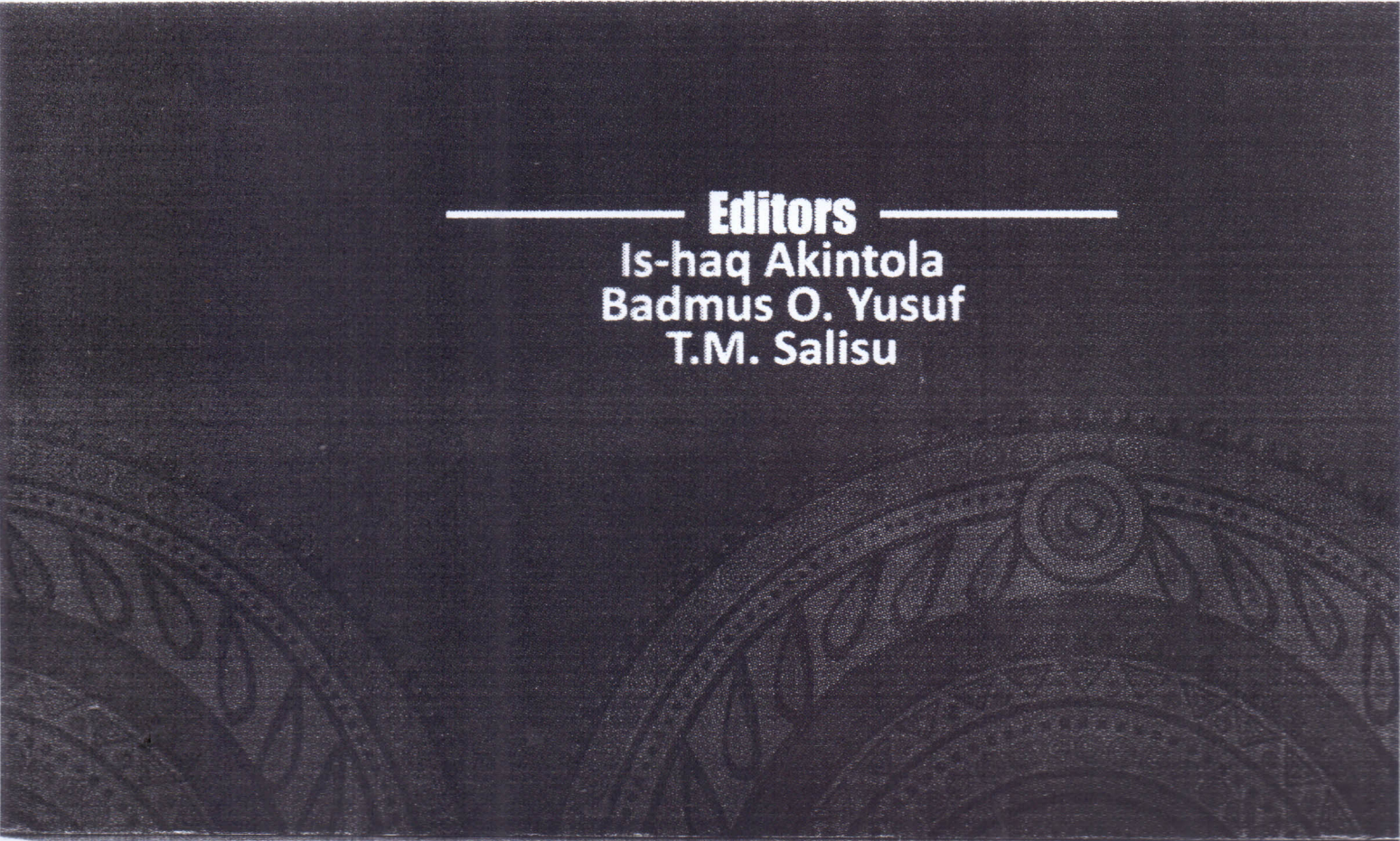




CORRELATES OF ISLAM

———— **Editors** ————

Is-haq Akintola
Badmus O. Yusuf
T.M. Salisu



CORRELATES OF ISLAM

Editor-in-Chief
Is-haq Akintola, Ph.D

Editors:

- Badmus O. Yusuf
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DEDICATION

This Book is dedicated to

Prof. Yasir Anjola Quadri

In recognition of his immense and selfless contributions to Islamic Education as well as his highly professional guidance and assistance of postgraduate students supervised or rescued by him.

May Almighty Allah in His Infinite Mercy Protect and Bless him and all members of his family...Ameen

Here is a teacher with a humane touch

YASIR ANJOLA QUADRI: A BRIEF CITATION

Professor Yasir Anjola Quadri was born in Ijebu-Ode on 22nd August, 1947. His parents were Alhaji Buraimoh Adeyemi and Alhaja Hafsat Sebiotimo-Quadri.

He attended the traditional Arabic school of Alhaji Apaokagi in Owo, Ondo state. Through correspondence courses, he took the London GCE examination and was admitted into the University of Ibadan where he emerged in 1974 with a resounding *First Class* degree in Arabic and Islamic Studies.

He joined the University of Ilorin as a pioneer staff in 1976. Under the supervision of late Professor M. O. A. Abdul, he got his doctorate-degree in Islamic Studies in 1981 and rose through the ranks to become a professor of Islamic Studies in 1995.

Professor Quadri is an accomplished publisher. His interest in the promotion of Islam through the spread of knowledge led him to the establishment of the famous Shebiotimo Publications in Ijebu-Ode. Shebiotimo has published several literature materials on Arabic language and Islamic studies.

Quadri is highly respected in academic circles within and outside the shores of Nigeria. He is well known for his simplicity and humility. He shuns worldly pleasures, flamboyance and sheer material gains. His humane mien knows no bounds. Yet he is a disciplinarian *primus inter pareil*.

Quadri has served in administrative capacity as Head of the Department of Arabic and Islamic Studies. He was the Dean of the Faculty of Arts, University of Ilorin, between 1997 and 1999. He has served as a member of the Appointments and Promotions Committee. He is currently a member of the University Senate and the Governing Council. He is married with children.

FOREWORD

Though the notice was extremely short, the respect I have for the one in whose honour the book was written, compelled my instant browsing through the manuscript particularly the Preface. No excuse would have been strong enough for me, to turn down a request to associate myself with any legitimate act in honour of Prof. Y.A. Quadri.

Having the privilege of reading the Preface to this work which was written by the Editor-In-Chief, I am constrained to write a foreword that would complement the Preface which has been deservedly devoted to highlighting the special qualities of my great teacher, Prof. Y.A. Quadri. The Foreword is thus concentrated on the highlights of the work itself.

This work is a compendium of contemporary themes contributed by distinguished scholars from ten internationally recognized universities. The topics border on the relationship between Islam and current issues like politics, governance, religious conflicts, ethical values, history, DA'WAH, legal matters, science, education, gender and knowledge in general.

It opens with Oloso's article lamenting on the government's lackadaisical attitude to religion, emphasizing politics as an integral part of Islam and finally appealing to Muslims, Christians and all others to allow their religious values to regulate their ways of life. Following this, is Salisu, who reflects on the role of some Quranic Schools' Pupils who are easily lured into fueling religious conflicts, particularly in the northern part of Nigeria. He calls on such pupils to be law-abiding, and tolerant, among other Islamic virtues. This is followed immediately, by Yusuf's review of Sayyid Qutb's commentary on selected unethical behaviours which constitute impediments to peaceful co-existence and tranquility.

Next is Adeniyi who draws a graphic analogy between the moral virtues of Islam and the Yoruba concept of OMOLUABI. He advocates strict compliance with these virtues and warns against the consequences of doing otherwise.

Adetona is next in the catalogue of writers. He dwells on the operations of Modern Arabic Schools in Lagos, identifies their strengths and weaknesses and makes relevant recommendations for their improvement. The next paper is presented by Oladosu who examines the British Colonization of Sudan between 1898 and 1956 and the literature of resistance which dominated that era.

Akintola comes next and he x-rays Ahmad Sani, the former Governor of Zamfara State, as a case study of "Good Governance and Islamic Eschatology".

Akintola opines that faith in the hereafter propels a conscious Muslim politician or leader to work relentlessly for the day of resurrection, for accountability and for Allah's eternal reward.

Musa's paper challenges the Muslim Ummah to make necessary sacrifice for the effective propagation of Islam. He stresses the need to make Islam more appealing to non-Muslims, to acquire the necessary Da'wah skills and competencies, to review the curriculum content of Islamic Studies and to de-emphasize economic prosperity in favour of the spiritual emancipation of mankind. He makes the Kanem-Borno scholars a model for contemporary Muslims to emulate.

The challenges to Islamic Marriages in South Western Nigeria is the focus of Akanni's paper. He rightly observes that Muslims in that part of the country have not been able to liberate themselves totally from the yoke of modern civilization as well as cultural and traditional practices. He recommends a radical reorientation of the Ummah particularly in respect of the Principles and Practices of Muslim Marriage.

Okenwa concerns himself with conflict resolution as it applies to instances where there seems to be contradiction in legal proofs or evidences. He argues that actually, there could be no genuine conflict between legal proofs in SHARIAH and that what appears to be a conflict results from the narrow horizon and experience of a novice in the field.

Ahmed deals with Abdullahi bn Fudi as an iconic ascetic scholar, a prolific writer, a socio-political thinker and an exemplary Muslim character by all standards.

Paramole looks at the theological, ethical and legal dimensions of cloning. He advises that as Muslims, we should tread with caution: not embracing it wholeheartedly and not condemning it until convincing answers are provided for the emerging grey areas of cloning.

In two separate papers, Eniola and Adegoke make the female gender, their subject matter. Eniola argues that Islam honours women and charges men with the responsibility of caring and providing for their welfare. In the same vein, Adegoke commends the eminent status of women in Islam: as mothers, wives and daughters.

The relationship between science and faith is the focus of Abdul Salaam's paper while Saeed examines the process of teaching and learning during the early days of Islam. Abbas looks at the process of appointing an Imam at the Osogbo Central Mosque while Oladimeji examines the effective use of Information and Telecommunication Technology (ITC) in the teaching of Fiqh. Amuni reflects on the plot against Arabic language and script in Nigeria's new Naira notes. The only paper

in Arabic is presented by Badmus-Yusuf and deals with the concepts of IBĀHAH and RUKHSAH.

The compendium concludes with a book review, by Saeed who assesses the "Initial Success of Islamization of Knowledge in Nigeria". Thus, the Reader does justice to the relationship between Islam and major contemporary issues of interest. The themes are topical, timely and relevant, given the prevailing national and global mood.

It is hoped that the various contributions would broaden our horizon, enrich our knowledge and add values to our understanding of Islam as it relates to the issues discussed in this work.

Finally, the book shall hopefully serve as motivation for all teachers in the realization that teachers' rewards are also here on earth – being celebrated by appreciative students.

Is-haq Olanrewaju Oloyede,

Vice-Chancellor,

University of Ilorin.

Ilorin, Nigeria.

&

President, Association of African Universities (AAU).

PREFACE

Professor Yasir Anjorin Quadri is an icon in academics, both nationally and internationally. He is the *raison d'être* of this book: *Correlates of Islam*.

Quadri has left an indelible mark in the minds of scholars who passed through him either at undergraduate or postgraduate levels. His depth of knowledge and professional thoroughness has earned him great respect. In academics, he has ventured and conquered where several of his ilk dare not tread. A fearless scholar, he has rescued many undergraduate and postgraduate students trapped by the notorious bottleneck mentality of the Nigerian academic community.

For whereas Nigerians who pursue doctorate degrees in foreign universities complete their programmes within two or three years, their counterparts in Nigerian universities usually spend seven or more years, no thanks to the Gestapo antics of their ultra-conservative supervisors who have the abstract noun 'oppression' and the verb 'to oppress'.

Yasir Anjorin Quadri chose to stand far from the maddening crowd, rescuing many and salvaging their stranded dissertations and theses. He may have forgotten, but those students whose lives he has positively touched have not. His humility, simplicity and transparency are *nulli secundus*. Those students who have benefited from his academic largess have always been at a loss concerning how to recompense him. They always have a dilemma to face: here is a man who will not accept any type of gift from his student. How do you thank Quadri? How do you compensate him?

I was therefore not surprised when Dr. Lanre Yusuf Badmus asked me if I would support the idea of publishing a book in honour of this emblem of academic freedom. I jumped at the idea and immediately set the machinery in motion. Some heroes deserve to be honoured while still alive. Quadri is a living legend. I was also not surprised that all our colleagues who were contacted and asked to contribute articles welcomed the idea with enthusiasm. But we all agreed that the project must be kept 'top secret'. Quadri must not hear about it or he would do everything possible to stop it. We kept our word. We fulfilled our faith in our indefatigable teacher.

And so with *Correlates of Islam*, we celebrate Yasir Anjola Quadri, professor of professors...

IS-HAQ LAKIN AKINTOLA Ph.D
Editor-in-Chief

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PLACE OF MUSLIM WOMEN UNDER THE *SHARI'AH* AND MODERN SOCIETAL CHALLENGES

By

Kazeem Adekunle Adegoke (Ph.D)

INTRODUCTION

Women form the largest percentage of people in every human society. This development made them having influence on other members of the society such as husbands, children and other male gender in human society. An Egyptian poet, Hafiz Ibrahim was right to describe woman as follows in one of his poem:

“Woman is a whole school of mankind if properly managed, would produce a noble society”.¹

A number of Islamic literature, both traditional and classical, in the area of woman studies have attempted to examine the place of woman in the interpretative heritage of Islamic jurisprudence (*Fiqh*) under the umbrella of Islamic family law (*Ahwalu'sh-Shakh siyyah*). Thus, the place of Muslim woman under *Shari'ah* in all of these scholarly studies became a vital and an intellectual discuss due to the woman's definitive role in the evolution of human race and how this role become a symbol of her identity in the human society. The place of Muslim women, as articulated by some jurists, has not only defined her role and identity, it has also set the parameters of how that role and identity has been manipulated by various categories of the people on the basis of their sex difference in the human society.² The aim of this paper is to examine the place of Muslim women under *Shari'ah* in the face of modern societal challenges. The paper shall demonstrate the rightful position of the Muslim woman under Islamic family law (*Ahwalu'sh-Shakhsiyyah*) as mother, wife and daughter. Then, it analyses the right of Muslim women and the contemporary challenges encountered in some of her societal needs.

Definition of some Keywords

According to Hornby, “place” means role or importance of somebody or something in a particular situation, usually in relation to others.³ Woman is female sex or female human being.⁴ *Shari'ah* literally means a course or way to the watering place and a resort of drinkers.⁵ Technically, *Shari'ah* means an act of rules, which regulates the conduct and affairs of people for setting all differences and avoiding all disputes.⁶ Al-Faruqi defines “*Shari'ah*” as the collective name for all the laws of Islam: religious, lithurgical, ethical and jurisprudential system.⁷

Challenge, according to Hornby, means a new or difficult task that tests somebody's ability and skill.⁸

Critical Examination of the Rights of Muslim Women in the *Shari'ah*

Prior to the advent of *Shari'ah*, women were ill-treated in every human society in the world. They were regarded as semi-human beings who do not have right in the society. As a result of this, the birth of a female child was regarded as a bad omen and disgrace in some societies until the time of the surface of *Shari'ah* in the seventh century of Christian era. The advent of *Shari'ah* brought a new hope to the woman's personality. *Shari'ah* gave liberty to women by either reforming or eradicating various bondages imposed on them by the social norms and cultures. In order to appreciate the *Shari'ah*'s contribution to the status of Muslim woman in the society, the paper examines the Muslim woman's personality as mother, wife and daughter.

Place of Muslim Woman as a Mother

Shari'ah accords high and dignified status to the woman as a mother. Woman should be given honourable treatment from her husband and her children. It is undisputed fact that *Shari'ah* enjoins man to give just and fair treatment to both parents (father and mother). It lays more emphasis on the greater portion of fair treatment to the mother.⁹

***Qur'an* says:**

And we have enjoined on man (to be dutiful and good) to his parents. His mother bore him in weakness and hardship, and his weaning is in two years. Give thanks to me and to your parents. Unto me is the destination (*Qur'an* 31:14)¹⁰.

It also says:

And we have enjoined on man to be dutiful and kind to his parents. His mother bears him with hardship. And she brings him forth with hardship, and the bearing of him, and the weaning of him is thirty months, till when he attains full strength and reaches forty years... (*Qur'an* 46:15).

In the upbringing and training of children, the mother plays an active role while the role of the father is supportive and passive. Only the mother bears the pains and troubles of pregnancy, labour and delivery after a great struggle between life and death.¹¹ Apart from this inevitable risk, she feeds her child out of her own milk¹² which is scientifically proved to be the best feeding for infants. Modern scientific studies have proved the role of breast-feeding in protecting children from diseases and assisting him in having hitch free growth.¹³ The mother has enormous influence on the education of her child. The personality that the child takes to the society is what the mother and home have provided.¹⁴ In *Shari'ah*, the

mother is the divinely ordained manageress of the home which she must try as much as possible, to put in good shape.

Thus, the mother is the first school of the child. *Shari'ah* does not close its eyes on this great task of home upbringing and care of children in their developmental stages. To this end, it duly acknowledges the fact that mother's benevolence and kindness to the child are greater than that of father.¹⁵ Despite the fact that *Shari'ah* enjoins man to be dutiful to his father and mother, it puts a highly pronounced stress on goodness towards mother as demonstrated in the afore-mentioned Qur'anic verses and the following ahadith of the Prophet (S.A.W):

I enjoin man about his mother, I enjoin man about his mother, I enjoin man about his mother. I enjoin man about his father – (Sahih Bukhari and Muslim)
 "A'ishah, the Prophet's wife once inquired, Oh, Messenger of Allah, "Who has the greatest right on man?" The Prophet relied "His mother" (Al-Hakim).

"A man came to the Prophet (S.A.W.) and asked him "Who deserves best treatment from me?" The Prophet replied "Your mother" The man asked "Who is the next? The Prophet replied "Your mother" The man asked again, "Who is the next" The Prophet replied "Your mother" The, the man asked "Who is the next? The Prophet replied "Then your father"¹⁶

As a result of this development, disobedience to one's parents especially one's mother is regarded as one of the major sins (*Kaba'ir*) under the *Shari'ah*. A case was cited, during the time of the Prophet (S.A.W.), of a companion who could not pronounce the *Kalimat ush-shahadah* (Word of Testimony) at the point of death due to the unhappiness of his mother towards him over disagreement with the latter's wife. He was able to pronounce the *Kalimatu'sh-shahadah* after receiving his mother's forgiveness.

This is the reason why the Prophet (S.A.W.) said:
 "Paradise lies at the feet of the mother"¹⁷

"Allah has forbidden you to be undutiful to mothers,
 to withhold (what you should give) or demand
 (what you do not deserve) and to bury your daughter
 alive".¹⁸

Place of Muslim Woman as a Wife

The *Shari'ah* accords the Muslim wife an independent entity since marriage neither dissolved her personality nor merge it with that of her husband. Actually, marriage, according to the *Shari'ah*, gives her new responsibilities in her matrimonial home. At the same time, it empowers her with new rights.

Matrimonial or conjugal relationship of husband and wife is not seen by *Shari'ah* as a superior *cum* inferior relations bound together by religious or cultural compulsion, it is a relationship characterized by mutual understanding, reciprocal love, affection and intimacy by both personalities involved.¹⁹ The Qur'an says: And among his signs is that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy. Verily, in that are indeed signs for a people who reflect." (Qur'an 30:21).

Woman as wife is seen by the *Shari'ah* as the manageress of her matrimonial home. Despite this, *Shari'ah* does not deprive her of earning money, holding her own property and managing her own business. No matter how wealthy she may be, she retains and enjoins all her rights of being provided with maintenance allowance, residence, alimony, clothing, feeding and several other rights.²⁰ If the husband is found wanting in providing her with these aforementioned rights without reasonable excuse, she can secure them through legal process and if her husband still remains obstinate, *Shari'ah* permits her to seek for self-divorce through the Islamic court (*Khul'*).²¹ This is the reason why the Prophet (S.A.W.) says:

Give her food when you eat, clothe yourself...Do not revile her or turn her out of the house, but live separately within the same house.²²

The believers with perfect faith are those who have the best disposition and the best of you are those who are best to their wives.²³

Place of Muslim Woman as a Daughter

The *Shari'ah* places the female child on the same level with the male child in the family. *Shari'ah* does not recognize any form of gender discrimination between male and female child in the family.²⁴ Thus Muslim parents are urged to take a totally positive feeling towards their daughters and treat them as fairly as they treat their sons.²⁵ *Shari'ah* calls for the proper upbringing of daughters by paying full attention to their physical and mental growth. They must be given adequate and good educational training and taken good care of until they marry. Apart from this, *Shari'ah* makes the maintenance of daughters legally binding on fathers until marriage, on her husband after marriage, on her children after the death of her husband and on her nearest kin if she is fatherless and unmarried or divorced.²⁶

Prophet Muhammad (S.A.W.) says:

Whoever has a daughter and does not give her a mean treatment and does not give preference to his son over her, God will make him enter heaven.²⁷

Do not hate girls, they are comforting and very precious.²⁸

Whoever has daughters and teaches them manners and is affectionate to them will be recompensed with paradise.²⁹

Shall I not show you the greatest charity! It is to be grateful to your daughter who (after become widow or being divorced) is send back to you and there is no one save you, who could be her financial supporter.³⁰

Whosoever has a daughter and does not bury her alive, does not insult her, and does not favour his son over her, Allah will enter him into Paradise.³¹

Whosoever supports two daughters till they mature, he and I will come in the day of judgment as this (and he pointed with his two fingers held together).³²

Rights of Muslim Woman and the Modern Societal Challenges

Despite the various rights accorded to the woman in *Shari'ah*, several challenges emanated from various social norms and cultures of different nations pose their threat on the actualization of these rights.³³ Thus, in the next passage, we are going to critically examine the Muslim woman's right in the face of modern societal challenges.

Right to Employment

The *Shari'ah* does not forbid woman from seeking employment provided such a profession is not un-islamic or unsuitable for her natural feminine disposition. *Shari'ah* also does not place a bar on benefiting from the woman's profession such as nursing, midwifery, fostering, teaching, hair-plaiting, trading, *et cetera*. Despite this permission, *Shari'ah* places a great value on woman's primary role as a wife and mother (home manageress) above any profession she may want to engage in.³⁴ Woman's role as a home manageress (such as nurturing the children and caring for the husband) is primarily significant while other things are subsidiary. Therefore, a woman's engaging in any kind of employment should not be allowed to affect her role as home manageress. As a matter of fact, *Shari'ah* gives high priority and premium value to the assigned biological and matrimonial role of woman at the expense of other affairs, but at the same time, *Shari'ah* does not shy away from allowing a woman to engage in employment if such profession would not tamper with her matrimonial duties.³⁵

Right to Inheritance

According to the law of inheritance in *Shari'ah*, woman's portion in inheritance is half of man's portion of the same status. For instance, son and daughter, wife and husband, mother and father, aunt and uncle, niece and nephew. This legal position of *Shari'ah* in inheritance should not be misconstrued as some orientalist and non-Muslims do by claiming that Islam has no value for woman. On the contrary, this disparity in the portion of inheritance is consistent with the various financial responsibilities of man in his matrimonial home on the wife and children. Thus, such a nerve-cracking and tedious duty does not fit the biological, physiological and psychological disposition of a woman. These differences do not signify any supremacy of man over woman, but rather the complimentary nature of male-female role in physical life. By this, *Shari'ah* position is not a case of deprivation but that of relieving woman from unnecessary burden.³⁶

Muslim Woman's Rights and the Issue of Polygyny

Polygyny can be defined as a practice of having two or more wives at a time.³⁷ As a matter of fact, *Shari'ah* does not suggest polygyny as a compulsory (*Fard*) lifestyle for every Muslim. Neither should any one enter into it anticipating a bed of roses. In the *Shari'ah* point of view, polygyny is a permitted (*Mubah*) form of marriage in which the societal welfare supersedes the desire of the individual woman or man. The human variables are taken into consideration by providing them the viable option of polygyny instead of taking the options of loneliness or divorce which usually places the woman at the disadvantaged position.³⁸ The following situations necessitate polygyny in *Shari'ah*:

- i. When the wife is suffering from a serious disease like epilepsy, paralysis and any other contagious disease.
- ii. When the wife is proved to be barren or incapable of bearing children.
- iii. When the wife is of unsound mind or mentally unbalanced
- iv. When the wife has become weak due to old age or sickness.
- v. When the wife has bad character and cannot be reformed.
- vi. When the wife moves away from the husband disobediently.
- vii. When the number of unmarried women are more than the number of unmarried men in the society.
- viii. When man is physically virile and cannot be sexually satisfied with one wife.³⁹

In all of these afore-mentioned cases, *Shari'ah* permits polygyny as the best and most viable option instead of applying for divorce. Thus the institution of polygyny serves as a protection of woman's rights and dignity in their matrimonial

home, and best solution to some insurmountable social problems. Though one should not shy away from the fact that polygyny is painful to some women, it is also beneficial to other women and the welfare of the society if practiced in accordance with *Shari'ah*.⁴⁰

Conclusion

This study has critically examined the woman's place as mother, wife and daughter under the *Shari'ah*. It then analyses women's rights in the face of modern societal challenges. The following are some of the findings in the paper:

- i. Women have been treated in the most inhuman way in the past due to their gender difference.
- ii. *Shari'ah* as a divine legal system has come to the rescue of women from all sorts of inhuman treatment imposed on her.
- iii. *Shari'ah* still maintains its sterling quality in the fulfillment of women's rights despite the threats from modern societal challenges.
- iv. Various assumed infringements on women's rights by *Shari'ah* are, in reality, acts of goodwill to relieve her from unnecessary burden and to balance the equation of sex differences.

Based on these findings, the following recommendations are suggested for the human society:

- i. every society should accord woman their rights according to the provision of *Shari'ah*;
- ii. the naturally assigned biological role of woman as home manageress should be given priority over all other roles;
- iii. that human equality and functional equality of man and woman should be given high consideration in clamouring for women's rights and
- iv. Contemporary Islamic feminists should take extra precautionary step in the employment of *Ijtihad* and *Qiyas* which will consequently lead to the bending of *Shari'ah* provision on woman's rights in favour of Western codes for women's rights.

Notes and References

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