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SHAYKH ADAM
ABDULLAHI AL-ILORY

in the

Tableau *of* Immortality

Volume II

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**HUMAN RIGHTS BETWEEN THE RELIGIOUS AND MAN-MADE
CONTEMPORARY LAWS: AN EXAMINATION OF SHAYKH ADAM
AL-ILORY'S PERSPECTIVES**

I. A. Abdulqadir & Olagunju I. Ridwan

1. Introduction

The current Constitution of the Federal Republic of Nigeria¹ contains a manifold of provisions for the guarantee, preservation and protection of human rights. Similar instruments in other nations are full of adequate provisions in the same direction. Despite the above, human rights remain observed in abuse. Nigeria and virtually all other countries of the world are the same in this respect.

Shaikh Adam Abdullahi Al-Ilory, a prolific Nigerian Arabic writer and a learned man of note, was among the teeming scholars of Islam whose literary works have attributed the cause of human rights' abuse to the West's over-concentration on human rights at the expense of human duties. The present writers' schedule of work in this paper is to examine Al-Ilory's view points on the issue using his book entitled *Human Rights between The Religious and Man-Made Contemporary Laws* as reference point. The book is a five chapter piece. The preface to the book together with the first and second chapters constitutes the thrust of the author's message. The remaining chapters are relevant expositions of the preceding chapters.

To this extent, the first two chapters and the preface are herein below paraphrased in the language of this paper. The selected portions are afterwards appraised with relevant and necessary additions introduced where such are found apposite. The ultimate objective of the writers is to advocate attachment of importance to duties of man the same way human rights are recognized. The author believes in this, among others, as panacea to the widespread abuse of human rights. These writers also share this conviction.

2. Definitional Concept

There is hardly anyone without an idea of what human rights are. The phrase comes on lips of almost all and sundry every now and then. This notwithstanding, a brief effort at giving dictionary and jurisprudential connotations of "human rights" shall be attempted in. This is to remove all possible ambiguities around the phrase at the very beginning. Having known the word "human" as a term pertaining to people wherever they may be, "right", on the other hand, is defined² to mean, among others, "a power, privilege, interest etc to which one has a just claim". Philologically, "right" is derived from the Latin word "rectus", meaning: correct, straight as opposed

to wrong or crooked. It may also be synonymous with being in accord with law, morality and justice³.

According to Honfield⁴, there exists the propensity on the part of both lay and learned men to confuse the term "right" with "privilege" as well as "power" with "immunity". It is therefore submitted that the clue which could limit the word "right" to a definite and appropriate thing is in the correlative "duty".

On how to understand human rights better, Ladan⁵ says:

In the most general sense, human rights are understood as rights which belong to any individual as a consequence of being human, independently of acts of law. The conception of human rights adopted in the acts, which laid foundations for international human rights law, determines nowadays the paradigm for the understanding of human rights not only in international law, but also in other areas of culture.

On the other hand, it is indisputable that Islam accords rights to man as well as duties. More than any other world civilization, Islam treats the two *pari passu*. For instance, while treating the corresponding rights and duties of spouses as a portion of his all encompassing sermon in his farewell pilgrimage, Prophet Muhammad, may Allah be pleased with him, said:

... أَيُّهَا النَّاسُ إِنَّ لِنِسَائِكُمْ عَلَيْكُمْ حَقًّا، وَلَكُمْ عَلَيْهِنَّ حَقًّا، أَلَا يَوْطِئُنَّ فَرْشَكُمْ
غَيْرِكُمْ، وَلَا يَدْخُلْنَ أَحَدًا تَكْرَهُونَهُ بَيْوتَكُمْ إِلَّا بِإِذْنِكُمْ وَأَلَا يَأْتِينَ بِفَاحِشَةٍ، فَإِنْ
انْتَهَيْنَ وَأَطَعْنَكُمْ فَعَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ،

Meaning;

Oh you mankind, verily, there are mutual and corresponding rights between spouses in Islam. As for men's rights over their wives; the latter shall not allow another man to have carnal knowledge of her, she shouldn't invite to her husband's residence one who is disliked by the husband except by the latter's permission, she should also keep away from atrocity. But where the wives observe all these rights of men over them and they submit to you [men], then you too [men] shall discharge your duty to provide maintenance and wears for them...

The above so far having been delved into, the next is to examine, as the title of this paper suggests, the perspectives of Shaikh Adam Abdullahi Al-Ilory on human rights between the religions and man-made contemporary

laws. But before that is done, the writers consider it pertinent to briefly introduce the person of Al-Ilory to readers.

Al-Ilory's Biography

Young Adam Abdullahi, fondly referred to as Al-Ilory later on in life⁶, was given birth to in 1917. This took place in Wasa town of the Republic of Benin, formerly Dahomey.⁷ Adam's father was Abdulbaqi, the son and grandson of Habeebullah and Abdullahi respectively. It is therefore clear from this genealogical order that the man under discussion picked the name of his father's grandfather (Abdullahi) as his surname.

Young Adam left the republic of Benin in 1926,⁸ when he followed his parents (Abdul-baqi and Aishat)⁹ down to Nigeria. The father's decision to return to Nigeria then was to respond to his relatives' pressure on him to come home for settlement upon the demise of his elder brother in 1925¹⁰.

Al-Ilory's Educational Path

After undergoing some few necessary preliminaries, Al-Ilory's first contact with education was learning the art of Quranic recitation under his father in Dahomey. He completed this at the age of seven, when he had already committed a number of Quranic chapters into memory. The young man, thereafter, commenced the learning of Arabic grammar and Islamic Theology also from his father.¹¹

On arrival in Nigeria with his parents, Master Adam, after a little spell at home,¹² came in contact with three indigenous scholars under whom he learnt collections of Arabic and Islamic books¹³ at different times. The indigenous scholars were Shaikh Salihu, Shaikh Umar and Shaikh Adam Nam'aji. The first two hailed from Ilorin (Adam's own town) in the present day Kwara State of Nigeria. The third man was from Kano in the now Kano State of Nigeria.

In 1946, Shaikh Adam visited Al-azhar University in Cairo, where he submitted himself to examinations in about fifteen different subjects all of which he passed excellently. The subjects, as listed on the Certificate which the University issued to him thereafter, are; *Tafsir, Fiqh, Usul, Tajwid, Akhlaq, Nahw, Sarf, balagah* and *Al-'arud wal-qafiyah*.¹⁴ Al-Ilory was possibly the first Nigerian to be so examined and certified by the university without precedence of formal training thereat. This is a pointer to the scholar's Allah's blessing of prowess as an extraordinaire.

While in Al-azhar University, Al-Ilory's eyes were opened to teaching methodologies and school administration. Little wonder therefore that not longer after the scholar's return from Cairo, one major assignment he embarked upon was the establishment of his famous citadel of learning which goes under the name *Markaz ta'alim al'arabiy al-islamiy*, i.e. Arabic

and Islamic Training Centre. Since the school's inception in 1952, and up till now, a manifold of knowledge seekers from Nigeria and other neighbouring countries from West Africa have benefited¹⁵ and are still benefiting therefrom. Products of the school, some of whom are now professors, are many among the academia in various universities – home and abroad. They also constitute, nowadays in Nigeria, the bulk of Islamic preachers, sermonizers, Imams at mosques, teachers of Arabic and Islamic Studies and Shariah Court judges among others.

Literary Writings of Al-Ilory

To take pen and express ideas in written form is one of the many rare gifts bestowed by Allah on his favourities. Shaikh Adam was indeed among the beneficiaries of this particular gift, among others. He wrote many books on various aspects of Arabic and Islamic knowledge ranging from Theology to Syntax, Morphology, Rhetoric, Sociology Education, Politics, Geography, logic, Da'wah, Sufism and history, to mention but a few. As observed by one¹⁶ of his students, Al-Ilory's literary activities which spanned over five decades (1938-1992) have received significant scholarly attentions from the academic community of students, researchers and scholars.¹⁷

Employing glowing terms in the description of Al-Ilory's classical writing skills, a non-Nigerian expert¹⁸ of Arabic literature says the following in his *Takmilatu Mu'jam Al-Muallifin*:¹⁹

آدم عبد الله الألورى (١٤١٢هـ - ١٤١٢هـ) (١٩٩٢م - ١٩٩٢م) باحث، مؤرخ، داعية. أحد علماء نيجيريا العاملين.. يكتب بالعربية الفصحى بأسلوب مشوق وصياغة متقنة، ويلم بالآداب العربية، ويرتاد في كتاباته معالم التاريخ الإسلامي والحضارة الإسلامية...

Meaning: Adam Abdullahi Al-Ilory... is a researcher, an historian and a seasoned caller (to the path of Allah). He is one of the dutiful Nigerian scholars. He writes in sound Arabic language with admirable literary style and perfect construction acumen. He is addicted to Arabic literature and he focuses on Islamic history and Islamic civilization in his writings.

Al-Ilory as Viewed by Arabs

His Excellency, Uthman Nuri, one time ambassador of the United Arab Republic of Egypt in Nigeria, once described Al-Ilory saying:

Among the servants of Allah who spend their time calling people to Islam, using the book of Allah, Quran, and its language, is the proprietor of Markaz.²⁰

In another vein, Al-Ilory was also once described by His Excellency, Kamil Sharif when the latter, then an ambassador of the Kingdom of Jordan in Nigeria, said the following about Markaz, Al-Ilory's learning centre in Lagos, Nigeria. The statement goes thus:

I have visited Markaz in Agege (Lagos) and I have seen how students study. I am very optimistic about the big role Markaz is playing in propagating Arabic language and Islam from the scratch²¹

As for Ali Abdullahi Shukri, one time ambassador of the kingdom of Saudi Arabia in Nigeria, his testimony on the grandeur of Shaikh Adam Al-Ilory is as follows:

I visited the Markaz in Agege (Lagos) twice... I was surprised at the degree of strength the leader of the Markaz is putting into his work and the spirit of Islam that inspires him...²²

Having said the above so far on the personality of Shaikh Adam Abdullahi Al-Ilory, it is now the writers' desire to consider and analyze the scholar's perspectives on the topic of this paper. As stated earlier, these perspectives are to be gleaned from an Arabic book written by the sage on the comparison of human rights between the religions and man-made contemporary laws. To this extent, the writers shall henceforth dedicate some time to paraphrase the scholar's message in the book. Thereafter, appraisal of the paraphrased message shall follow.

Paraphrasing the Preface of the Book (*Huquq Al-Insan...*)

To start with, Al-Ilory re-echoes an age long platitude that human beings are bound to step on one another's toes once they live together in a given area. According to him, this nature in man awakens in him the egoistic spirit of claiming rights at the expense of others at all times. To this extent, Al-Ilory compares the entire life to three distinct things; a big market place, a learning centre and a large court room.

As he said, the market place may never be free from myriad of persons coming into and going out of the market centre. He goes further in the second example to compare life to a standard school where teachers and students come in regular contact with one another for the "give" and "take" routine exercise of teaching and learning respectively. The learned scholar unveils the third example as a big courtroom which appears busy by accommodating litigants' complaints and responses all the time.

It is normal and common to regularly witness occurrence of predicted conclusion in each of the three scenarios painted above. Al-Ilory

concludes on the certainty of human rights clamour being regularly orchestrated the moment human beings intermingle with one another. He reasons that the cry by the weaker nations for restoration of their rights whenever such rights are encroached upon by powerful nations is informed by this same platitude. On this position, Al-Ilory goes down memory lane and cites Nigeria, among others, as a case study. He submits that the various army officers who carried out the Nigeria's first military coup²³ did so on the excuse that the then ruling government was involved in abuse of human rights' provisions.

Chapter One Paraphrased:

Human Rights Evolution Between the Ideology of Graduality and The Perspective of Religions

Al-Ilory's starting point in this chapter is condemnation of the wide spread belief among some western scholars that human rights, as a doctrine, evolved not at once and not through any divine influence, but in stages and in line with the ideology of natural graduality. Al-Ilory vehemently disagrees with the above postulation by western scholars who also reportedly attach the evolution of a number of other things to the same ideology.

The evidence given by the west in support of their submission above is equally discussed by the Islamic scholar. That, specifically, borders on the divine order of vacation from the serene environment of the Garden of Eden. The order was issued against Adam and Hawwah when the latter, through wrong advice, caused the former to disobey the creator's commandment of abstinence from eating a particular fruit. The conclusion of the West here, which is summarized by Al-Ilory, is that woman's subjugation or inferior status compared to man, which became pronounced much later, represents her costly price for the wrong advice given that long time ago.

Analyzing the evidence of the west on graduality theory further, Al-Ilory refers to their assertion that some early world leaders and politicians were the trail blazers in the area of attempt at corrective measures to stop the woman relegation order which had started some 100 years earlier.

However, Shaikh Adam Abdullahi Al-Ilory does not mince words in debunking the entirety of the claims by the west in this regard. According to him, the claims are predicated on guesswork and assumption without historical substantiation of whatever form. As put by the scholar, advent of Islamic religion (and, by far, other earlier religions) took precedence over any other form of civilization including the Greek Democracy whose period of evolution, according to the west, coincided with the commencement of the so-called origin of graduality.

Sequel to the above, Al-Ilory submits that Quran, the glorious book of Islam, is replete with copious²⁴ verses indicating that the Almighty creator

(Allah) had, from time immemorial, been solely responsible for guidance of mankind towards identifying and appreciating their rights and obligations.

The chapter ends with two quotations drawn by the author from two Arabic books²⁵ written by Ibn Hazm a scholar from the West and Al-Ghazali a scholar from the East respectively. The quotations by the two eminent scholars give further evidence in support of Al-Ilory's opinion on the perspective of religions to the evolution of human rights. This perspective, once more, is to the effect that Allah, through religions, is the source of all rights.

Chapter two paraphrased:

Introduction of Human Rights: Comparison of the Religions' and Gradual Evolution Perspective

In this chapter, Al-Ilory establishes the spontaneity of the divine gift of human rights to mankind. He explains that the rights were naturally accorded man by Allah who did so not in response to any demand for same by the beneficiaries. The prolific writer compares this situation to the 1948 United Nations' declaration of human rights which he says, came to be as a saving reaction to various violent acts of abhorrence for arbitrariness.

Citing relevant instances on this note, the learned scholar refers to previous violent revolutions against some monarchs and early colonialists in England and America respectively. Other scenarios cited in the same direction were the revolutions staged in France and Russia against the oppression of the noble class and the capitalist leaders in that order.

Another important point raised by the scholar is the unity of mission of all the messengers of Allah who preceded Prophet Muhammad (SAW). This mission is said to be the same even on the score of human rights' protection and preservation. Ever before the time of revelation of the Holy Quran, a number of Allah's prophets, as submitted by Al-Ilory, were sent to various nations to emancipate the people who were forced to worship idols. Allah had been responsible for the grant, preservation and maintenance of human rights up to the revelation of the glorious Quran and indeed, ever before the realization by the western leaders of the need for human rights' clamour. The scholar cites the provisions of Quran, chapters 16 and 71 verses 36 and 23 respectively, to buttress this submission. In the same vein, the author establishes the precedence of Islam over the west in a number of other issues such as colonialism, noble class autocracy, monarchical haughtiness and capitalism. He further states, relying on Quran chapters 26 and 11, verses 123-139 and 61, that Allah sent Prophets Hud and Shu'aib specifically to eradicate colonialism among their people.

For the tyrannies of the noble class, which the scholar says Prophet Nuh was sent to quell and repress, chapter 26, verse 111 of the Holy Quran

is relied upon. Also cited is chapter 11:30 of the glorious Quran which contains Nuh's defiant reply to the unwholesome request of the noble class among his people asking for segregational treatment between them and the have-not. Here, Al-Ilory refers to a similar experience by Prophet Muhammad who, in Quran, chapter 18:28, was instructed by Allah to reject similar request by the autocrats of his time. The scholar goes on and mentions names of Namrudh and Fir'awn whose excesses Prophets Ibrahim and Musa were sent to check, as two other examples of despotic rulers stated in the Quran. On the encounter of these prophets with the despots, Quran chapters 2:258 and 28:4-6 are referred to.

On the fight against capitalism, the scholar gives the names of prophets of Allah sent down to champion the vanguard as Musa, Isa and Mohammad (peace be upon them all). According to the author, Isa noticed that his people were grossly enmeshed in materialism and, so, he preached complete spirituality. The authority on this as quoted by the author is the content of Matthew, verse 19 of the New Testament where the chances of a capitalist to enter the beloved eternal kingdom are said to be slimmer than the chances of a camel passing through the eye of the proverbial needle.

For Prophet Musa, his encounter with Qarun, the first ever capitalist descort, in the language of Al-Ilory, is also disclosed with reliance on Quran, chapter 28:76-83 as evidence. For Prophet Muhammad, his middle course preaching approach between excessive materialism and complete spirituality, as opposed to Isa's one sided approach is unveiled in the book.

Al-Ilory concludes chapter two of the book after differentiating between the perspectives of religions and the west to the doctrine of human rights. His focus on the difference at this juncture touches the dichotomy between rights and duties which are advocated together in Islam in the same tempo and vigour, as opposed to what operates in the western world where little or no premium is placed on human duties.

The scholar traces the lacuna in the western dichotomy based difference between rights and duties to the acts of British and French who turned around later to confiscate some human rights of the Americans and Africans after so many years of being the champions of human rights' restoration.

Al-Ilory finally concludes chapter two with mention of some rights of man as envisaged and advocated in Islam. These, among others, are rights to; life, education, property acquisition, expression, movement and political association. The scholar also lists some of the emanating duties of man which, in turn, are mixtures of the rights of Allah and those of other men. These duties include; rights of Allah, rights of man, rights of parents, close relations, spouses, orphans and indigents among others.

Appraising Al-Ilory's Core Submissions in the Book

As noted somewhere in the introduction, the first two chapters of and the preface to the book under examination are only meant to be paraphrased in this work. That has been done in exactitude. It therefore follows that the same approach as employed above shall now dictate the writers' tune on the appraisal. Meanwhile, three important sub-issues, which generate throughout the book, have been selected for appraisal. The sub-issues are herein below analysed.

(i) Men's Tendency to Step on Toes of Others

This tendency happens when human beings co-habit around one another in a given environment. In the writer's opinion, this attitude is born out of egoism or self-centredness. Though, a shortcoming, the so-called egoism is found inherent in almost all men. With the exception of few, it is difficult to come across someone with favourable dispositions towards another person at his own expense. What is rather common is to see an individual exhibiting traces of selfishness and narcissism. An Arabic poet testifies to this fact of life in one of his rich poetic lines. The line goes thus:

بِقَلْبِ كُلِّ امْرِئٍ تَحْقِيقُ مَصْلَحَةٍ ** بِنَفْسِهِ عَلَقَتْ دُونَ الْجَاهِلِينَ

Meaning: Thoughts of how to satisfy self interest preoccupy each individual's mind, This occurs with zero tolerance for the interest of others who are in the majority.

It can be safely deduced from the above that man is always in absolute love only with himself among the rest of others. While striving to satisfy himself, man hardly takes necessary cautions and, in the process, he finds himself encroaching on other people's rights. This consequence, which captures man's inequity or tyranny to others, is a regular occurrence amongst human beings. Mutanabbiy, another Arab poet of note, had since confirmed²⁶ this bitter truth as one of the age long features known with man. The confirmation by the poet goes thus:

وَالظُّلْمُ مِنْ شَيْمِ النَّفْسِ وَإِنْ تَجِدُ ** ذَا عِفَّةٍ فَلَعَلَّ لَا يَظْلَمُ

Meaning: Injustice to others is one of the characteristic nature identified in human soul,

Few people who are an exception to this trait therefore must have a cogent reason for not being unjust.

Going by the import of the line of poem above, it can be discerned that a victim of man's unfairness, whenever such is perpetrated, may not likely keep mute and let go the oppression. There are indications that he would want the wrong to be redressed. He then begins to cry out for his human rights. The volume of such outcry is determined by the number of such victims. This confirms Al-Ilory's position in the book that chants for human rights' restoration are heard everywhere.

To buttress this submission by the learned author, the present writers hereby make reference to that inspiring statements towards freedom restoration as made on October 19, 1956, by Albert John Luthuli (1898 – July 21, 1967). The statement, directed then to Luthuli's people in South Africa, reads

... important and urgent matters arising out of the tyrannical white rule in the union of South Africa will come for consideration at this conference. But the conference will have failed if it does not directly or indirectly generate a spirit of resisting this tyranny... I shall be happy, even if only in a small measure, if my contribution to this conference can help to create such a spirit of resistance to this arrogant and studied tyranny.²⁷

A similar statement thought expedient to be quoted in this respect, even though at the risk of belabouring our readers, is that of Kwame Nkrumah of Ghana (1909 – 1972). The statement was directed to African freedom fighters in 1960. Nkrumah opened the speech saying:

For centuries, Europeans dominated the African continent. The white man arrogated to himself the right to rule and to be obeyed by the non-white; ... All this makes a sad story but now we must be prepared to bury the past with its unpleasant memories and look to the future. All we ask of the former colonial powers is their goodwill and cooperation to remedy past mistakes and injustices and to grant independence to the colonies in Africa...²⁸

The above quotations show prevalence of natural human rights' abuse and spontaneous reactions of victims at resistance. All this goes to confirm Al-Ilory's view that human rights are often abused and that reactions at resisting same will continue to be witnessed. Islam had appreciated and anticipated the above fact long time ago. The religion since then had put in place three best watchdog institutions.²⁹ Preoccupation of these institutions is to maintain peace ultimately within the society. The institutions, depending on the nature of wrong to be redressed are; *Mazalim*,³⁰ *Hisbah*³¹ and *Qadah*.³² These measures notwithstanding, men will always exhibit the animalistic tendency in them by threatening other people's rights. Individuals and nations are the same in this untoward trait, but at least, the measures introduced by Islam are there to check possible excesses at any time.

The point on the man's inherent nature to abuse rights of others, as herein above explained, becomes all the more lucid when one considers abhorrence of early African nationalists from Nigeria, just like other countries, to external rule. The Nigerian nationalists, for instance, condemned colonialism like a plague. With their stiff resistance, they succeeded in sending the colonialists packing in 1960. But not long thereafter, the indigenous government, administered by the Nigerians, came under attack by some Nigerian Army officers who carried out the first coup d'état³³ in the country on the excuse, among others, that there was abuse of human rights through political unrest in the country and through self-esteem of each of the three geo-political regions the country was split to as at then.³⁴

Assuming the coup plotters were justified for their action, did the citizens of Nigeria fare better during the successive military regimes that came into power afterwards? The answer is capital no! Instead, the same order of the day in terms of rights' abuse continued to be witnessed even in aberration. This, once again, confirms the tendency of man to commit onslaught against the rights of his fellow human beings. The fact above becomes clearer when one ponders on what is documented even about the very first Nigerian coup itself. In the historical account of the coup, it is said that;

The coup was poorly carried out in certain parts of the country and there was a strong accusation of tribalism. The northern people accused Chukwuma (Kaduna Nzeogwu) as well as his fellow coup plotters of staging an Igbo coup. This is because most of the officers killed during the coup were those from other parts of the country.³⁵

This quotation indicates that abuse of human rights is and has being prevalent here and there. Thus, the January 15th of 1966 coup plotters in Nigeria should not be taken sacrosanct on the excuse given for their coup action as not all of them were free from the same abuse. Shaikh Adam Abdullahi Al-Ilory is therefore correct and apt in his choice of language when he says³⁶ "the coup plotters *claimed* the fact of abuse of human rights by the civilian government as their excuse for the coup action (of January 15, 1966, in Nigeria).

The learned author is correct because of the Dictionary meaning ascribed to the verb "claim"³⁷ in the circumstance wherein the author employs the term. The verb denotes asserting something in the face of possible contradiction. Thus, to the extent of the facts revealed above³⁸ on bad governance of the military themselves after their take-over, it is clear that their excuse for the take-over is flimsy and has therefore become

contradicted without ambiguity. What this goes to show in effect is, once more, the inherent nature of man to violate other people's rights.

(ii) Precedence of Allah's Grant of Human Rights

Al-Ilory's position on the origin of human rights is clear and straight forward. His opinion is that Allah, the almighty, is the source of all rights accorded man by virtue of birth. This position, without doubt, is a reaffirmation of the opinion held by early Muslim scholars of note. These scholars, as noted by Al-Ilory himself,³⁹ include Ibn Hazm and Al-Ghazali. The present writers associate themselves with the opinion as held by Al-Ilory on the origin of human rights. The writers' support for the opinion is predicated on another verse of the Holy Qur'an⁴⁰ where Allah says:

... وقالوا الحمد لله الذي هدانا لهذا وما كنا لنهتدي لولا أن هدانا

الله لقد جاءت رسل ربنا بالحق...

Meaning: ... and they will say: "All the praises and thanks be to Allah, who has guided us to this, and never could we have found guidance, were it not that Allah had guided us! Indeed, the messengers of our Lord did come with the truth"...

Though the cause of revelation of the verse above does not have direct bearing on human rights, nor on their origin, following the path of allegorical interpretation of the verse can, as impliedly noted by Qurtaby,⁴¹ lead a discerning mind to deduce that origin of mankind's guidance to all good things is no other deity than Allah, the Lord of heaven and earth.

Below is another verse of the Holy Quran showing Allah, and no other person, as the only grantor of human rights. The few rights out of many mentioned for convenience in the verse are rights to dignity, movement and ownership of property. The verse says:

ولقد كرّمنا بني آدم وحملناهم في البر والبحر ورزقناهم من الطيّبات وفضلناهم على كثير ممن خلقنا تفضيلاً.

Meaning: And indeed we have honoured the children of Adam, and we have carried them on land and sea, and have provided them with lawful good things and have preferred them to many of those whom we have created with a marked preferment.

As clear as the import of the above verse is, one still finds some ingrates among the West who are yet to desist from attributing the glory behind human rights' grant to the Westerners. This is injustice in the highest order. Al-Ilory is therefore right in debunking the claim of the West in this direction. Below is an excerpt of what Mawdudi had earlier said on the issue:

People in the West have the habit of attributing every beneficial development in the world to

themselves. For instance, it vociferously claimed that the world first derived the concept of basic human rights from the Magna Carta of Britain – which was drawn up six hundred years after the advent of Islam... To the best of my knowledge, the West had no concept of human and civic rights before the seventeenth century; and it was not until the end of the eighteenth century that the concept took on practical meaning in the Constitutions of America and France.⁴²

However, it should be noted here that the so-called Western egoism or phenomenon as regards origin of human rights is not a conviction held by all the people in the West. There exist some who are given to objectivity among the West and who are, thus, of the opinion different from the claim of calumny maintained by their fellow continent men. One of these objective folks from the West is Edward I whose comment on the document “Magna Carta of 1215” goes to show, among others, that reference to the instrument and others alike⁴³ merely reflects the commencement date(s) of the western idea of human rights as opposed to the widespread misgiving of Magna Carta of 1215,⁴⁴ as its starting points.⁴⁵

Examples of non-Muslim objectivists as the above are numerous. A Muslim scientist’s respect for positions maintained by Islam may not be astonishing in any form. But if a non-muslim servant, despite his indebtedness to his religious bigotry, yet recognises Islam’s grandeur and its lofty leading that is a real tribute. To this extent, testimonies of some other western scholars recognizing the pioneering status of Islam’s and Muslims’ legacy to mankind on other issues such as legislation, economics, pharmacology and mathematics, to mention but few, are herein below considered.

On legislation, Jean Jacques Rousseau wrote (Social Contract” Book II: Chapter 6: “The Lawgiver”):

To discover the rules of society that are suited to nations, there would need to exist a superior intelligence who could understand the passions of men without feeling any of them, who had no affinity with our nature but knew it to the roots, whose happiness was independent of ours but who would nevertheless make our happiness his concern... in fact a divine lawgiver is needed. By these standards, the most competent legislator is the creator of man Himself, He knows all the mysteries of man’s being, makes

no profit out of any human society, and needs no man. Hence, the principles which can shape equitable social regulations must be learnt from a person who receives direct guidance from the Creator, whose teachings are the inspired revelations of that unique source, and who is wholly reliant on that Infinite Wisdom.

Human laws aim only at the ordering of human society. They do not stray outside those limits, nor touch non-social matters like personal conditions, attitudes of mind, spiritual excellence. They do not try to cure internal pollutions within the personality. It is only when personality problems issue in social disorder in action that they enter the scope of legal measures. A person may be filthy in thought and spirit and still good in the eyes of Western law, which looks only upon outward acts and not upon the hearts. Islam with its wide outlook aims not just at redressing what has been done wrong but primarily at putting individual and society right from inside, regarding the ethical personality as the basic unit, and its perfecting as the priority. Islam aims at an orderly society composed of sound morals, same thinking, sensible action, serene psyches. It therefore legislates for the inner life of the individual in as much detail as for the outer life of the society.⁴⁶

On the pioneering status of early Muslims in Economics, Walter Reuther, one time President of the USA United Auto Workers Union, says:

Western law supports property-rights and give preference to those of capitalists over those of workers. Soviet law, in their own words, exists to strip the individual of all property rights and to extirpate capital as a personal possession, giving preference to the workers' group throughout. Both systems are grounded in human reasoning and judgment. But Islam's law is grounded in Divine Revelation. Its legislation is not a human expedient. It does not set class against class; but helps each group to respect the excellence of

other groups. Dictated by the Lord of all creatures for the general good and for the good of all, it permits no class to lord it over others nor allows injustice to break in. A ruler is in it only an ordinary person with a particular set of duties, himself under law, wielding power solely to ensure that the Divine Commandments are obeyed in society. Since confidence reigns that God's law is sovereign, peace and quiet obtain. Islam on the one hand opposes Capitalism's doctrine that the reigns of property-ownership lie outside the limits of state control, and its permitting "free enterprise" to exercise aggression and tyranny of the stronger over the weaker in an exaltation of the rights of the individual to the detriment of the rights of society as whole: and, on the other hand, does regard the sanctity of property as a fundamental.⁴⁷

In the aspect of Pharmacology, Gustave le Bon writes:

Besides the use of cold water to treat typhoid cases – a treatment later abandoned, though Europe is taking this Muslim invention up again in modern times after a lapse of centuries – Muslim's invented the art of mixing chemical medicaments in pills and solutions, many of which are in use to this day, though some of them are claimed as wholly new inventions of our present century by chemists unaware of their distinguished history. Islam had dispensaries which filled prescriptions for patients gratis, and in parts of countries where no hospitals were reachable, physicians paid regular visit with all the tools of their trade to look after public health.⁴⁸

As for Mathematics as a discipline, Muslim scholars' earliness in delving into the area has been attested to by Baron Carra de Vaux, author of the "Astronomy and Mathematics" in "The Legacy of Islam" (OUP 1931 pp. 376 – 398). He points out that:

The word "algebra" is a latinisation of the Arabic term Al-jabr (= "the reduction" i.e. of

complicated numbers to a simpler language of symbols), thereby revealing the debt the world owes to the Arabs for this invention. Furthermore, the numerals that are used are "Arabic numerals" not merely in name but also in fact. Above all the Arabs' realization of the value of the Hindu symbol for zero laid the foundation of all our modern computerised technology. The word "zero", like its cousin "cipher" are both attempts at transliterating the Arabic "sefr", in order to convey into Europe the reality and the meaning of that word in Arabic.⁴⁹

(iii) Over-Concentration of the West on the Rights of Man

It has been established in the foregoing that Islam, and not the West, was the earlier in granting man a bundle of rights. These rights belong to man by virtue of his birth on the surface of the earth. Al-Ilory maintains this position in his book under examination.

Another important opinion by the great scholar which is to be appraised is the non-challance of the West in prescribing man's duties side by side his rights. Al-Ilory notes, and correctly too, that over concentration of the West on the provision for human rights was so much on the high side that they left human duties undiscussed. Even though certain aspects of duties of man are mentioned in the much orchestrated Universal Declaration of Human Rights,⁵⁰ existence of these duties are more on the pages of paper of the instrument than in actual practice.

The reason for the above is simple. It has been established by the same author, Al-Ilory, that human rights' grant in the perception of the West came about only after much violence by the oppressed people. Thus, it can be safely concluded that the West were so much under the pressure to calm down the violence that they granted the rights without having the requisite time to ponder on the corresponding effects of duty to right. The end result is neglect of due and sincere concern for duties of man compared to human rights.

The approach of Islam differs here from the above. Al-Ilory captures the Islamic approach when he says that Allah, through Islam, accords the same quantum of premium to both rights and duties. He concludes most correctly that non-recognition of this laudable corresponding order of rights and duties in the Western system accounts for the unchecked frequent abuse of human rights among citizens of nations here and there.

Conclusion

As it appears before the readers, Al-Ilory's book on "Human Rights...", where he considers the concept of human rights between the religions' and man-made laws, has been looked into. After paraphrasing the main gist in the book, the author's perspectives on the concept of human rights have been examined.

It is not hidden in the book that Al-Ilory rightly debunks the empty assertion of the west that the notion of human rights is a western conception and that such notion is alien to Islam. Al-Ilory succeeds in debunking the baseless assertion of the west on this note. He even establishes that the grant by Islam of human rights, which came to be known as the first in time, was freely given by Allah without demand for same by creatures. The author compares this to the idea of human rights in the west where the grant only came in order to calm down series of violent agitations for same by the oppressed.

The above, as submitted by the author, couldn't allow the west enough time to cater for the provision on duties of man, to be practicable side by side with human rights. The author thus advises against over concentration on aspects of the rights at the expense of duties. The two, he concludes, should go hand in hand. This is Al-Ilory's alternative approach to the discourse of human rights. The writers share the learned author's conviction in the workability of the approach towards taming the tide of human rights' abuses here and there. The approach is therefore suggested for consideration and adoption by the Nigerian policy makers and the international communities.

Notes and References

- 1 Which came into force since 1999
- 2 A. Robert (Ed.), "The New Penguin English Dictionary", Scotland: Omnia Books Ltd), 2000, p.1203.
- 3 C. A. Oputa, "Human Rights in the political and Legal culture of Nigeria": Idigbe Memorial Lectures 1989, pp.40-41.
- 4 W.H. Honfield "Fundamental Legal Conceptions as applied in Judicial Reasoning " ed. Cook Yale University Press, 1923, pp. 35-36.
- 5 M.T. Ladan, "Introduction to Jurisprudence: Classical and Islamic", (Nigeria: Malthouse Press Ltd., 2006), p.136.
- 6 He became fondly called Al-Ilory when he started writing and publishing Arabic books which always came out with his name, ending with the phrase "Al-Ilory" which shows the town "Ilorin", in the present day Kwara State of Nigeria, as his genealogy.
- 7 M.R. Jibreel, "As-Shaikh Adam Abdullahi Al-Ilory: Nisbatuhu Wa Shakhsiyyatuhu Wa Wasiyyatuhu" (Nigeria – Lagos: Allahu Nuur Press, 2004), p.13.
- 8 But because they had to trek down to Nigeria, he and his parents couldn't arrive the country until 1928.
- 9 Adam's mother was a native of Wasa village in the former Dahomey where she was a princess. Her father (Pewonku), the village head, married her out to Adam's father, Abdulbaqi, during his stay with the village head as an Islamic scholar and spiritualist.
- 10 H.I. Olagunju, "Translation, with Commentaries, of Shaikh Adam's Nizam Al-Ta'lim Al-'Arabi Wa Tarikhuhu Fi'l Alam Al-Islami", a doctoral thesis submitted to the Faculty of Arts, University of Ibadan, (1985), p.5.
- 11 A.S. Abdulkadir, "Reflections on the eclectic person of Shaikh Adam Abdullahi Al-Ilory" (1917-1992), in ANYIGBA Journal of Arabic and Islamic Studies, Vol. 4, No 2, 2010/1431AH, p.14.
- 12 Adam spent this period learning books such as Manzummat Quba, Manzummat al-Qurtabi and Baiquni's Sarf al-'inan 'an Tariq Niran ila tariq al-jinan and other advanced books of study.
- 13 For instance, while in Ibadan, under Shaikh Salihu from 1934-1939, Al-Ilory studied books such as; *kitab az-zuhd*, *Mawa'iz baliqah*, *Banat Su'ad*, *Ashmawy*, *Akhday*, *Mafatih al-i'irab*, *Hamziyyah*, *Tafsir surah Yasin*, *Lamiyah al-af'al*, *Izziyah*, *Tuhfat al-Mawdud*, *Maqsurah ibn Duraid* and others. In 1939, Al-Ilory, under Shaikh Umar Agbaji in Lagos, learnt books such as; *Ajrumiyyah*. *Miftah Lugah al-'Arabiyyah*, *lamiyyah ibn al-wardi*, *Takhmis Banat Su'ad*, parts of *Matn ar-Risla* and *Tasrif al-Maidany*, Completion of *Qasaid*

al-'ishrinat (which he had earlier started under Shaikh Salihu) and meaning of some lines of poem from *Maqamat al-hariry*. As for Shaikh Nama'aji, whose name also was Adam, Al-Ilory studied under him in 1941 branches of knowledge such as; *Balagah*, *'Arud*, *Usul al fiqh*, *Falak*, *Falsafah* and *Inshah*. He also learnt under Nama'aji books like; *Uqud al-Juman*, *Asl al- Waraqat*, *Al-Kafy fi al-arud Wal-Qawafi* and *al-Jawhir al-maknun fi thalathati funun* among others. On the source of the present writers for the information on this reference note, see: Abd al-Hamid Shuaib Agaka, '*Al-Thaqafat al-Arabiyyat fi madinati Ilorin*', (long essay presented to the Dept. of Arabic, Bayero University, Kano, 1981, pp.137-138.

- 14 A.S. Abdulkadir, p.15.
- 15 H.I. Olagunju, "Adam Abdullahi Al-Ilori: A great Jihadist", a paper presented at the 9th Annual Conference of Nigerian Association of Teachers of Arabic and Islamic Studies, p.27.
- 16 Prof. R. D. Abubakare of the University of Ilorin, Nigeria.
- 17 R. D. Abubakare, "Inter-Religious Dialogue as preached by a Nigerian Islamic Scholar; The activities of Shaikh Adam Abdullahi al-Iluri (1917-1992), in CENTERPOINT (Humanities Edition, vol. 7, No. 2), A Journal of Intellectual, Scientific & Cultural Interest, University of Ilorin, 1997, p.194.
18. Mohammad Khair, Ramadan Yusuf.
19. R.Y. Muhammad, "Takmilatu Mu'jam al-muallifin" (1997) Beirut: Dar al-Hazm Printing Press, p.9
20. See: I.B. Hakim Monite, "Alhaji Adam Abdullahi al-Ilori: The Man, His Works and Educational Impact", Long Essay, Dept. of Arabic and Islamic Studies, University of Ibadan, May/June, 1974, p.28.
- 21 Ibid.
- 22 Ibid.
- 23 Which took place on January 15th, 1966
- 24 Such as chapter 20 and 2, verses 50 and 38 respectively.
- 25 *Al-Milal Wan-Nihal* and *Al-Munqidh Min ad Dhalal*
- 26 See the poem as reported in Al-Ilory 's *Al-Maqtuu'ah Al-Adabiyyah*; a compiled pamphlet of Arabic poems of literature composed by various poets (Nigeria-Lagos: undated) p.13.
- 27 See the speech in "Greatest Speeches of Historic Black Leaders": ed. Ben C. Anagwonye (2009). Nigeria: Mindex Press Ltd., Vol. 3, pp. 20-21.
- 28 Ibid., p.84.
- 29 Al-Mawardi, (2006) '*Al-ahkam as-sultaniyyah*,' Dar al-Hadith Press, Cairo, pp. 110-129, 130-154 and 349-373.

- 30 Mazalim is a plural form of mazlim which connotes misdeed, wrong, act of injustice and iniquity in Arabic philology. The technical concept of this term, which is derived from its literal meanings, refers to government agency in an Islamic society whose duty is to rectify, among others, injustices incurred on the subjects by those in authority.
- 31 The technical meaning of Hisbah denotes the state institution which promotes what is proper when its neglect becomes obvious, and forbids what is improper when its commission becomes apparent among the community. See Q3:104. More often than not, cases beyond the judiciary are handled by Mazalim administrators, while those other cases below the judiciary stratum are handled by Hisbah administrators.
- 32 Qadah means, adjudication handled by the judiciary. Here, jurisdiction is assumed only when cases are instituted by either of the litigants. Whereas, under Mazalim and Hisbah, administrators can initiate the proceedings suo motu upon noticing the impropriety.
- 33 On January 15th, 1966.
- 34 S. Max, "The inside story of Nigeria's First Military Coup". Available at <http://www.kwenu.com/publications/siollun/1966>, p. 1 of 6, accessed on the 17th of July, 2012.
- 35 See this in the article posted on the internet via PDF by James Francis and accessed therefrom on 17/7/2012. The title of the article is "The History of Coup D'etat in Nigeria"
- 36 A.A. Al-Ilory "Huquq Al-Insan Bayna Adyan as-Samai Waqawanin az-Zaman"; (the book under examination) (Nigeria: Lagos – Dar al-Fajr publication house), 2009, 2nd edition, p. 12.
- 37 A. Robert, (ed.), p.252.
- 38 See the quotation to which footnote No. 33 refers.
- 39 Al-Ilory Adam Abdullahi, p.19.
- 40 Chapter 7:43
- 41 Al-Qurtaby M.A., "Tafsir al-Qurtaby Al-Jami' Li ahkam al-Quran" (Egypt – Azhar: Dar Taqwah Press). 1st ed., Vol. 7, 2008, p. 159
- 42 Mawdudi Abul A'la, "Human Rights in Islam" 2nd ed., (Great Britain: Dotesios Printers Ltd., 1986, p.15
- 43 Other instruments similar to Magna Carta include the Charter of Rights issued in England by King Conrad II in 1037, the English Bill of Rights of 1689, American Charter of Rights issued on the eve of the American declaration of independence in 1776 and the French Declaration of Rights of man and of the Citizens made in 1789.

- 44 Or even the Charter of Rights issued in England by King Conrad II in 1037, which came earlier in time than the 1215 date of Magna Carta.
- 45 See: A Translation of Magna Carta as confirmed by Edward I with his seal in 1297, available at <http://www.archives.gov/exhibits/featureddocuments/magnacarta/translation.hl>
- 46 Quoted from: mujtaba Musawi Lari's "Western Civilization through Muslim Eyes" as translated into English by Francis J. Goulding (1977), Iran, p.56.
- 47 Ibid., p. 64.
- 48 Ibid., p.78.
- 49 Ibid., p.82.
- 50 Of 1948.