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الجبرية ونشأة فكرة الجبرية في الإسلام

صالحجي عاشر موسى

ĀDAM AL-ILŪRĪ AND *NEO-IJTIHĀD*: AN EXAMINATION OF HIS
LEGAL VIEWS ON *RAMAḌĀN* FASTING IN NIGERIA

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Abstract

Shaykh Ādam Ibn Abdullah al-Ilūrī was one of the rare erudite scholars in Africa continent in twentieth century who contributed a lot to the development of various Islamic disciplines. The Arabic School (*Markazu't-Ta'limi'l-'Arabī Al-Islāmī*) established by him in 1952 has produced several Islamic scholars who specialised in different areas of Islamic disciplines. The objective of this study is to examine some of the neo-*Ijtihād* exercises of Al-Ilūrī on the jurisprudential issues surrounding the observance of *RamaḌān* fasting in Nigeria such as the universal and geographical application of moon sighting, personality of the moon-sighter, number of moon-sighters, textual and artificial calculation of moon sighting and day of doubt (*Yawm As-Sakk*) which always serve as jurisprudential controversy on the commencement and termination of *RamaḌān* fasting among Nigerian Muslims. Research method used in this study is expository, descriptive and analytical so as to come up with the relevance of Al-Ilūrī's neo-*Ijtihād* legal exercise to Nigerian environs. Conclusively, the study makes a finding that local related jurisprudential issues should be better handled by local Islamic scholars than consulting foreign materials from the author who may not be aware of the situation and circumstances peculiar to the environment. The paper therefore recommends that Nigerian Muslims should inculcate making use of the neo-*Ijtihād* legal exercise of their local scholars as a token of appreciation of their scholarship and a form of encouragement for them to do more in proffering solutions to some emerging problems among the Nigerian Muslims.

Keywords: *Ijtihād*, Neo-*Ijtihād*, *RamaḌān*, *Sharī'ah*, Nigerian Muslim, Jurisprudence.

Introduction

Shaykh Ādam Ibn Abdullah al-Ilūrī was one of the leading figures in Arabic and Islamic Studies in Nigeria who have contributed greatly to the Arabic-Islamic scholarship in Africa, Nigeria in particular. *Ramaḍān* fasting and various jurisprudential issues surrounding it are paramount annual event in Islam in Nigerian environs. Those jurisprudential issues surrounding the *Ramaḍān* fasting among Nigerian Muslims are sighting of the new crescent, the doubtful day, possibility of sighting new crescent in day time, collective acceptance of the moon sighting, use of calendar and mathematical calculation in commencing and terminating the *Ramaḍān* fasting and sighting of new crescent of the month of *Shawwal* for the celebration of *Idu'l-Fiṭr*.¹ These jurisprudential issues have been causing a lot of confusion and controversy among the Nigerian Muslims. The annual event of *Ramaḍān* fasting which is supposed to be a joyous moment for Nigerian Muslims used to be marked with high emotion and sentiments arising from the unnecessary legal and jurisprudential controversies among different religious groups in Nigeria.

As far back as 1946, the Northern Council of Chiefs had passed a Bill which authorised the then Sultan of Sokoto to announce the sighting of the moon for the commencement and termination of the *Ramaḍān* fasting, and commemoration of the two Muslim Festivals of '*Idu'l-Adhā*' and '*Idu'l-Fiṭr*'.² It was also pointed out that Sultān of Sokoto as the *Amīr al-Muminīn* and *Sarkin Musulumi* (King of Muslims) in Nigeria has to be notified of the sighting of the moon in any part of Nigeria so that, he, in turn would instruct the Nigerian Muslims to commence or end the *Ramaḍān* fasting or observe the two festivals of '*Idu'l-Adhā*' and '*Idu'l-Fiṭr*'. Since then, the reigning Sultān of Sokoto has been doing this assignment and Nigerian Supreme Council for Islamic Affairs (NSCIA) which was formed in 1973 at Sokoto (headquarter) continued the trend when it was formed.³

Due to misunderstanding between Northern and Southern Muslims on some jurisprudential issues concerning *Ramaḍān* fasting, the Southern Muslims, in their reaction went ahead to inaugurate the League of Imams and Alfas of Yorubaland with its headquarters at Ibadan in the Southern Nigeria under the Chairmanship of the then Chief Imam of Ibadan, Shaykh Muhil Abdullah Basunu (d.1982) and the Secretary-General who was the renowned Islamic scholar, Shaykh Ādam Ibn Abdullah al-Ilūrī (d.1992) in the late 1973.⁴ In their opinion, this League was established with open mind so as to avoid unnecessary usual jurisprudential controversy which can later

lead to disunity, if necessary care is not taken, between Northern and Southern Muslims in Nigeria. Among the aims and objectives of the League of Imams and Alfas is to make Southern Muslims an unbreakable unit and common front in the Islamic affairs and also to fix the date for the commencement and termination of the fasting through astronomical and calendar calculation (*Al-Hisāb* and *Ilmu'l-Falak*).⁵ In order to achieve these aims and objectives, Shaykh Ādam rose up to this challenge by writing a work titled *'Aṣ-Ṣawm Wa'l-Fiṭr* in which he exercised his own neo-*Ijtihād* so as to put an end to the various controversies surrounding the commencement and termination of the *Ramaḍān* fasting in the Nigerian milieu.⁶

Definition of Terms

The term *Sharī'ah* literally means a course or way to the watering place and a resort of drinkers.⁷ Technically, the term *Sharī'ah* means an act of rules, which regulates the conduct of affairs of people for settling all differences and avoiding all disputes. The term neo-*Ijtihād* is made up of two words Neo and *Ijtihād*. The prefix "Neo" according to Hornby means "new" or "in a later form"⁸ while the word *Ijtihād* according to Al-Alwani means the interpretation of the source materials, inference of rules from them, or giving a legal verdict or decision on any issue on which there is no specific guidance in the Qur'ān and *Sunnah*.⁹ The term Neo-*Ijtihād* according to Doi quoting Muhammad Abduh of Egypt, is an intellectual interpretation of various contemporary Islamic jurisprudential issues.¹⁰ According to Ajetunmobi, neo-*Ijtihād* is an offshoot of an early *Ijtihād* of the earlier generation of Muslim Jurists which is now re-interpreted so as to bring out new legal ruling according to the culture and custom of a particular society.¹¹

The term "*Ramaḍān*" is the ninth month of Islamic lunar calendar in which the Muslims observe their obligatory fasting.¹² Al-Ilūrī is an arabicised name that signifies that such a person belongs or relates to Ilorin town, a town in the North-Central of Nigeria. This is what is known as *Nisbah* in Arabic grammar (*Nahw*).¹³

Life Sketch of Shaykh Ādam Al-Ilūrī

Shaykh Ādam Ibn 'Abdu'l-Bāqī Ibn Habībullah, Ibn 'Abdullah Al-Ilūrī was born in the Republic of Benin (formerly Dahomey) in 1917/1337 A.H. At the age of five, he started his educational carrier under his father,

Abdul-Bāqī (1879-1956) who taught him the Qur'ān and some fundamental Islamic jurisprudential texts.¹⁴ His father handed him over to one famous Ibadan-based Muslim scholar in person of Shaykh Ṣaliḥ Ibn Muḥammad Awwal (1900-1985) popularly called *Ēsin Ni O Biwa* who hailed from Agbaji area of Ilorin. From him, Al-Ilūrī studied *Nahw* (Syntax), *Ṣarf* (Etymology), *Adab* (Literature) and methodology of *Da'wah* (Islamic Propagation).¹⁵ Al-Ilūrī moved to Lagos in 1935 to further his study under another scholar who was also an indigene of Ilorin popularly called Imam Agbaji who also taught him some Arabic and Islamic sciences.¹⁶

In quest of advancing in knowledge in Arabic and Islamic scholarship and spirituality, Shaykh Al-Ilūrī joined the *Zawiyyah* group of a Kano-born Islamic leader, Shaykh Ādam Namajī (1900-1944) in 1941 in Lagos from whom he learnt Arabic Rhetoric '*Ilmu'l-balāghah* (Arabic Rhetoric), '*Arūd* (Prosody), *Qafiyah* (Rhyme), *Mabadi' u 'l'Ilmi'l Mantiq* ((Elementary Logic), *Falsafah* (Philosophy), '*Ilmu'l-Falak* (Astronomy), and *Taşāwwuf* (Mysticism).¹⁷

In 1946, Al-Ilūrī embarked on self-education and assessment through his journey to Al-Azhar Islamic University, Cairo in Egypt where eight eminent scholars examined him and subsequently accorded him recognition and distinction. As a result of this achievement, he earned the certificate of distinction and thus became one of the African Scholars to be found worthy in learning to receive such a certificate at al-Azhar University and this study was completed within six months of intensive interaction in between learning and vigor, instead of the required number of four years.¹⁸ Al-Ilūrī established *Markazu't-Ta'limi'l-'Arabī Al-Islamī* (Centre for Arabic and Islamic Academy) in 1952, initially at Abeokuta before relocating it to Agege in Lagos. He died on Sunday, May 3, 1992/1412, at a London hospital after a brief illness and was buried within the premise of his Arabic school on Tuesday, May 5, 1992/1412.¹⁹

Al-Ilūrī's and his View on *Maṣādiru'l-Aḥkām*

Maṣādiru'l-Aḥkām simply means sources of legal ruling in Islamic jurisprudence (*Fiqh*) and Islamic Law (*Sharī'ah*). These sources could be divided into three namely primary, secondary and subsidiary sources. Primary sources are sourced out from the Qur'ān and *Sunnah* of Prophet Muḥammad (S.A.W) while secondary sources are sourced out through *Ijtihād* process popularly known as *Ijmā* 'and *Qiyās*. *Ijmā* 'is a consensus of opinion of companions of Prophet Muḥammad or consensus of opinion of

Islamic legal experts on a particular jurisprudential issues, while *Qiyās* is an analogical deduction of a legal opinion by an Islamic legal expert on a jurisprudential issues.²⁰ As for the subsidiary source, it is the third source and it consists of twelve legal maxims which are:

Istiḥsān – Public welfare

Istishāb – Legal presumption

Istiṣlāḥ – Public Interest

Maṣāliḥ Al-Mursalah – Public Utilitarian Benefit

Al-'Urf Wa'l- Ādāt - Custom and Cultures

A'mal Ahlu'l-Madīnah – Practices of Madinah People

Qawl Aṣ-Ṣahābah – Saying of Prophet's Companions

Shar' Man Qablanā – Legal Rules of Earlier Prophets

Sadd Adh-Dhara'i' – Precautionary Measure

Istiqrār – Jurist Legal preference

Al-Akhdh Bī Aqālu'l Māqul – Lesser Legal preference

Faqd Ad-Dalīl – Absence of Legal Ruling²¹

Al-Ilūrī postulated that the obligatory nature of *Ramaḍān* fast is quite universally uncontestable among the Islamic scholars as there are several evidences for this unanimous agreement from the legal sources of Islam. Due to this, Al-Ilūrī dealt extensively with the source of legal ruling in Islamic law (*Sharī'ah*) and Islamic jurisprudence (*Fiqh*) popularly known as *Maṣādiru'l-Aḥkām* with the aim of attempting a seemingly final solution to those problems confronting the Muslim community (*Ummah*) in Nigeria on the unnecessary controversies surrounding the issues of *Ramaḍān* fasting. Al-Ilūrī asserted that all the Islamic legal rulings are categorically sourced from the Qur'ān and *Sunnah* of Prophet Muḥammad (S.A.W.). These Islamic legal rulings, in terms of their significances could be divided into two divisions namely *Dilālah Al-Qaṭ'iyyah* (Absolute Ruling) *Dilālah Az-Zaniyyah* (Presumptive Ruling).²² *Dilālah Al-Qaṭ'iyyah* is the absolute legal ruling which is sourced out from the Qur'ān and *Sunnah* of Prophet Muḥammad (S.A.W) in which neither *Ijtihād* nor neo-*Ijtihād* is entertained. This is in line with legal axiom which says "*La Ijtihādan Ma'a Naṣṣ*" meaning "There is no legal exercise (of a legal expert) on a textual clear cut issue". *Dilālatun Zaniyyah* is the presumptive legal ruling from the legal assumption or presumption of the renowned Islamic legal expert such as 'Uṣūlī and Faqīh after the thorough legal exercise from any of the secondary and subsidiary sources of Islamic jurisprudence.²³

Al-Ilūrī's and the Divisions of *Dilālah Al-Qaḥiyyah* and *Dilālah Az-Zaniyyah*

Al-Ilūrī further sub-divided *Dilālatun Qaḥiyyah* into two sub-divisions namely *Qaḥiyyah Ath-Thubūth* and *Qaḥiyyah Ad-Dilālah*. According to him, *Qaḥiyyah Ath-Thubūth* is the absolute legal maxim meant for the Muslims from the Qur'ān only. It can also emanate from the *Sunnah* of Prophet Muḥammad (S.A.W) but whenever it comes up from the *Sunnah*, it could appear as either absolute or presumptive ruling. *Qaḥiyyah Ad-Dilālah* is the type of legal maxim which only instructs and guides the Muslims to observe certain compulsory form of worship ('*Ibādah*). The best sample of this is the divine instruction on the performance of obligatory *Salāt* (canonical prayers), *Ṣiyām* (fasting), *Zakāt* (obligatory charity) and *Hajj* (pilgrimage) in the Qur'ān.²⁴

Al-Ilūrī again further sub-divided *Dilālah Az-Zaniyyah* into two sub-divisions namely *Zaniyyah Ath-Thubūth* and *Zaniyyah Ad-Dilālah*. *Zaniyyah Ath-Thubūth* is a presumptive legal maxim whose method of sourcing from either secondary or subsidiary sources of jurisprudence by the Muslims is never controversial such as *Akhbārul-Aḥād* in *Hadith* literature which is a kind of *Hadith* which was narrated by very few people of un-doubtful authority.²⁵

Zaniyyah Ad-Dilālah is a presumptive legal maxim which attracts various interpretations and meanings on a particular jurisprudential issue on which it features. As a result of this development, there used to be an occasional jurisprudential argument among the Islamic scholars with regard to the *locus standi* of a decisive legal verdict. By this development, its legal ruling and the indication of their interpretations and meanings among the legal experts are somehow controversial in nature.²⁶ In line with these legal axioms, Al-Ilūrī exercised some neo-*Ijtihād* on the various issues surrounding the observance of *Ramaḍān* fasting among Nigerian Muslims which are discussed in the next sub-headings.

Al-Ilūrī's Neo-*Ijtihād* on the Sighting of a New Crescent of *Ramaḍān*

Al-Ilūrī puts up the argument that the new crescent can never be universally sighted at a single period of time as a result of natural differences in the rising and setting of the sun which have great effects upon the seasons and climate of any given environment. As a result of this unavoidable circumstance, there is high tendency of discrepancy concerning the commencement and termination of the *Ramaḍān* fasting in Nigeria. In

support of this view, Al-Ilūrī asserted that Prophet Muhammad (S.A.W) was not in the habit of sending any message in respect of the sighting of the new crescent to another town or land nor did he command the people of the environment to observe or break the fasting. To be precise, the legal argument of Al-Ilūrī here is that the new crescent sighted in one environment may not be sufficient to be relied upon for other environment where the new crescent is never sighted. By this stand of Al-Ilūrī, the new moon sighted in a particular environment cannot be given universal application.²⁷

Al-Ilūrī buttresses this legal argument by pointing out that there are sharp differences in the time of the rising and setting of the sun in the various geographical locations in the world as a result of which the season and climate in the northern hemisphere of the world are poles apart literally from those of the southern hemisphere and which has in turn made it almost impossible to pinpoint a single minute in a whole year that is equal and same throughout the whole world.²⁸ He therefore opines that the application of the sighted new crescent to either commence or terminate *Ramaḍān* fasting can be applicably limited to the nearby environment alone where it is sighted and not to the distant environment where the same new crescent is never sighted.²⁹ According to him, sighting of new crescent in the various environments on different days depends on the following four reasons:

- i. the confined distance from one environment to another;
- ii. difference in the local time from one environment to another;
- iii. difference in the geographical region both in the height and declines of one environment to another; and
- iv. the difference in the places of sunrise through the longitudes that extend from the north pole to the south pole.³⁰

Al-Ilūrī further argued that this local application of the moon sighting is based on the *ḥadīth* in which two Bedouin Arabs who came from rural part of Madinah solemnly bore witness in the presence of the Prophet Muḥammad (S.A.W) that the new crescent was sighted in their local environment on the previous night. On hearing this information, the Prophet (S.A.W) asked both Bedouin Arabs to take oath that they truly saw the new crescent which they both did. After their oath, the Prophet (S.A.W) instructed the people to terminate their fasting and go *enmass* to the *‘Id* praying ground for *‘Id* prayer.³¹ Another evidence on the local application of the moon sighting was the sighting of the new crescent by the people of

Sham which could not reach the people of Madinah because of the distance from each other, differences in their geographical environment and places of sunrise. Due to these natural differences, it is legitimate for each local environment to abide with its sighting of the new crescent. Al-Ilūrī was of the legal opinion that the new crescent might appear at noon time in a particular local environment without the awareness of the people of that environment because of the time of its appearance. According to him, such a new crescent sighting cannot be relied upon and consequently, the *Ramaḍān* fasting of that day is not made compulsory on the people of that environment.³²

Al-Ilūrī's Neo-Ijtihād on the Varied Commencement of *Ramaḍān* Fasting

Al-Ilūrī made a clarification about the controversy on the commencement of *Ramaḍān* fasting on a particular day. According to him, this may be varied from one environment to another as a result of sighting of the new crescent in different environments on different days. He put up a logical opinion that since there is no controversy on why Muslims from different continents are not universally observing the obligatory prayers (*Ṣalawatu'l-Maktūbāt*) at the same period of time, there should be no controversy regarding differences in the Muslims from different parts of the world commencing *Ramaḍān* fasting.³³ The same case should be put into application on the issue of the commencement of *Ramaḍān* fasting among the Nigerian Muslims.³⁴ By this, there should be no unnecessary controversy if the eastern Muslims preceded the western Muslims on the issue of the commencement and termination of the *Ramaḍān* fasting. This is the practice of the Muslims ever since the dawn of Islam during the time of the Prophet (S.A.W) and his companions.³⁵ In support of his legal argument, Al-Ilūrī cited one of the works of Imām As-Sabkīy titled *Al-ʿIlmu'l-Manshūr Fīlthbāti'sh-Shuhūr* that the statement which decreed the legal ruling that sighting of a new crescent in one part of the world makes *Ramaḍān* fasting compulsory for the rest of the world is weak. There is no legal evidence from the orthodox caliphs (*Khulafā'u'r-Rāshidīn*) and early Muslims that when they sighted the new crescent in their locality, they would either send the information or write a letter to the fellow Muslims in other localities to abide by it.³⁶

Al-Ilūrī's Neo-Ijtihād on the Hastening of the Acceptance of the Sighting of New Crescent

Al-Ilūrī was of the legal opinion that hastiness in the acceptance of the sighting of the new crescent from certain part of the region without subjecting such announcement to proper verification and confirmation, and silence of the scholars to refute the claim of the announcer if his claim is proven otherwise beyond reasonable doubt, is a great erroneous attitude on the part of Nigerian Muslims.³⁷ Due to the sensitivity of this issue, Al-Ilūrī expatiated further on the essential pre-requisites for a valid sighting of a new crescent by arguing that it is evident in the Maliki School of Thought that the sighting of the new crescent is hinged on the following three conditions;

- (i) The crescent should be physically sighted by just men who vigorously fulfil the basic conditions of justice;
- (ii) It should be seen by a group of people whose information will be based on the sound knowledge and which would be impossible for them to agree on error stand; and
- (iii) It could be seen by a single person, but the sighting by a single individual lacks certainty and could be a proof for him only for fasting and for those who trust him, others who are in doubt about the authenticity of his claim may not abide themselves with it.³⁸

Al-Ilūrī's Neo-Ijtihād on the Using of Mathematical Calculation and Calendar

Al-Ilūrī was of the legal opinion that the mathematical calculation (*Al-Hisāb*), calendar calculation, astronomical calculation (*'Ilmu 'l-Falāq*), astrological science (*'Ilmu 't-Tanjīm*), technological gadgets or machine and meteorological devices could be utilised to determine the actual position of stars and moon and their motions and phenomena for weather forecast so as to identify the actual time of appearance of new crescent. It should be rightly mentioned at this juncture that the use of these means are strongly condemned by some traditional jurists like Shaykh Abubakar Maḥmūd Gūmī who likened the method to soothsaying and foretelling which are forbidden in *Sharī'ah*.³⁹

Like Al-Ilūrī, there are some jurists who favoured the positive use of astronomical and astrological calculation of the sighting of the new moon for the purpose of the commencement and termination of the *Ramaḍan* fasting when the weather is not clear because of the cloud or due to the

geographical location of the community. The argument of these jurists is that both astronomy and astrology are scientific studies that need rigorous training.⁴⁰ Both knowledge can be utilised in positive and negative ways. They stressed that the acquisition of certain knowledge is not unlawful if it is not harmful or injurious to the possessor of that knowledge. By this, both astronomy and astrology should not be declared unlawful because of what they appear to be among the people since both are of two values, that is,

- (i) soothsaying, prediction and foretelling the future.
- (ii) reckoning of time determination of the *Qiblah* for the prayer and guiding the travelers during the course of their journey.⁴¹

Those jurists cited the following Qur'anic passages to buttress the point:

It is He who made the sun a shining thing and the moon as a light and measured out for it stages that you might know the number of years and the reckoning (Qur'ān 10:5).

And landmarks and by the stars, they (men) guide themselves (Qur'an 16:16).

On this, Al-Ilūrī argued that the positive use of mathematical calculation, calendar calculation, astronomical calculation and astrological science for the purpose of the commencement and termination of the *Ramaḍān* fasting when weather is not clear due to cloud or geographical location of an environment is permitted in *Sharī'ah*.⁴² He stressed that the knowledge of mathematical calculation, calendar calculation, astronomical calculation and astrological science needs rigorous training and tutorial in order to achieve their mastery and they can be used to achieve either positive or negative ends. To him, the knowledge of sciences could be blameworthy if they are employed to determine the movement of stars and orbit in order to foresee the knowledge of future for the sake of fortune telling and soothsaying.⁴³

Al-Ilūrī's Neo-Ijtihād on the Doubtful Day (*Yawmu's-Sakk*)

Al-Ilūrī defined the doubtful day (*Yawmu's-Shakk*) as a day which cannot be categorically declared as first day in month of *Ramaḍān* or last day of the month of *Sha'bān* in the Islamic lunar calendar.³⁶ He argued that to eradicate the controversy and confusion connected with the commencement of *Ramaḍān*, Muslims should take note of a *Hadīth* reported by ʿĀ'ishah that : "The Messenger of Allah (S.A.W) used to be much

cautious of the new Crescent of Sha'bān more than how he used to be cautious of others."⁴⁴ By this, Al-Ilūrī argued that the Muslims should inculcate the culture of monitoring the crescent of the Islamic lunar months, most especially the month of *Sha'bān* so that there would be no unnecessary controversy about the actual day for the commencement of the month of *Ramaḍān*. In the legal opinion of Al-Ilūrī, *Ramaḍān* fasting is an obligatory devotional duty in Islam and it cannot become a reality until the new crescent of *Ramaḍān* is sighted because what makes the obligatory devotional duty a reality is also compulsory.⁴⁵ On the issue of observing fasting on doubtful day, Al-Ilūrī, unlike other traditional Islamic jurists like Shaykh Abubakar Maḥmūd Gūmī, was of the legal opinion that observance of fasting on doubtful day is permissible, especially during the cloudy time, because it is highly preferable to observe fasting in the last day of *Sha'bān* rather than missing the fasting, most especially, the first day of *Ramaḍān*.

Conclusion

The study examined the neo-*Ijtihād* exercises of Al-Ilūrī on some jurisprudential issues surrounding the observance of *Ramaḍān* fasting among Nigerian Muslims. The various neo-*Ijtihād* exercises of Al-Ilūrī on different areas of controversy that are related to the commencement and termination of *Ramaḍān* fasting among the Muslims were thoroughly examined. The study discovered that Shaykh Ādam Ibn Abdullah al-Ilūrī, without an iota of doubt, was not only Arabic lexicographer but also an Islamic legal expert (*'Uṣūlī*) and Islamic Jurist (*Faqīh*). He and majority of his peers in Africa were considered as scholars that can stand in *tandem* with the scholars from any part of Arab world in term of scholarship. By this understanding, the controversy surrounding the observance of *Ramaḍān* fasting in a particular environment could be better handled by the local Islamic scholars from such an environment rather than consulting the general materials from foreign scholars who may be unaware of the situation peculiar to that environment. Without mincing word, Al-Ilūrī's neo-*Ijtihād*, to some extent, solves the problem of controversy surrounding the commencement and termination of *Ramaḍān* fasting among the Northern and Southern Nigerian Muslims. It could be rightly mentioned at this juncture that neo-*Ijtihād*, as an offshoot of an early *Ijtihād* of the earlier generation of jurists is still viable in this contemporary period to meet the demand of the time so as to bring out new legal rulings that would meet

with the culture and custom of that particular society. The study, therefore, recommends that Muslim community in Nigeria should:

- i. Make use of the academic outputs of Islamic scholars in proffering solutions to some problems in the religious spheres by engaging in the neo-*Ijtihād* exercises as they would have considered several options before arriving at such a neo-*Ijtihād* legal maxims.
- ii. Explore and make use of some of the unpublished manuscripts of the local scholars that are hiding inside their selves and archives and which are to the mercy of rats and cockroaches; and
- iii. Imbibe the culture of immortalization of the local scholars by establishing schools, archives or libraries in their names where their academic writings could be made available for the public consultation and consumption. Efforts should also be made to embark on project of publishing some of their unpublished manuscripts by rendering them into recognised local and foreign languages for public consumption of the current generation of people and the generations to come.

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