

Conclusion and Recommendation

The concept of social networking has been the growing practice of modern technology in the present world whereby this paper has properly examined the history, concept, the purpose and use of social networking sites including the Islamic law perspective as to the legality or otherwise of social networking sites.

It could be seen from the aforementioned items that wherever there is a benefit on a thing, there will surely be a risk as to the use of such thing; that is although benefit are been derived from these social networking site, there are also some risks accorded to it.

Furthermore, in examining the legality or otherwise of the social networking in our society by the Islamic Jurisprudence, series of opinions, comments and observations deduced in this paper is to the effect that if social networking sites such as: facebook, twitter and so on is banned and internet prohibited by the Islamic Jurisprudence, what about the benefits derived from it? That is why it was observed that "(for specific persons, it may be impermissible for them specifically if they cannot control themselves from doing impermissible actions and it outweighs the benefit for them).

It is therefore recommended that there should be a public Fatwa as to the use of the social networking sites among the people so as to save the personality of each member of the society. The paper also recommend that the Islamic Jurisprudence should try to establish some Islamic social networking sites which will duly enlighten internal users more on the intention accorded to users because the problem in it is our intention and subsequent actions.

ISLAM AND MUSLIMS IN NIGERIA: A LEGAL ANALYSIS OF THE IDENTITY CRISIS"

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Abstract

This article is an examination of the ideal and reality of the relationship between the two concepts 'Islam' and 'Muslims' in the Nigerian context. It argues that while the latter concept is supposed to be in theoretical and theoretical terms the external manifestation of the former, the reality is that there is an ever-increasing gap between the two concepts. The article suggests that the gap is not as a result of religious lethargy or ignorance on the part of Muslims but arose out of the fact that the orthodox practice of Islam is fast becoming a 'strange' phenomenon and is subjected to a diversity of interpretation.

Keywords: Muslims, Nigeria, Identity, Crisis.

Introduction

According to the basic tenets of classical Islamic constitutional law,¹ there are two states: Islamic state (*Dar-al Islam*) and belligerent/enemy state (*Dar-al Harb*). Some modern Islamic law scholars have sought to argue for the possibility of the existence of a third kind of state: a non-Islamic state with peaceful relations with the

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For more detailed discussion on the point, see Hizb ut-Tahrir, T., 1998. *The Islamic State*. London: A-Khilafah Publications. Pp.41, 134 and 141.

Islamic state.² However, this postulation has been challenged as having no firm roots in the established Islamic constitutional law concepts and is regarded as a modern coinage by contemporary scholars.³ The correct position, according to this view is that there are situations where some citizens of a belligerent state may seek and indeed enjoy peaceful/visitor relationship with an Islamic state and for a stated contractual period. The Islamic state is borderless⁴ and the basis of its citizenship is merely the profession of Islam and nothing else.⁵ The citizenry of the Islamic state, therefore, constitutes a single brotherhood on the basis of the provisions contained in Q49:10 ('The believers are but a single brotherhood...') and in this unified sense have in common various facets of this unity of faith and belief; of textual and spiritual guide in nature of Qur'an and Sunnah; of practice; of appearance; of worship and so on.

From this brief exposition, it becomes clear that Nigeria, the contextual focus of this paper, is not an Islamic state. In addition and perhaps, more importantly, it should also be noted that there is no country at present in the entire world that may be described aptly as an 'Islamic state'. Some analysts have also objected to the description of Nigeria as a Muslim state given some demographic reports that Muslims

²Ibid

³Ibid.

⁴The relevant Qur'anic injunction here is contained in Q67:15 that- 'It is He Who has made the earth manageable for you, so traverse ye through its tracts and enjoy of the sustenance which He furnishes: but unto Him is the resurrection.'

⁵al 'Umarī, A.D. (1992). *Madīnan Society at the Time of the Prophet*. Vol. 1, translated by Hudā Khattāb. Herndon: International Islamic Publishing House and the International Institute of Islamic Thought. P.51 and 75- 'The political and social unit [in the pre-Islamic Arabian peninsula] was the tribe... When Islam came, it established the concept of the state and bound all tribes and individuals to it. The state of Madīnah was founded upon a totally ideological base, and it expanded to unite the Arabian peninsula for the first time in its history under the banner of Islam... [The] society is open to whoever wants to join it, regardless of his color or race, on condition that he sheds his unnatural characteristics and adopts the Islamic personality so that he can enjoy the same rights as all other Muslims.'

are not in the majority amongst the country's population and such description would require that an overwhelming percentage of her population to be adherents of the Islamic faith.⁶ A more accurate term offered is that Nigeria is a country with considerable Muslim population. Nevertheless, the fact that Nigeria may not be described in the strict legal sense as an Islamic or a Muslim state but a state with considerable Muslim population does not negate the fact that Muslims in whatever proportion they exist everywhere must live as a single brotherhood in view of the Qur'anic position stated above. It would appear that the situation of Muslims in Nigeria does not bear out this description and the reasons for this are discussed in the sections that follow.

(Dis)connection Between the Two Concepts Islam and Muslims

It used to be the case that the identity of Muslims anywhere is inextricably tied to the practice of Islam. In present times, however, there appears to be two broad categories of Muslims from an external and objective perspective: individuals who identify themselves as Muslims; and persons who practice Islam and are therefore recognized as Muslims. Observers have since time immemorial noted that in Nigeria, as is the case in a number of countries in Africa and Asia as well as with the majority/considerable Muslim population⁷, there continues to be more Muslims of the self-identifying category than the practitioners of Islam typology. Why?

⁶See Osiien, P. 2012. Percentages By religion of the 1952 and 1963 Populations of Nigeria's Present 36 States.' NRN Background Paper No.1, Oxford Department of International Development, University of Oxford. Pp.5-14, available at <http://www3.geh.ox.ac.uk/pdf/nrn/BP1Osiien.pdf>, accessed 10 July 2014.

⁷One of such observation, though with a Sufi bias, is documented in ad-Darqawi, A. (1981). *Letter to an African Muslim*. Norwich: Diwan Press. P.43.

A number of issues have already been identified as the root causes of this ever increasing gap.⁸ Some of these are the problem of 'laziness' or a lethargic attitude to issues and declining knowledge levels when Muslims should by definition be a body of intellectuals. While these may be true to some extent, the current author is of the opinion that in a number of situations, the identified factors are merely symptomatic of a graver underlying cause. For example, to tackle the issue of laziness, while there may be abundant empirical evidence to validate the assertion in some cases, there are equally very compelling evidence of mentally alert, astute and very hardworking men and women as constituting a considerable proportion of the Muslim population in Nigeria. As regards the paucity of Islamic knowledge, this is also true to a certain extent because of the ever increasing gap between acquisition of knowledge as a prerequisite for becoming a Muslim and Muslims by birth and nomenclature. In some countries of the Western part of the political divide, Islam receives so much media attention as the fastest growing religion and the Muslim reverts (as they are popularly called by existing Muslim population) appear to dedicate more serious attention to the practice of Islam than anywhere else in the Muslim world.⁹ In spite of this concession, the conception here is that the issue of declining knowledge levels is again not an underlying cause.

The underlying cause, in the current author's opinion, is that the unadulterated practice of Islam in the perspective of most Muslims is fast becoming a 'strange' phenomenon. As earlier noted in the introductory section of this paper, the modern nation-state models do not qualify in Islamic constitutional law as 'states'. Therefore, Muslims do not

⁸For example, on 2 Ramadhan 1435 AH/29 July, 2014, the current author attended a Ramadhan lecture at Chaste Intellect International School, GRA, Ikorin which was delivered by Dr Mahfouz Adedimeji on the topic 'Muslims in Nigeria and the Problem of Insecurity'. He suggested amongst others, the problem of laziness on the part of Muslims; lack of proactivity; and lack of an in-depth understanding of Islam as a way of life.

⁹Aside from media references, the current author had the opportunity of a firsthand experience of this phenomenon during the course of her PhD study in the United Kingdom between 2007 and 2012.

currently exist in isolation or as a significant majority in various societies such as is the case in Nigeria. They are, therefore, not insulated from the political and socio-economic forces as well as multifarious ideological perspectives that other non-Muslim citizens are also exposed to. The effects of globalization such as the ease of cultural/legal and ideological diffusion; the individualistic, competitive and cruel intensity of capitalism; the rat race; ethno-tribal conflicts and intra/inter-religious tensions; emerging trends of political correctness and social accommodation of diversity without incursion of personal/religious sentiments such as trying not to be 'homophobic'; and stereotypical attitudes and racial/religious profiling are all examples of other societal pressures in modern societies that transitional contexts such as Nigeria emulate.

As has been said, the Muslims in Nigeria or anywhere are also not immune to all these pressures and Islamic responses may seem 'outdated', 'anachronistic' 'out of touch with modern social reality' or in a nutshell- 'strange'. Illustrative examples are the Islamic prescriptions regarding illicit sexual relations,¹⁰ spousal relations within a marital union,¹¹ inheritance,¹² economic relations¹³ punishment for crimes and so on. Some of these positions may seem not to be in tune with contemporary aspirations of Muslims who live in a modern world that it would take the bravery of a soldier at war to uphold Islamic tenets in some situations. In other situations, one come across attempts by some Muslims to alleviate the vilification of some Islamic prescriptions by a

¹⁰Q17:32; 24:2-3, 4:15-16, etc. proscribing sexual relations between unmarried couples and such practices as homosexuality and lesbianism.

¹¹4:34, 128 etc., requiring inter alia that a man is the chief breadwinner in a Muslim family.

¹²Q4:4, 11, 12 and 176. Of interest here are such provisions requiring that a male heir in some instances inherits double the share of the female counterpart.

¹³Q2:275-276, 278-280 and 3:130. This is especially regarding the outlawing of usury and usurious transactions which, to the contrary, the present global economic regime is based entirely on.

'purposive' interpretation of textual provisions in Islam¹⁴ which often times turn out to be 'apologetic' representations. Such attempts, however, are a number of times met with staunch outrage by other Muslims who consider themselves as 'orthodox' but who themselves may be charged with 'spiritual hypocrisy' in 'talking the talk and not walking the walk'. The current line of discussion finds eloquent expression in the following words-

The intriguing question [to ask from an anthropological perspective is:] "How do men of religious sensibility react when the machinery of faith begins to wear out? What do they do when traditions falter?" They do, of course, all sorts of things. They lose their sensibility. Or they channel it into ideological fervor. Or they adopt an imported creed. Or they turn worriedly in upon themselves. Or they cling even more intensely to the faltering traditions. Or they try to rework those traditions into more effective reforms, or they split themselves in half, living spiritually in the past and physically in the present. Or they try to express their religiousness in secular activities. And a few simply

fail to notice their world is moving or, noticing, just collapse.¹⁵

The point sought to be made from the discussion so far is that the gap between the two concepts 'Muslim' and 'Islam' is not because of lethargy or lack of knowledge but lack of courage to be a 'stranger' or a 'lone ranger' amidst overwhelming conditions favourable to the contrary. A Prophetic tradition has since predicted this dilemma and the way out, thus: 'Islam started as a lone-ranger/strange phenomenon and it would soon eventually become a lone-ranger affair. So, bravo to the lone-rangers'. The question that begs its answer at this point for Muslims in Nigeria to resolve the identity crisis on this point and return to being the 'physical face' of Islam is - how strange do they have the courage to be? In this connection, the following Qur'anic provision appears very instructive - 'Say: Not equal are things that are bad and things that are good, even though the abundance of the bad may dazzle thee, so fear Allah, O ye that understand that ye may prosper.'

From the suggestion above, questions which link the next sections in this paper to the discussion so far are - how 'strange' should Muslims then aspire to be? As strange as to include suicide bombers, kidnappers or 'people who kill unjustly in the name of religion'? Most important of all, whose *Islam* is Islam?

Muslims and their Internal others: Whose Islam is Islam?

The question of diversity and the accommodation of pluralism in relation to the Islamic faith has often been discussed in the initial studies with greater focus on the relationship between Islam and other religions.¹⁶ Put another way, scholars have given much more detailed attention to the Islamic perspective on the 'external others'.

¹⁴Geertz, C. 1968. *Islam Observed: Religious Development in Morocco and Indonesia*. Chicago & London: The University of Chicago Press. P.3.

¹⁵For example, Ali, A.S. (1967). *The Spirit of Islam*. Methuen: London; Kasseraga, B.D. and Shenk, D.S. (1980). *Islam and Christianity*. Daystar: Houston; and Darsh, S.M. (1980). *Muslims in Europe*. Ta Ha: London.

¹⁴For example, in the area of human rights, see some of the works of a leading scholar on human rights and Islam, An-Naim, A.A., whose philosophy on the subject is as follows - 'I am proposing the principles of constitutionalism, human rights and citizenship, which can work only when they enjoy sufficient cultural and religious legitimacy to inspire and motivate people to participate in organized and sustained political and legal action. An Islamic discourse is essential for legitimizing the necessary strategies for regulating the public role of Islam. At the same time, that discourse cannot emerge or be effective without the security and stability provided by the secular state.' See An-Naim, A.A. 2008. *Islam and the Secular State: Negotiating the Future of Shari'a*. Cambridge: Harvard University Press. P.44. Also, the current Emir of Kano, Sarfari Lamido Sanusi, had at a time published his reflective interpretation of the 2:1 requirement of the inheritance verses contained in Q4:11 and 176 in relation to the shares of male and female children and brothers and sisters.

Occasionally, some orientalist publication make some references to intra-faith diversity within Islam, such as the remark that-

Muslims do not have a unified and monolithic perception of their faith, any more than the followers of other great religions. However much the orthodox dislike it, different groups of Muslims interpret the Qur'anic injunctions and the Prophetic sayings differently- each according to its historical background, and the realities encircling it- and not always in terms conducive to a dictatorial conduct of individual and social affairs.¹⁷

However, this kind of perception did not usually receive serious reception by Muslims given the Qur'anic position that Muslims comprise a single brotherhood. More importantly, the tradition of Islamic legal thought has itself historically 'recognized and accommodated a certain level of acceptable diversity of practice and belief.'¹⁸ Thus, four schools of law (*Madhāhib* in Arabic) comprising Hanafi, Maliki, Shafi'i and Hanbali schools jointly form the majority Sunni schools of law in Islamic jurisprudence. From around the tenth century, these four schools for majority of Muslims 'define both an arena of legitimate disagreement and the outer limits of acceptable diversity'¹⁹ in respect of doctrinal interpretation and application of Shari'ah. The consequence is the recognition in municipal law of one or the other of these schools as the official scheme of adjudication in various Muslim jurisdictions. The four Sunni schools presently comprise the mainstream regimes for the application of Shari'ah across the majority of Muslim jurisdictions where the views of the jurists of the Shi'i minority school are not considered to

¹⁷Enayat, H. (1982), *Modern Islamic Political Thought*. London and Basingstoke: The Macmillan Press Ltd. P. 1.

¹⁸Cammack, M.E., 2005. 'Islam and Nationalism in Indonesia: Forging an Indonesian Madhāb', in Bearman, P., Peters, R. and Vogel, F.E. (eds.) *The Islamic School of Law, Evolution, Devolution, and Progress*. Massachusetts: Harvard University Press. P.175.

¹⁹*Ibid*, Pp.175-6.

be within the limits of acceptable diversity. For instance, it is the Maliki school that is the official scheme of interpretation and application of Islamic law in Nigeria.

However, emerging studies have directed full attention to what is described as a kind of 'intra communal plurality' where Muslims may not necessarily 'have identical interpretations of their foundational texts.'²⁰ Hirji suggests that this is the process whereby Muslims debate Islam from within which results in some varied and, at times, irreconcilable constructions of the 'self' and the 'internal other' by an individual Muslim.²¹ An interesting point at this juncture is an emerging phenomenon where individuals arbitrarily interpret religious provisions in self-serving ways and base their practice of Islam thereon. Unfortunately, either unwittingly or by design, some Western writers reify these personal/individual interpretations and regard them as 'forms' of Islam.²² The focus of concern here is the issue of killing or abduction in the name of religion. In the wake of the abduction of the Chibok girls by a supposed Muslim sect-'the Boko Haram'²³ as well as previous terrorist activities alleged to also have been carried out in various parts of the country by the same group, a number of Muslims in Nigeria have experienced and continue to experience some sort of crisis of identity.

²⁰Hirji, Z., 2010. 'Debating Islam from Within: Muslim Constructions of the Internal Other', in Hirji, Z., (ed.) *Diversity and Plurality in Islam: Historical and Contemporary Discourses amongst Muslims*. London, New York: IB Tauris. P.7.

²¹*Ibid*, Pp.4-7.

²²For instance in the Indian context, Dominique-Sila Khan identifies various forms of 'Islamic' such as crypto-Muslims, Hindu Muslims, Sikh Muslims. Khan, D. (2010). 'Being One and Many Among the Others: Muslim Diversity in the Context of South Asian Religious Pluralism' in Hirji, Z., (ed.) *Diversity and Plurality in Islam: Historical and Contemporary Discourses amongst Muslims*. *Supra*, note 19, P. 43.

²³A slang term in the Nigerian Hausa language that may be roughly translated to mean that 'Western education is bad/corrupted/proscribed' (Translation by the author). The term in Nigeria popularly refers to a sect that carry out terrorist activities ostensibly in the name of the religion of Islam.

On the one hand, should they identify with the 'Boko Haram' sect as brethren in the spirit of Islamic brotherhood, though with an acknowledgedgement that the sect is ideologically misguided from pure Islamic perspective? Or is it better to maintain a clear spiritual distance (from a belief-system, i.e. Islam, whose provisions could be alternatively interpreted to perpetrate such evils) and be a patriotic citizen who will join other Nigerians in the war against terror, after all Islam is 'supposed to be' a religion of peace? Others denounce the activities of the sect as un-Islamic and would go as far as to argue that the sect is nothing but a syncretic creation of unscrupulous Nigerian politicians and the enemies of Islam.

Of the three scenarios stated, a question which begs its answer is which scenario is most authoritative of the correct Islamic position on the matter from an internal and external perspective? From an external perspective (that is to say from the perspective of other non-Muslim Nigerians) it may be argued that the second option will appear to be more authoritative. From an internal perspective, in the current author's opinion, it is the third scenario. This is because as much as it is possible for some individuals to arbitrarily cite certain provisions of the Qur'an out of context as authority for harming and killing people in the name of propagation of the religion, the same Qur'an as well as historical evidence provides the correct context for the propagation of Islam. One of such provisions that is oft-cited out of context is Q66:9- "O Prophet! Strive hard against the unbelievers and the hypocrites and be harsh with them. Their abode is hell, an evil refuge." Available historical evidence validates the assertion that all wars that the Prophet of Islam and the Rightly Guided Caliphs were engaged in were defensive wars.²⁴ More importantly, the Qur'an in various places too numerous to attempt a verbatim reproduction of all in this paper provides the correct approach

²⁴ See for example, al 'Umarī, A.D. (1401-1981). 'Madīnan Society at the Time of the Prophet.' Vol. I and II (Translated by Hudā Khattāb). USA: International Islamic Publishing House and the International Institute of Islamic Thought, As-Suyuti, J. 'History of the Caliphs' (Translated by Jarrett, H.S.) (1977). Pakistan: Karimsons.

to religious propagation. Illustrious examples are the provisions contained in Q25:63 and 16:125-7. The first provision requires that Muslims should be living examples of Islam - "And the servants of the Most Gracious are those who walk on the earth in humility, and when the ignorant address them, they say, 'Peace'". The second provision describes the methodology of active propagation by instructing that "(I)nvite (all) to the way of thy Lord with wisdom and beautiful preaching and argue with them in ways that are best and most gracious".

In concluding this section, it appears imperative to say a few words regarding the external perspective. That is, how is it possible that Qur'anic provisions which established and continue to establish a religion which is 'supposed' to be of peace may be interpreted to perpetrate evil? The answer is in the following provision of the Q3:7 that.

He it is who has sent down to thee the Book, in it are verses basic/fundamental/of established meaning/clear in meaning; they are the foundation of the Book. Others are not entirely clear. But those in whose hearts is perversity follow the part thereof that is not entirely clear.

Conclusion

At present, the Nigerian media almost on a regular basis broadcast information about persons identified as Muslims as suicide bombers, gunmen and killers as well as kidnappers for the purpose of forced marriages to terrorists, be they real or orchestrated. These categories of persons are fast becoming part of the identity of Muslims in Nigeria. In fact, there appears to be so much religious profiling already occurring in some parts of Nigeria that Muslims must be wary that there may come a time (if it is not here already) when the American situation

of dangerous hostility to Muslims²⁵ after the September 11 attack may be replicated in Nigeria. The current author strongly inclines to the position that perhaps the 'Boko Haram' sect and other such groups are political orchestrations to present Islam as a violent religion. It is the observation, however, that it would seem the Muslim community in Nigeria already incubates too many 'bad eggs' and that is why it is possible for evil doers to 'attire' themselves as Muslims. If there had continued to be cohesion between the two concepts 'Islam' and 'Muslims', then external observers will be constrained with reality to isolate such violent occurrences as unlikely to have been connected to Muslims.

After all, historical records by Orientalists, especially the non-Muslims amongst them, document achievements of the Islamic civilization of the Madinah Society during the time of the Prophet; the Rightly Guided Caliphs; under the headship of such other rulers as Umar Bn Abdulazeez, the great Salahdeen as well as the triumphs of the Sokoto Caliphate under Shayk Bn Fudi. The Islamic society at all the above mentioned times were not entirely free of their 'bad eggs' as mushriks or munafiqs; but because the majority of Muslims aligned themselves with the practice of Islam, the enduring promise of Allah to always make manifest the 'bad eggs' and their intentions was always kept.²⁶ However, there is the requirement of steadfastness and courage to be 'strange'.

²⁵ Recounted in Brodeur, P.C. (2010). 'Religious Pluralism in the Light of American Muslim Identities', in Hirji, Z., (ed.) *Diversity and Plurality in Islam: Historical and Contemporary Discourses amongst Muslims*. *Supra*, note 19, P.61.

²⁶ See Q24:55-57.

JUSTICE AND EQUALITY AS FUNDAMENTAL RIGHTS IN ISLAM

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Abstract

As it is in the Western parlance, human rights in Islam is all encompassing and long lasting concept. In the light of the above, this paper looks into the concept of justice and equality as fundamental human rights under Islamic Law. The two concepts are examined with relevant affirmative evidence from the Qur'an and Sunnah. Attention is given to other issues under the two concepts, such as administration of justice, family relationship and gender equality as they connote fundamental human rights in Islam. Reference is also made to relevant international instruments on human rights vis-a-vis their correspondence with the Islamic position on the issues under discussion. The paper concludes by explaining the purpose of Islam's insistence on justice and equality in all human affairs for the purpose of creating a peaceful co-existence among human beings without discrimination of any kind.

Keywords: Justice, Equality, Rights, Islam

Introduction

If right is defined as "that which is proper under law, morality or ethics; or something that is due to a person by just claim, legal guarantee or moral principle", human rights in Islam basically aims at protecting and preserving human dignity¹. If justice means giving every person what is due to him without hindrance, fear or favour and equality connotes the practice of possessing the same right, privilege, immunity².

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Garner A.B., (ed) Black's Law Dictionary (second Pocket edition) st paul. Minnesota: West publishing Co.2001 p.631
¹ See Qura'n 17:70

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