Al-Waḥdah (Unity) in Islamic Law and its Implications for National Integration

Abiola Muideen Lateef
Department of Arabic and Islamic Studies,
University of Ibadan, Nigeria.
e-mail: ibnlateefi@gmail.com

Abstract*:*

Islamic law rests on the precipice of Al-Waḥdah (Unity) which includes unity of the humankind, unity between human being and his environment, unity within the family, unity of the state and society, of government and politics, of economy and culture, and law and policy. Several studies have tended to focus on the negative perception of Islamic law as inimical to national unity while little or no attention has been paid to its cohesiveness and civilizational dialogue with other cultures. Using socio-historical approach, the paper examines the concept of Al-Waḥdah paradigm in Islamic law in Nigerian legal context with a view to understanding the implications concerning national integration. It was discovered that Islamic law had contributed to the integration of Nigeria as a nation in the past and its neglect would not augur well for national integration. This paper therefore, argues that Islamic law has a lot to offer in the national integration of the country especially in the areas of education,

> *economy, socio-psychology, morality and diplomacy. Finally, the paper affirms that the significance of Islamic law transcends religious sphere, and hence, should be allowed to play its role in the national integration of the country. It suggests that for national integration to be achieved in Nigeria, Muslims in the country need to re-orient themselves to the concept of Al-Waḥdah articulated by Islamic law.*

A. Introduction

There is scarcely any doubt that Islam and Islamic Law in particular, constitute an important index in Nigerian sociopolitical and economic matrix. This is because Islam is not confined to religious sphere alone but rather encompasses all aspects of human living. Yet, the most contentious aspect of it especially in a multi-religious setting like Nigeria is large scale application of Islamic law. The controversy which trailed its re-introduction nearly foundered the corporate vessel of nationhood. This paper examines the effects of the unity paradigm in Islamic law on national integration in Nigeria. This discussion has become particularly germane as Islamic law is implicated for the crises engulfing Nigeria following its reintroduction.

For the purpose of this study, national integration connotes and requires a move from the purely structural manifestation of organization, (internationally recognized boundaries, and established system of governance, laws, finances, and so on) to the attitudinal aspects of citizenship and social consensus. The concept of national integration sparks a difference between the notion of statehood and that of nationhood or national consciousness. Statehood is a prelude to nationhood. Yet, not all states eventually develop into nations.

However, it is disheartening that despite the fact that Islamic law is one of the tripartite legal systems in Nigeria, we have not looked into Islamic law or its jurisprudence for inspiration or for models of national integration practices and this has denied it the extra – religious value which would have been helpful in Nigerian national integration. Therefore, the focus of this paper is the examination of the role of Islamic law in National integration. The paper will, briefly, talk about the historical development of Islamic legal system in Nigeria before explaining the *Waḥdah* paradigm in Islamic law. The major areas where Islamic law can contribute to the national integration of Nigeria are also looked into.

B. Islamic Law in Nigeria: An Overview

Islamic law is an all-encompassing system combining religion, ethics, inter-personal values, standards of behavior, and duties. The term "Islamic law" is generally used to refer to the entire system of jurisprudence associated with Islam, including primary sources of law *(Sharīʿah)* and secondary subordinate sources of law and methodology used to deduce and apply this law *(fiqh).* One of the major functions of religion as a social institution is that of fostering unity among the members of society. Many a scholar has delineated religion as an integrator of human society. In relation to the integrating function of Islam, Toynbee observes that "the extinction of race consciousness as between Muslims is one of the outstanding moral achievements of Islam, and in the contemporary world there is, as it happens, a crying need for the propagation of this Islamic virtue"[1]. It goes without saying that the adoption of full Islamic law in most of northern states serves as a uniting factor among Muslims in Nigeria irrespective of sectarian differences.

Sharīʿah legal system, including its criminal justice system had been in existence in the northern part of Nigeria prior to the advent of British colonization. The erstwhile Sokoto Caliphate of Northern Nigeria extensively applied *Sharīʿah* as its legal system. The British met a centralized, organized and well-articulated penal and justice system comprising both the civil and criminal aspects. This situation was a corollary of the caliphate established by Uthman Dan Fodio's Jihad. Not only were the court system organized and controlled by the Emirs with *Qadis* administering the penal justice but, judgment passed by the court were also enforced by the *Dongaris* and later by the native police. However to facilitate an effective stronghold of the place, the British dichotomized between civil and criminal law of *Sharīʿah* and subjected it to the test of repugnancy, compatibility and other modern human right standard rules.

At initial stage, the administration of Islamic law saw most minimal interference of the British colonialists. From 1906, appeal never went out of the native court system. British administrative officers only performed supervisory role and sometime quasi-appellate function in case of death sentences which were made subject to the review of the governor. However, in 1933, the situation changed. For the first time, appeals from Native courts

---

[1] Toynbee, A.J. (1948) *Civilization on trial essays*, London: Oxford University Press, 205

were allowed to the British Magistrate and High Courts as long as they were not related to marriage, family status, and guardianship of children, inheritance, testamentary disposition or administration of an estate[2]. In other words, appeals on all other matters including criminal cases decided under Islamic law could now go to the British courts. The Northern Islamic scholars perceived a possible encroachment on Islamic law in the English appellate court.[3] This brought about the establishment of Muslim Court of Appeal by the Northern House of Assembly when in 1954 the regions of Nigeria were empowered to control their own court systems. Muslim Court of Appeal could now entertain appeals on all cases: civil and criminal, decided under Islamic law in the native courts; while appeals from the native courts in other cases went to the regional High Court.

But, there were no permanent judges to adjudicate on the Muslim court of Appeal (MCA); panels of *Alkalis* and assessors who were well-versed in Islamic law were constituted to hold sway when the need arise. Besides, since jurisdiction of the MCA extended to criminal matters, a right of further appeal to the High Court was inevitable. Hence Muslims' suspicions of the High Court persisted.

Sequel to 1957 Constitutional Conference, Minority Commission was constituted to cater for the fear of domination at the instance of non-Muslim minorities in the North. The commission recommended that a bill of Fundamental Human Rights be included in the Independence Constitution. In addition, the British Government thus considered the reform of the legal and judicial systems in the North a requisite preliminary to allowing self-government to the Region. Thus, the Muslim ruling class of the North agreed to reform the legal and judicial systems of the region.

The terms of this settlement were worked out and, agreement reached in 1958 to become operative on the eve of independence that is 30 September 1960. Consequently, all the then-prevailing systems of criminal law, including Islamic criminal law were abrogated and supplanted by new Penal and Criminal Procedure Codes that would be applicable in all courts of the Region to all persons regardless of ethnic or religious affiliations. This new arrangements appeared to have worked properly until 1979 when the Settlement of 1960 fell.

---

[2] Ostien, P. & Dekker, A. (2010) *Sharīʿah* and national law in Nigeria. *Sharīʿah incorporated: a comparative overview of the legal systems of twelve Muslim countries in past and present.* J.M. Otto. Ed. Leiden: Leiden University Press. 565

[3] Ostien, P. & Dekker, A. (2010) *Sharīʿah* and national law, *ibid.*

The First Republic ushered in by Nigerian Independence Constitution was soon short-lived. There were military coups and counter coups which brought about suspension of the parts of Constitution pertaining to the legislative and executives branches of Federal and Regional governments. But the courts were more or less affected; they carried out their function as before. By mid-1967, the situation had degenerated into civil war which was to last for 30 years.

The state creation exercises of 1967 and 1976 had created another problem for the legal and judicial systems in the North. Before the exercises, there existed only one *Sharīʿah* Court of Appeal (SCA) for the entire Region. Since each new state inherited both the laws and institutions of its parent region, ten new *Sharīʿah* Courts of Appeal were to be established, each for the new state created out of the old region. There was thus, the possibility of conflicts between the judgements of the SCA of the states. Thus, the idea to create a new Federal *Sharīʿah* Court of Appeal which would hear appeals from the state SCA was mooted as early as 1972 in order to resolve any conflicts that might arise between them. The Constitution Drafting Committee (CDC) appointed in late 1975 included this proposal in the draft constitution.

During Constituent Assembly in October 1977, the issue of the Federal Court of Appeal was debated to a deadlock; the Christian delegates vehemently protested against it and, eventually led to its being officially expunged from the constitution in early April, 1978. The 1979 constitution thus enacted brought a lot of loses for Islamic law in Nigeria. Though state Sharia Courts of Appeal were provided for the states that demanded for it, its judgements, even in the field of Islamic personal law were not final; rather, they were made appealable to the Federal Court of Appeal and thence to the Supreme Court.

Anchoring on a number of the 1999 constitutional provisions, Zamfara state Governor assented to the bill of establishing *Sharīʿah* penal system which was passed by the Zamfara House of Assembly on the 27th day of January 2000. Consequently, Niger state government followed suit and like the former, the government took the initiative. Other Northern States that adopted *Sharīʿah* penal law were prompted by popular pressure.

So far twelve northern states of Nigeria have introduced the *Sharīʿah* criminal law by setting up *Sharīʿah* courts which have jurisdiction in criminal matters and, by preparing *Sharīʿah* penal and procedure codes. These states

are Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara. These Penal Codes are almost facsimile of Zamfara *Sharīʿah* Penal Code. The only exception is Kano *Sharīʿah* Penal Code which differs from others mainly in arrangement of the sections. But, Niger State did not enact a new penal codes; it amended the 1960 Penal Code to bring it into agreement with *Sharīʿah*, specifically, by adding section 68A to summarize the law of Qur'anic offences (*Ḥudūd*), homicide and hurt[4]. According to Zamfara state government, its actions are consistent with the relevant constitutional provisions (CFRN, 1999 Section 6 (4)).

This legal development has generated a protracted heated debate on the constitutionality of *Sharīʿah* criminal law on one hand, and (in)compatibility with the Fundamental Human Rights on the other hand. While the question of constitutionality and human right (in)compatibility remains a subject of legal debate, implementation of *Sharīʿah* in these states has been in progress in spite of many challenges which need a critical review for a reform that will show the true meaning of *Sharīʿah* penal law, especially from the perspective of the *Sharīʿah* itself. Though the typology of judicial practices of Islamic penal law is shaped by the prevailing circumstances in the individual state, one general feature for almost all *Sharīʿah* states is that the *Sharīʿah* penal code law was vigorously applied within the first four years of its introduction and began to lose steam thenceforth[5].

The application of *Sharīʿah* penal law in Nigeria has brought many challenges such as the constitutionality or otherwise of its penal system, position of non-Muslim under the *Sharīʿah* governments, its amenability to democratic principles, as well as human rights and gender issues. According to Ruud Peters, "those who are apprehensive about rising crime rates and corruption, will welcome Islamic criminal law as a panacea for the cure of social evils and the restoration of a virtuous society."[6] The implications of the application of *Sharīʿah* in these states as chronicled by Ostien, include the following:

---

[4] Peters, R. (2001) *The reintroduction of Islamic criminal law in northern Nigeria*. Lagos: Maarten Barends 14-15

[5] Weimann G.J. 2010. *Islamic criminal law in northern Nigeria: politics, religion, judicial practice*. Amsterdam: Amsterdam University Press. 26

[6] Peters, R. (2005) The enforcement of God's law: the Sharīʿah in the present world of Islam. *Comparative perspectives on Sharīʿah in Nigeria*. P. Ostien, J. M. Nasir et al. Eds. Ibadan: Spectrum Books. 11

i.   It teaches a lesson in applied federalism that Nigerians need to learn about the permission of wide local political variations within broad national limits, the like of which is obtained in the United States.

ii.   The implementing states have recognized and submitted to the supremacy of the federal constitution and laws. This concession is absolutely necessary (*Ḍarūrah*) within the context of Nigerian federation. The Muslims want to implement as much of their law as they can within the constitution of the federation.

iii. The steps taken towards the implementation are a victory for democracy as well as for federalism because they have been enacted by democratically elected executive and legislative officials responding to the unquestionable desires.

iv.   By reclaiming their own legal and cultural heritage and the right to develop it themselves, the Muslim majorities of these state are taking responsibility for themselves back onto themselves.

v.   The steps taken already represent very significant developments in Islamic law. The parts of the *Sharīʿah* being enacted have been extracted from the voluminous Arabic texts of the Muslim jurists, and codified in modern form in English which will often also be translated into Hausa, the lingua franca of the north.

vi.   The steps taken will help defuse any tendency to violent Islamic fundamentalism

vii. The steps taken will help eliminate political illusions and encourage realism. Problems could now be addressed and tackled more realistically than before.

viii. The steps taken may result in more fairness towards non-Muslims in the implementing states. Non-Muslims may now enjoy more fairness, generosity and, less or no discrimination as we have ample examples in the history of Islam, of cultural openness, inclusiveness and cosmopolitanism, of enlightened, liberal and progressive government open to people of all faiths and working for the benefit of all. [7]

C. *Al-Waḥdah* (Unity) Paradigm in Islamic Law

In general usage, the terms *waḥdah* means unity, unison, solidarity, convergence, unanimity, unification, unidirection, community, and agreement about an issue. This term —i.e., *waḥdah* —in the meanings that has been mentioned are antonyms of terms such as 'multiplicity', 'dispersement',

---

[7] Ostien, P. (2002) Ten good things about the implementation of Shari'a in some states of northern Nigeria. *Swedish Missiological Themes.* Vol 90, 2: 163-174

'dispute', 'division', 'sectarianism', and 'divergence'. Therefore, unity is turning division into solidarity; divergence into convergence; dispersement into juncture; various opinions into a single opinion; and the specification of a common and agreed upon goal in order to choose the path leading to it.

Al-Waḥdah also teaches the unity of all being and urges Muslims to recognise the interconnectedness of all parts of God's creation, particularly of all human individuals and communities. The *Qurʾān* calls on all people to cooperate in good deeds, and "cooperate not in hostility and sin" (*Qurʾān* 5: 2), and then it also enjoins them to "vie with one another in good works; for to God you shall all return…" (*Qurʾān* 5: 48). Any effort made in order to resolve conflict and restore harmony among people, especially when it is made in the spirit of unity and cooperation, qualifies as the *Qurʾān*ic conception of "cooperation in good works – *taʿāwun.*" *Al-Waḥdah* is the basis of Islamic universalism, tolerance and inclusivity. People are all equal in the eyes of their Creator, irrespective of race, nationality, creed or gender. Nevertheless, the *Qurʾān* is cognizant of internal diversity and pluralism among human communities and nations on account of language, creed, custom and culture. *Al-Waḥdah* is thus the governing principle that makes the Islamic outlook one of unity, inclusivity and universalism.[8]

The same *Waḥdah* paradigm is manifested in reference to the sanctity of human life. Every human life is equally important for humanity without discrimination of any kind. God has proclaimed that human life – a sacred gift – may never be taken without "just cause." If anyone takes the life of another human, unless in punishment for cases of murder and aggressive violence, it is as though he has killed all humanity. Likewise if anyone saves a life, it is as though he has saved all of humanity (*Qurʾān* 5:32). The *Sharīʿah* thus protects every life and therefore seeks to establish safety and security (*ʿAmn, ʿAmān*) of life for all and every member of the human fraternity.

Thus Islam recognises the freedom of worship as an essential need for humans. This has been the theme of several declarations in the *Qurʾān*, namely: "Let there be no compulsion in religion. Truth stands out clear from Error (*Qurʾān* 2: 256)." "The truth has come from your Lord. Whoever wishes may believe in it and whoever wishes may reject it (*Qurʾān* 18: 29)."

Universal humanity is a central value in Islam conveyed through Muslims' beliefs in the equality of origins, and their calls for equal rights, treatment,

---

[8] Kamali M.H. (2013) Peace as a universal Islamic value. *Islam and civilisational renewal.* 4. 2: 173.

and solidarity among all people. The human is an integral part of an ocean of creation, and is the most dignified and exalted of all creatures. The human has the potential to learn and know, the ability to decide which actions to take, and to bear the consequences of his/her actions.

In Islam, there is no privilege granted based on race, ethnicity or tribal association. The only two criteria to be deployed in recognizing good Muslims are their faith and good deeds. There is no difference whatsoever between people except in their devotion to Allah, since He is the common creator of all humans. A well-known Hadith confirms this principle of equality: "All people are equal, as equal as the teeth of a comb. There is no claim of merit of an Arab over a Persian (non-Arab), or of a white over a black person, or of a male over female. Only God- Fearing people merit a preference with God."(*Ṣaḥīḥ al-Bukhārī*) Islam underscores that all people are the children of Adam and Eve, and such sayings are often cited by traditional mediators and arbitrators as a recommendation or a call for brotherhood and harmony.

Islamic law assumes that human life is valuable and must be saved and protected, and that resources should be utilized to preserve life and prevent violence. A central teaching of Islam is that there is a purpose and meaning in the creation of the universe, including humans: "Not for (idle) sport did We create the heavens and the earth and all that is between!" (*Qurᵓān* 21:16, see also 44:38) The Qur'an clearly suggests the sacredness of human life, "And if any one saved a life, it would be as if he saved the life of the whole people."(*Qurᵓān* 5:32) "And do not take a life which Allah has forbidden save in the course of justice. This he enjoins on you so that you may understand." (*Qurᵓān* 17:33) Islam respects the unique meaning of each person's life: it is an integral part of the great cosmic purpose. Consequently, what each person does matters profoundly.

A cursory look at the history and sources of Islam depicts a comprehensive understanding of pluralism. The charter of Medina-the first constitution created by the Prophet-is another proof of such an inclusive and religiously diverse community. Sequel to the Prophet's migration in 622 C.E. to Medina, the Muslims had to face the reality of a pluralistic environment, failing which it could not have developed without actively engaging with the followers also of Christianity, Judaism, and Zoroastrianism etc. through disputation (*jadal*, *mujādalah* – frequently used *Qurᵓān*ic words) and other persuasive methods of engagement. A North American Muslim thus emphasises:

> We need to commit ourselves to pluralism, […] [for] it is a part of the vision imparted to us by the *Qurʾān* and the example of the Prophet […]. It is important for progressive Muslims, and Muslim communities in general, to return to the pluralistic vision of the *Qurʾān* and establish cooperative relations with other religious communities.[9]

Oneness of the Creator (*Tawḥīd*), and multiplicity of His creation are two basic premises of Islam. *Tawḥīd* embodies a worldview of its own, which is not, however, amenable to the notions of plurality and pluralism. As a governing principle of Islam, *Tawḥīd* is focused on essential unities: unity between the human being and his natural environment, unity of the humankind, unity within the family, unity of the state and society, of government and politics, of economy and culture, law and policy and so forth. The second and equally important premise of Islam is that of the multiplicity of God's creation. Pluralism thus permeates the entire breadth and depth of the created world. He alone is one but His creation is moulded in inalienable pluralism, which is embedded in the inner make-up of the human person, and then the outer manifestations of how he relates to his fellow humans and the wider world around him. Humans are created in the image of multiplicity and pluralism ranging from their inner abilities and talents, to the outer manifestations of race and religion, language and culture, tribe and nation, and so forth.

Pluralism and diversity are core values in Islamic tradition and religion. The Qur'an recognizes diversity and tolerance of differences based on gender (*Qurʾān* 49:13; 53:45); skin color, language (*Qurʾān* 30:22); beliefs and ranks. (*Qurʾān* 64:2; 6:165) Harmony between the different social grouping and communities is praised, and competition and control of any person by another is condemned. The Qur'an asserts that differences are inherent in human life. Thus, ethnic, tribal, and national differences have no real bearing on closeness to God. Rather, as suggested in discussing *Ummah*, only their degree of faith is the solemn criterion by which those groups will be judged. Differences among people, inevitable in humanity, are a basic assumption in Islam. "If your Lord had so willed, He could have made mankind one people: But they will not cease to dispute" (*Qurʾān* 11:118). These differences are integrally related to the free will that God has bestowed on humanity, for people should be expected to be diverse not only in nationality and affiliation, but also in the expression of their faith and the path that they choose to follow

---

[9] Hussain, A. (2003) Muslims, pluralism and interface dialogue. *Progressive Muslims: on justice, gender and pluralism.* O. Safi ed. Oxford: Oneworld. 266-267

(*Qurʾān* 10:99). Such a principle of free will and the individual's responsibility for all his/her actions is reflected in the Qur'an: "If Allah so willed, He could make you all one people: but He leaves straying whom He pleases, and He guides whom He pleases: but you shall certainly be called to account for all your actions." (*Qurʾān* 16:93) Tolerance of the "others," particularly non-Muslim people of the Book), is repeatedly accepted and emphasized in Islam. The equality of the followers of different religions is reiterated in both the Qur'an and Hadith many times. Muslims are asked to remember that there is no difference in the treatment of people of different religions except in their faith and deeds: (*Qurʾān* 3:113-114), (*Qurʾān* 2:62) and (*Qurʾān* 5:69).

Contrary to the notion that the sense of *Ummah* has vanished due to the different political regimes in Muslim world, and that it existed only when Muslims were all under the same political authority, Esack Farid argues "The notion of *Ummah* has not only survived but continues to give Muslims a deep sense of belonging."[10] As suggested, the *Ummah* has even expanded to include non-Muslims, for all those who believe in God are members of this community, too. Farid stresses that "[t]he universal community under God has always been a significant element in Muslim discourse against tribalism and racism."[11] Other scholars note that the "People of the Book," as recipients of the divine revelation, were recognized as part of the *Ummah*, based on the Qur'anic verse: "[A]nd surely this, your community (*Ummah*), is a single community." (*Qurʾān* 23:52). Numerous verses from the *Qurʾān* asking Muslims to unite and not to allow separation (*Tafarruq*) to destroy their unity (*Qurʾān* 3:103; *Qurʾān* 3:105) and also the *Ḥadīth*: "Do not disagree, for those who came before you disagreed (over trivialities) and consequently perished.[12]"

The Prophet reminded his followers on many occasions on the importance of unity and solidarity between the believers and non- Muslims. He instructed Muslims to avoid causes of dissension and to support each other, comparing their relationship to the organs of the body that communicate pain if one part is ill, or to a building which is strengthened by the strength of its various

---

[10] See: Farid, E. (1997) *Liberation and pluralism: an Islamic perspective of interreligious solidarity against oppression* Oxford: Oneworld Publications.

[11] See: Farid, E. (1998) Religion and cultural diversity: for what and with whom? A paper presented at the Islam & Cultural Diversity Conference, Am. U., D.C.

[12] Al-Tabrīzī, A.K. (1979) *Mishkāt al-maṣābīḥ*. M. N. Al-Albānī. Ed. Beirut: al-Maktab al-Islāmī. 212

parts. "A believer to another believer is like a building whose different parts enforce each other. The Prophet then clasped his hands with fingers interlaced (while saying that)." (Saḥīḥ al-Bukhārī)

Muslims are therefore expected to carry and expand the scope of legal stipulations from the individual dimension towards the universal dimension so as to have a place in the heart of the public. The principle of holistic thinking will also be able to ward off anti-therapeutic proclivities (*Mafāsid*) in the application of the law. The intended attitude of Islamic wholeness here are fairness, honesty, wisdom, freedom, openness, objectivity which is not bound by a specific school of thought (the dimension of human interpretation).

D. Contribution of Islamic Law to National Integration

The role of Islamic law in building a cohesive and integrative nation of our dream cannot be over-emphasized. Jacobs and Tenue describe national integration as "a relationship of community among peoples within the same political entity… a state of mind or disposition to be cohesive, to act together, and to be committed to mutual programmes."[13] Sharing the views of Morrison *et al,* Ojo[14] perceives national integration as "a process by which members of a social system (citizens for our purpose) develop linkages and location so that the boundaries of the system persist over time and the boundaries of sub systems become less consequential in affecting behavior"[15]. In this process, members of the social system develop an increasing sequence of contact, cooperation, consensus and community. National integration is a means of progressive reduction of socio-religious, cultural and regional tensions in the process of creating a homogenous political community. The operational definition of national integration here relates to a plural society where component parts are reasonably contented and united in the polity vis-à-vis equity and justice in resource allocation, political participation and access to equal opportunities. Based on this assertion, we would examine the possible areas in which *Waḥdah* paradigm in Islamic law can contribute to national integration in Nigeria.

---

[13] Jacobs, P.E. and Tenue, H. (1964) The integrative process; guidelines for analysis of the bases of political community in P.E. Jacobs and J.V. Toscand (eds.), *Integration of political communities*, New York:J.P. Lippincott Company, 9-22.

[14] See: Ojo, E. O. (2009) Federalism and the Search for National Integration in Nigeria, 3 (9) *African Journal of Political Science and International Relations* 384-395at 384. Available at http://www.academicjournals.org/AJPSIR. Accessed on 07/10/17

[15] Coleman, J.S. and Rosberg, C.G. (1964) *Political parties and national integration in tropical Africa,* Berkley and Los Angeles: University of California Press. 9

1. Education

Islamic law sensitizes our psyche to the need to develop the mind in such a way that allows for formation of scientific mindset, adherence to the scientific method in approaching issues as well as imparting sound and correct education. In the first instance, a study of Islamic law has revealed positive disposition towards a scientifically formed mindset. Mere speculation is rejected in favour of certainty (*Qurʾān* 10.36). Muslims are enjoined to reject blind submission to whims and emotion, blind imitation to ancestors and predecessor and acceptance of any claim without proof. Again, much as Islam wants us to engage in worship and adoration, it shows particular concerns for carrying out the worship with reflection and rational inquiry. Thus there is ample room in which legal actors and players can develop this theme by bringing it out of theoretical realm into that of practical application.

In addition, Islamic law alerts the Islamic legal scholars to the need to adhere to the scientific method which has been enumerated either implicitly or explicitly in the *Qurʾān* and which has enabled Muslim scholars to establish numerous new sciences while developing old ones. Methodologies such as *istidlāl* have helped the development of various Islamic sciences. These scientific methodologies should therefore renewed in order to apply them to the interpretation of substantive and procedural laws of Islam in the context of contemporary realities.

Furthermore, Islamic law articulates Islamic concern for acquisition of knowledge as both a duty for the individuals and society. (*Qurʾān* 96: 1-6; 9: 122; 20: 114) The type of knowledge to acquire should not be limited to matters pertaining to worship alone. Rather, it should embrace an integrated and comprehensive educational system

Sharīʿah is keen at preserving the well-being of the bodily members which support the faculty of reason such as the brain, the five senses and nervous system by forbidding the use of substance which may destroy, deteriorate or hinder proper functioning of the faculty. Hence, the drinking of intoxicants or the use of hard drugs is considered anti-therapeutic and thus prohibited. Beside, behaviours that can impair or confuse mental functioning such as unthinking surrender to desires and whims, conjecture, blind imitation of predecessor, the powerful and influential, superstition, obstinacy, hypocrisy and the other harmful practices and attitudes which are at odds with scientific thinking are to be regarded as anti-therapeutic within the purview of

Sharīʿah. It thus behoves all Islamic legal participants to identify and address psychological and nervous disorders emanating from the brain or its functions.

2. Morality

Sharīʿah has also considered facilitation of progeny as an essential dimension of well-being. For a civilization to survive, there must be continuous improvement in the quality of the future generation, which depends on a number of factors such as qualitative child-upbringing, survival and progress of family integrity, protection of future generation etc. Thus, in order to make children good Muslims, it is necessary to inculcate in them all the noble qualities of character *(khuluq ḥasan)* that Islam requires in its followers. They should learn from their very childhood to be honest, truthful, conscientious, tolerant, punctual, hard-working, thrifty, polite, respectful towards their parents and teachers, willing to fulfill all their obligations towards others, particularly their subordinates, the poor and the disadvantaged, and able to get along with others peacefully. It is in this way they will not be prone to juvenile delinquency.

Again, the family has a role to play in the moral upbringing of children by inculcating in them the *khuluq ḥasan* that Islam expects in its followers; otherwise, it may be difficult to overcome the setback later on. The character of the parents themselves must reflect the luster of Islamic teachings so as to serve as role models for their children. In addition, there has to be an atmosphere of love, affection and tranquility in the family to enable the parents fulfill their responsibilities towards each other conscientiously and amicably. They should eschew constant bickering or discord that may ultimately lead to divorce, which will have a detrimental impact on the children's moral, mental and psychological development as a result of broken homes or single parentage. The interest of children's well-being should be considered as much as possible.

Moreover, it is necessary to enrich the posterity with proper education to provide them the skills that they need to enable them to stand on their own feet and to contribute effectively to the moral, socio-economic, intellectual and technological development of their societies. For this purpose, it is indispensable to get them enrolled in high quality schools, colleges and universities. Thus, their education should be given the priority that it deserves and the resources that it needs in order to accelerate development and to meet successfully the challenges that they face. This should, however not hamper the fulfillment of all their needs, including health care, so that they are

physically and mentally healthy and capable of playing their roles effectively in their society. If the children do not get proper nourishment along with a clean and healthy environment and proper medical care, they may not grow up to be strong and healthy adults and may not, thus, be able to contribute richly to their societies even if they are morally upright and well educated.

Lastly, the progeny should have freedom from fear, conflict and insecurity as well as the debt-servicing burden that may lead to child abuse. Fear, conflict and insecurity may be reduced by adopting a policy of tolerance and peaceful coexistence. It is also necessary to allocate adequate resources for the survival of future generation.

3. Economy

Islam has delineated a framework for the individual pursuit of material wealth which stresses the soundness/legitimacy of both its source and the manner in which it is spent. The pursuit and acquisition of material wealth are a fulfilment of man's mission as God's trustees on earth in order that he might it to use in the doing of good (*Qurʾān* 57:7; 24:33). Within this framework, wealth has a social function and should not be hoarded or kept out of circulation (*Qurʾān* 9:34-35, *Qurʾān* 3:180). Spending on oneself is given higher priority than spending on charity as could be understood from a prophetic *Ḥadīth* that "the best charity is that which is spent out of sufficiency. Begin with those whose material support you are responsible (Ibn Ḥajar, n. d. 296)."

Another focus of Islamic law is wealth circulation which involves wealth creation, consumption and distribution. This objective is derived from the *Qurʾān* that says "….so that wealth is not circulated among the rich in the society only" (*Qurʾān* 59: 7). Islam intends to ensure that the resources are not concentrated in the hands of few individuals, rather, they have to be circulated in the economy to activate human resources in the pursuit of well-being and intergenerational continuity. Hence, commercial and financial activities are viewed positively as mechanism to circulate the wealth among all the sections of society so that it is not concentrated at the hand of the few and would go into all sectors of economy that would benefit human well-being. Islam encourages wealth to be used in productive activities. The funds should not be wasted, left idle (*Qurʾān* 9: 34) or managed unprofessionally (*Qurʾān* 4: 5).

Sharīʿah asserts that financial dealings should be classified into those that will institute the *Maṣlahah* and prevent the *Mafsadah*. The application of

Sharīʿah in financial sphere should therefore not result in injury, harm or difficulties to either individuals or the public at large. A positive atmosphere in commercial transactions should be created whereby exchanges are done on the basis of brotherhood, cooperation and mutual benefit of both parties. Therefore, *Sharīʿah* institutes some values, measures and standards to be preserved in the transactions and indicates some negative elements to be avoided as they would annihilate the objective.

These values do not only act as guidelines in economic activities, but must be translated into practical rulings that would avoid the *Fasād* or corrupt acts such as unfair dealing, arrogance, abusiveness, stinginess, greed, exclusivism, individualism and exploitation of others (*Qurʾān* 2:195, 7: 31, 11:85, 28: 77 107: 1-3). At the same time, truth and honesty (*Qurʾān* 5: 119, 39: 33, 16: 90, 4: 58), responsibility (*Qurʾān* 52:21), trust (*Qurʾān* 4:58, 40:32), generosity (*Qurʾān* 56:77, 44:17,26), justice (*Qurʾān* 2: 278-9), friendship and cooperation (*Qurʾān* 49: 13, 49: 10, 13) in the spirit of protecting customers, stakeholders and the public are highly encouraged and must be preserved in financial dealings as those values would ensure smooth allocation of resources and fair dealings in transaction.

Promoting economic justice in Islam is an important principle applied through a number of channels, such as those Islamic institutes and values identified by Zaman[16], namely: *Zakah*, the giving of voluntary charity (*Ṣadaqah*), contributing to the *Waqf* (endownment), *Wasiyah* (will) and *Irth* (Islamic law of inheritance. The emphasis on socioeconomic justice and human egalitarianism is, in fact, so strong in Islam that the Qur'an is explicit in stating that human conduct and aspirations have relevance as acts of faith within the wider human, social and cultural context. For example, the Holy Qur'an states that "[t]he righteous are those who... give from what they have, to: relatives, orphans, those in need, the ones away from home, those who ask, and in order to free the enslaved." Similarly, the saying, "[w]hoever sleeps satiated whilst his neighbour is hungry does not belong to our community," (*Saḥīḥ al-Bukhārī*) contains individual duty language so powerful that failure to contribute to the group right to development results in banishment from the community itself

Islamic banking has become in the last two decades, mainly after the oil price rises of the early 1970s, a successful global phenomenon, existing in majority

---

[16] See: Zaman, R. (1996) *Economic justice in Islam, ideals and reality: The cases of Malaysia, Pakistan, and Saudi Arabia, in Islamic identity and the struggle for justice*. Nimat Barazangi, M. Raquibuz Zaman & Omar Afzal, eds., Gainesville, Fla: U. Press of Fla.

and non-majority Muslim countries. It was often argued that its expansion was due to the endorsement from the oil-rich Gulf States.[17] The reality is that there are, in our time, around 300 Islamic financial institutions globally, with assets of about $200 - $300 billion, including Dow Jones Citigroup Sukuk (Islamic Bond) Index in Kuala Lumpur - created in 2003.[18] Islamic windows, which represent separate divisions of the multinational banks devoted to marketing *Sharī'ah* - compliant financial products also contributed to this situation. Nigeria became a member of the Islamic Development Bank in 2005 and Ngozi Okonjo-Iweala was its first director while the current finance minister, Kemi Adeosun is the second director; both are Christians. In addition, Nigeria has benefitted immensely from Sukuk, profiting from its credit facility to carry out developmental projects in the country.

4. Socio-Psychology

A main thrust of the Islamic law is to establish a just social reality. Thus, the evaluation of any act or statement should be measured according to whether, how, and when it will accomplish the desired social reality. Justice is an absolute and not a relative value, and it is the duty of the believer to seek justice and apply it. The early Caliphs were known for their strong pursuit of justice, particularly 'Umar Ibn al-Khaṭṭāb who left a distinctive tradition in pursuing justice. The connection of national integration with justice is thus never far from the surface in Islam. National integration is the product of order and justice. One must strive for peace with justice. This is the obligation of the believer as well as the ruler. More than that, it is a natural obligation of all humanity: God does command you to render back your trust to those to whom they are due. And when you judge between people, that you judge with justice. Indeed, how excellent is the teaching that He gives you. For verily God hears and sees all things.' (*Qur'ān* 4:58) 'God loves those who are just.' (*Qur'ān* 60:8)

In addition, the Qur'an and the Prophet have called Muslims to mobilize and stand fast against injustice, even if the injustice is generated by a Muslim: O you who believe! Stand out firmly for justice, as witness to Allah, even as against yourselves, or your parents, or kin, and whether it be (against) rich or poor: For Allah can best protect both. Follow not the lusts (of your hearts),

---

[17] See: Henry, C. and Wilson, R. (2005) *The politics of Islamic finance.* Edinburgh University Press

[18] See: Pollard, J. and Samers, M. (2007) Islamic banking and finance: postcolonial political economy and the decentering of economic geography. *Transaction of the Institute of British Geographers.* NS, 32: 313-330

lest you swerve, and if you distort (justice) or decline to do justice, verily Allah is well acquainted with all that you do. (*Qurʾān* 4:135)

Again, the notion of peace is fundamental to Islamic law and religion. It is present in the salutation exchanged between Muslims at each meeting: *Salām 'alaykum,* "peace be upon you." A peace greeting is repeated twice at the end of each of Muslims' five daily prayers." Indeed, the very word "Islam" shares its root with the word for "Peace" in Arabic, and peace is one of the ninety-nine attributes of *Allah.*

There are over one hundred Qur'anic verses discussing the importance of peace. In addition, responsibility is placed on individual to promote peace in the following *hadith,* narrated by Imam Muslim in his treatise *Sahih,* one of the seminal treatises of Islamic law: "You shall not enter Paradise until you believe (in *Allah),* and you shall not believe (in *Allah)* until you love one another; shall I tell you something which, if you were to do it, you would love one another? Disseminate (and disclose) peace among yourselves." (*Ṣaḥīḥ al-Bukhārī*) Thus, this *hadith* elevates the dissemination of peace to a condition precedent to belief in *Allah,* one of the Five Pillars of Islam. Peace is also a theme of the *hadith* narrated by Al-Bukhari, Muslim, and Ibn Hanbal: "The Prophet [Peace be upon Him], says "You only have faith when you desire for your brother what you desire for yourself." This peace manifests itself in different ways and on different levels, all the way from simple daily acts such as greetings, to kind offerings of food, to financial assistance and charity, to peace on a global scale.

Going by this, it can be claimed that the general spirit of the social teachings of Islam is as follows: the prohibition of war, of enmity, of dissension, of the formation of parties, of breaking up the society of believers, of racism, and of the mistrust of individuals and groups. The positive foundations of the social teachings of Islam are unity, cooperation, mutual love, and doing well unto each other. With regard to the command and permission that Islam gives to war, it can be explained in that such permission for war can prevent social mishaps and protect the material and spiritual rights of the people.

The right to international neighborliness is embedded in Islamic sources, Imam al-Bukhārī narrated the following *hadith:* "Gabriel has recommended that I should take care of my neighbour so often that I began to think that he (Gabriel) wanted to make a [sic] heir of him (the neighbour)." The right to peace are predicated on two elements: mutual understanding and tolerance. The Almighty Creator justifies the fact of creating mankind by His desire that they know one another, as knowing one another leads to cooperation and

fraternity. There are different ways of getting to know one another and they all call for political, economic, social and cultural cooperation in general.

Related to mutual understanding, the second component of the right to peace in Islam is tolerance. This is based in the belief by Muslims that the existence of cultural difference was the will of *Allah,* an idea which finds support in the Qur'an: "And if the Lord had willed, He verily would have made mankind one nation, yet they cease not differing, and "of His signs is the creation of the heavens and the earth, and the differences of your languages and colours. Based on these verses, Allah's rule on earth is based upon the differences between human beings, be they race, language or religious differences or any other difference in any one of the components of civilization and culture.

5. Diplomacy

The sense of diplomatic relations in Islamic law stems from the understanding that, as there is only one God, there is only one divine message for humanity from the beginning of creation, and that the Holy Qur'an is the final message that comes to eliminate the adulterations and omissions of the previous messages and to complement them definitively; it is the last of the only, and same, liberating message and a guide from God for humankind. Both Muslims and all the believers need to become united under our common faith that commits us before God—a faith that obliges us to fight for the creation of a world in response to His parameters of Justice, and to defend the poor and the oppressed ones.

Our fundamental task is not to convert people to Islam for that has always been a favour or providence of God; our task is to respond to the divine call in order to defend the weak and oppressed, to create a world based on social justice, and to commit ourselves to the path of all those believers and non-believers that are involved in that same task. We must share our thoughts and points of view with them—working shoulder-to-shoulder and without reservations—in order to create that new better world that we say is possible.

Our beliefs should be freed from deformations that tend or pretend to present Islam as one more religion. Islam is not an alternative religion that wants to consume all the other religious and nonreligious beliefs. Rather, it is the voluntary and absolute surrendering before Allah, our Creator and Lord—a surrender that men and women, from the beginning of times, have shown to God. Again, the Holy Qur'an is not a text opposed to the previous Holy Books, but a confirmation and the eternal word of God for all humanity throughout all times. Islam and its law, therefore need to be redefined in

universal terms—not as a religion and an alternative spirituality, but as a continuation of the eternal truths, as a living reality, and as the end of the only message that the one God has sent to humanity for eternity in order to guide and teach them to make good use of the freedom that He has bestowed upon them.

The Qur'an calls on Muslims to abandon fighting and coexist peacefully with other religions, reaffirming the validity of the other religions and requiring its followers to respect their scriptures. In fact, the expansion of Islam through *daʿwah* in Asia and Africa or the Pacific region has taken place mainly among non-Muslims. Under such circumstances Islam could not have survived or prospered without having been strongly pluralistic and accepting of diversity.

The Medinah charter, which was contracted between the Prophet and the various tribes, is an example of the high level of tolerance and respect of diversity assumed by Islam. Under the charter, all Muslims and Jewish tribes are considered one community, but each tribe retains its identity, customs, and internal relations. The charter was supplemented by a set of rules derived from the Qur'an and Sunnah to protect the rights of each group. The freedom of religion, and the right not to be guilty because of the deed of an ally, were among the protected rights.

Proceeding from this recognition of diversity, seven main principles can be derived from the Qur'an supporting coexistence and tolerance[19]: (1) Human dignity deserves absolute protection regardless of the person's religion, ethnicity, and intellectual opinion orientation. (*Qurʾān* 17:70) This dignity is a form of individual protection given by God; (2) All humans are related and from the same origin; (*Qurʾān* 4:1; 6:98; 5:32) (3) Differences among people are designated by God and are part of His creation and rules (sunnan), thus differences in ethnicity, race, culture, etc., are a natural part of life. (*Qurʾān* 30:22; 10:99; 11:118, 199) God had the power to create us all the same, but He did not; (11:118) (4) Islam acknowledges other religions and asserts their unity of origin; (*Qurʾān* 42:13; 2:136) Because differences are a given in Islam, there is no justification for violating people's rights to existence and movement due to their different religious affiliation; (*Qurʾān* 42:15) (5) Muslims have the freedom of choice and decision after the calling or the message has been delivered; (*Qurʾān* 2:256; 18:29; 17:107; 109:4-6) (6) God is the only judge of people's actions. People are responsible for their

---

[19] Abu-Nimer, M. (2001) A framework for nonviolence and peacebuilding in Islam. *Journal of Law and Religion*, 15, 1/2: 257-258

decisions and deeds when they face judgement. The Prophet only carried the message, only God is responsible for the judgement; (*Qurʾān* 42:48; 16:124; 31:23; 88:25, 26) (7) Muslims should observe good deeds, justice, and equity in dealing with all human beings. (*Qurʾān* 5:9; 4:135; 60:8)

E. Conclusion

In this paper, a modest approach has been made to highlight the relevance of Islamic law to national integration in Nigeria. Education, economy, morality, socio-psychology and diplomacy are the areas examined. Observations revealed that the implementation of the Islamic law in political administration in pre-colonial and democratic Nigeria greatly assisted the society. Therefore, the impetus for the direct involvement of the *Waḥdah* paradigm articulated in Islamic law in the administration seems to be its relevance to the maintenance of social justice and national cohesion.

The discussion in this paper reflects a major gap between the Islamic basis for national integration in general and the interpretation of Islamic law as a harsh, disintegrating and dissenting law. This gap cries for the need for a more solid "community of interpreters" to study Islamic law and its potential for national integration, interpreters who will attempt to contextualize Islamic juridical and traditional values within national integration framework. This effort to reconstruct legitimate social, educational, diplomatic and integrative mechanisms in Islamic law to resolve internal and external issues in our society is most needed to promote socio-economic development at all levels.

Finally, by identifying the principles and values of national integration in an Islamic context, the question of their existence in Islamic tradition and law becomes irrelevant. Thus, future research and studies can focus on the next step: examining the application of such principles in day-to-day contexts, and identifying the obstacles that prevent their application. Another area of future research is to document successful day-to-day initiatives of national integration, conducted in Muslim communities. By examining such case studies scholars and practitioners can promote the conditions for effective peaceful intervention to resolve political, social, and other issues of national cohesion, ravaging the country.

References

Abu-Nimer, M. A framework for nonviolence and peacebuilding in Islam. *Journal of Law and Religion*, 15, 1/2: , 2001, 217-265

Al-Tabrīzī, A.K. *Mishkāt al-maṣābīḥ*. M. N. Al-Albānī. Ed. Beirut: al-Maktab al-Islāmī, 1979

Coleman, J.S. and Rosberg, C.G. *Political parties and national integration in tropical Africa,* Berkley and Los Angeles: University of California Press, 1964

Farid, E. *Liberation and pluralism: an Islamic perspective of interreligious solidarity against oppression* Oxford: Oneworld Publications, 1997

Farid, E. Religion and cultural diversity: for what and with whom? A paper presented at the Islam & Cultural Diversity Conference, Am. U., D.C., 1998

Hussain, A. Muslims, pluralism and interface dialogue. *Progressive Muslims: on justice, gender and pluralism.* O. Safi ed. Oxford: Oneworld, 2003, 266-267

Ibn Hajar, A.A. (n.d.) *Fatḥ al-bārī bi sharḥ ṣaḥīḥ al-Bukārī*. Vol. 3. M. Al-Khātib Ed. Beirut: Dār al-Maʿrifah.

Henry, C. and Wilson, R. *The politics of Islamic finance.* Edinburgh University Press, 2005

Jacobs, P.E. and Tenue, H. The integrative process; guidelines for analysis of the bases of political community in P.E. Jacobs and J.V. Toscand (eds.), *Integration of political communities*, New York:J.P. Lippincott Company, 1964, 9-22

Kamali M.H. Peace as a universal Islamic value. *Islam and civilisational renewal.* 4(2), 2013, 169-187

Ojo, E. O. Federalism and the Search for National Integration in Nigeria, 3 (9) *African Journal of Political Science and International Relations.* 2009, 384-395. Available at http://www.academicjournals.org/AJPSIR. Accessed on 07/10/17

Ostien, P. Ten good things about the implementation of Shari'a in some states of northern Nigeria. *Swedish Missiological Themes.* Vol 90(2), 2002, 163-174

Ostien, P. & Dekker, A. *Sharīʿah* and national law in Nigeria. *Sharīʿah incorporated: a comparative overview of the legal systems of twelve Muslim countries in past and present.* J.M. Otto. Ed. Leiden: Leiden University Press. 2010, 553-612

Peters, R. *The reintroduction of Islamic criminal law in northern Nigeria*. Lagos: Maarten Barends, 2001

Peters, R. The enforcement of God's law: the Sharīʿah in the present world of Islam. *Comparative perspectives on Sharīʿah in Nigeria*. P. Ostien, J. M. Nasir et al. Eds. Ibadan: Spectrum Books, 2005, 107-134

Pollard, J. and Samers, M. Islamic banking and finance: postcolonial political economy and the decentering of economic geography. *Transaction of the Institute of British Geographers*. NS, 32, 2007, 313-330

Toynbee, A.J. *Civilization on trial essays*, London: Oxford University Press, 1948

Weimann G.J. *Islamic criminal law in northern Nigeria: politics, religion, judicial practice*. Amsterdam: Amsterdam University Press, 2010.

Zaman, R. *Economic justice in Islam, ideals and reality: The cases of Malaysia, Pakistan, and Saudi Arabia, in Islamic identity and the struggle for justice*. Nimat Barazangi, M. Raquibuz Zaman & Omar Afzal, eds., Gainesville, Fla: U. Press of Fla, 1996