his office is not between him and the people. Within this context, the administrator cannot commit a breach against leadership. Copleston, in his own view says that, by the very institution of administration, every subject becomes the author of all the administrator's actions.²¹ David Hume expressed a similar opinion when he wrote that "at first, their consent associate them together and subject them to the authority of the administrator's power."²²

The administrator also has the right to ascertain and choose the means to procure peace and defence of the people under him/her. Nwoko concludes that the administrator is: "therefore, the judge of what doctrines are conducive to the peace and defence of the commonwealth."²³ For Hobbes, the administrator governs and controls the opinion of the people. He prescribes the privileges the people enjoy and what actions people may take without receiving molestation from their fellow citizens.

The administrator has also the rights of judicature. His right of judicature extends even to diplomatic relations. The power to make war and peace resides within his office. This right fits within the right of action. He rewards good conduct and punishes offences except in a situation the law established a procedure of dealing with offenders. This right is further stressed when MacIver says that the administrator:

Elects to office those whose platform it approves and it removes them from office when it disapproves either of their past performance or their programme for the future.²⁴

These rights of the administrator are inalienable and limitless. Hobbes argued that if there is a limited power in a well-ordered civil society, it must be limited by a greater power. If that greater power is in turn limited, the limits must still come from a greater power. And the search for the greatest power in such a society will come to an end only when the society will come to a power

that limits all others but that itself has no limits. It is God that gives power, even though Hobbes did not say it is God.

The attribution of rights to the administrator would be of no value without a correlative duty resting somewhere. In this regard, the administrator provides the enabling environment to socialise people by all means. To this effect, Sabine writes:

Because of the unsocial inclination of men, it is hopeless to expect them to agree spontaneously to each other's rights and unless all do so, it is unreasonable to forgo self-help. The performance of covenants may be reasonably expected only if there is an effective government which will punish non-performance.²⁵

People in a community can only achieve the above ideal by acting in accordance with the administrator's will and rights as annexed to him through legitimate means.

Furthermore, it is incumbent on the administrator to provide social welfare services and promote economic empowerment. It is also the duty of the administrator to educate his subjects on various issues that concern all, galvanise and sharpen the intellectual abilities of people for improved society. He also awakens people's minds on national and international interests. The climax of the duties of the administrator culminates in the protection of the individual life, his/her career, liberty, and other things dearest to them.

Hobbesean Will-to-live

Nature impressed on the individual person animality which seeks to appropriate common things and rationality. It elevates a person as the knower, "a being which is one in itself and distinct from all other beings."²⁶ Following this vision of the human person, Thomas Hobbes articulated the rational self-preservation of man which this chapter describes as the will-to-live in every

individual.

Rationality is defined as the ability to know the truth about reality or having the faculty to test truth by reasoning.²⁷ Rational self-preservation, or the will-to-live implies preserving oneself with the dictates of reason. For reason is what distinguishes a person in the animal kingdom. Without reason, a person would be like every other animal. Within this framework, Whitehead rightly points out that, "...in their activity, rational creatures bring about through work the fulfillment of the eternal design of the immutable deity."²⁸

All individuals have the inclination to self-preservation. The issue is: through what means is this self-preservation achieved? Animals, with the exception of the human person, are irrational. As such, they pursue their will-to-live irrationally. As Hobbes rightly states:

In the state of nature, irrationality takes control of the whole sphere of concern. In man's state of insecurity, reason is derailed, by so doing; one's strength determines the standard. But man realising that it was below his nature to live animal life ... resorted to reason.²⁹

With rationality, the craving system of self-preservation was changed from irrationality to rational through the formation of civil society which Hobbes called commonwealth. This society emerged through assemblage of rights in the context of social contract. This brought about the preservation of the common good.

To this end, the consciousness of rational will-to-live preserves justice. Dialogue then takes the throne of war of all against all and human beings, henceforth, realise some good elements in another unlike what obtains in Hobbes state of insecurity.

Conclusion

It was Hobbes' explicit purpose to bring human beings and society within the same principles of scientific explanation as were found applicable to the world of nature. For him, society moved and human beings formed a civil contract. Hobbes, in his formation of the civil society, very much narrowed the individual rights and freedom to those things which the administrator has permitted. The individuals, therefore, have limited choice between absolute power and complete anarchy. He assumed that the major interests of all people are the same and that the interests of the administrator are roughly identical with those of his/her subjects.

Hobbes is partially correct because in times of anarchy, there is a unification of interest. However, in times of peace, there arises clash between the interest of one and another. Hobbes seeks not the examination of individual rights but their fulfillment which can be accomplished by removing all barriers. To make the fulfillment stable and sustainable, a competent administrator should always be in charge to protect the rights and interests of all and sundry.

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15

GLOBALISING ISLAMIC BANKING AND FINANCE

SOME MATTERS ARISING

Abideen Adeyemi Adewale and Daud A. Mustafa

Introduction

The world today is getting smaller not necessarily in its geographical attributes but because it is witnessing a convergent commonality in its entire ramifications. Such convergence may be due mainly to globalisation as manifested in the influence of Multinational Companies (MNCs) and advancement in Information Technology (IT).¹ The world, therefore, is changing dramatically in terms of the way we see things, work, learn, socialise and conduct business. The implication of this is that we now live in a 'global village' whereby geographical and regional boundaries are being broken, individual and state relations are being redefined, services are being rendered faster and life is generally being made easier. This implication is also highly manifested in the existing world financial system apparently due to the fact that financial activities are the pivot around which other activities rotate.

An efficient financial system is a *sine qua non* for economic growth and development. The relative indispensability of financial services to human activities cannot, therefore, be