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لمحة عن :الأنشطة الأدبية عند زمرة المؤمنين في بلاد يوربا بنيجيريا ¹

الأدبية لعبد اللطيف أُووُولَاي ت الإنتاجا
ميكائيل أَدْيَبِي فُولُونُشُو

و

عبد الكبيرتهامي أُوُونُونِي

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Al-Ilorī and the Fundamental Human Rights: An Appraisal of *Huqūqu’l-’Insān*

Yahya, Shaykh Ahmad & Abdulwahab, Danladi Shittu

Abstract

There is no gainsaying that Adam Abdullah Al-Ilorī was a scholar and a prolific Muslim writer whose works have been studied at different educational levels. A unique feature of this scholar is that even though, a Nigerian, his literary works in the Arabic language exceed matters of Islamic theology to political and social issues. His work titled *Huqūqu’l-’Insān bayna ’Adyāni’s-Samā’i wa Qawānīni’z- Zamān*, which is being studied is one of the many works of Al-Ilorī on political matters. The work discusses the origin and development of human rights in the realm of religion and the contemporary legal document. Using a combination of historical, descriptive and analytical research methods, this work studied the approach of Al-Ilorī to fundamental human rights. The findings of the work revealed that the author is very much familiar with international issues. However, the title of the work depicts a study of human rights in the heavenly religions but the study concentrated on provisions contained in the Qur’ān among the heavenly revealed books. It is observed that the book would have been more focused if it studies human rights from the perspectives of Islam and the constitution of Nigeria.

Introduction

Human rights refer to the basic provisions and freedom to which all human beings are entitled to. It is considered as the protection of citizens of a community or a society from the arbitrary use of power by the government or by the ruling authority about the freedom and autonomy of the citizens. The objective of human rights can therefore be considered to be the protection and promotion of certain essential human interests.

The importance of human right as it affects the well-being of individuals is a reason why scholars at different levels find it relevant to discuss it from different dimensions. Al-Ilorī, a Nigerian scholar of the 21st century, discussed the origin and development of human rights from the perspectives of religion and natural value. The discussion in the book reveals that what is known to be human rights today is the divine guidance sent to mankind through the prophets to liberate the masses from the arbitrary and tyrannical use of power by some rulers, some religious leaders and some capitalists. This position does

not only explain the objective of revelation to mankind but also supports the fact that the prophets are human rights activists. A discussion of the life and works of Al-Ilorī will explain how erudite he was.

A Glimpse on the Life of Al-Ilorī

One of Africa's most celebrated scholars and the icons of Arabic-Islamic scholarship in this part of the globe, who had left indelible marks and everlasting impacts on the visions and missions of seekers of the truth, Al-Ilorī was born in 1917 in the province of Jugu, the headquarter of Barba tribe in the city of Wasa, the northern part of the Republic of Benin. His Beninese mother, As-Sayyidah 'Ā'ishah was a daughter of Chief of Wasa Pewonku. His Nigerian father, 'Abdu'l-Baqī bn 'Abdullāh who was an itinerant cleric, was a native of Ilorin, Kwara State (Olangun, 2019,p.2). Olagunju disclosed that the marriage of Al-Ilorī's father to the Chief of Wasa's daughter was not unconnected to the efficacy of invocation offered by him for eradication of smallpox in Wasa at the invitation of the Chief (p.3).

Al-Ilorī started elementary education in his early teens under the tutelage of his revered father who was an ascetic scholar, exegete par-excellence and paragon of righteousness. From his father at the age of seven, he acquired the skill of reading Glorious Qur'ān, memorised a significant portion of it, learnt some jurisprudential topics and poetic books like *Ṣarfū'l-'Inān* and many others.

The upcoming scholar, Al-Ilorī joined the coterie of many vibrant scholars after they departed from the Benin Republic in 1926. In 1934, his father took him to Shaykh Ṣāliḥ Esiniobiwa in Ibadan for advanced Islamic sciences. He studied a great number of works ranging from Ḥadīth, Qur'anic Exegesis, Islamic Jurisprudence, Grammar to Morphology under his tutorship before he relocated to Lagos (Qasim, 2012, p.201)

Upholding the directives of Shaykh Esiniobiwa to enrol himself under Shaykh 'Umar Al-Argbaji on his arrival in Lagos for the advancement of studies, Al-Ilorī complied and obtained various branches of Islamic sciences under him as well (Qasim, 2012, p.201).

The zeal to quench the thirst for knowledge made Al-Ilorī, who later became a polymath, make contact with a cerebral scholar, Shaykh Adam An-Namaji of Kano for sciences of Rhetoric, Prosody, Logic, Astronomy, Philosophy, Theology and Arabic Composition (Agaka, 1981, p.137-138). Appreciating

the quantum of knowledge received from him, Al-Ilorī paid a tribute to him as follows:

فقد أخرجتني من كل جهل جزاك الله خيرا يا إمام

Indeed, you have brought me out of all forms of ignorance. May Allah reward you abundantly, O Imām!

In 1946, Al-Ilorī paid a visit to Al-Azhar University, Cairo and presented himself for open examinations without any formal learning from the institution. He was examined in some branches of Arabic and Islamic studies by the eminent academics of the institution and he performed excellently in all the subjects. Consequently, he was awarded a Certificate of Teaching Arabic and Islamic Studies in the same year (Hasanah: 2012, p.647).

In his passion for waging war against ignorance, Al-Ilorī joined the Ansaruddeen Society of Nigeria in 1947 after his return from the academic journey voyaged to Al-Azhar to teach Arabic and Islamic studies in their schools. 1952 was a milestone in the history of Al-Ilorī via the establishment of Markazu't-Ta'limi'l-'Arabī which has churned out thousands of students from different parts of Africa including Ghana, Benin, Togo, etc (Badmas, 2012, p.789). Some of the products of the citadel are now professors of Arabic and Islamic studies in Nigeria and outside, Judges in Shariah courts of Nigeria and Federal High Courts, Chief Imams in different states of Nigeria and directors in different parastatal while others are teachers in Western and Islamic schools.

In appreciation of his giant strides in the propagation of Islamic teachings, Al-Ilorī was given prizes and awards by many prominent countries, institutions, groups and bodies. For instance, the Arab Republic of Egypt gave him an award in Sciences. He also occupied the office of General-Secretary of the League of Scholars in Yoruba Land (Badmas, 2012, p.790). He, however, passed on in 1992 and was survived by children and wives.

Al-Ilorī: A Prolific Writer

Understanding the popular aphorism that it is either to publish or perish, Al-Ilorī utilised one of the teachings of the Prophet that says: “The best of you is the one that learns Qur’ān and teaches it” (Al-Bukhārī, *ḥadīth* 4639). The teaching mentioned in the quoted *ḥadīth* can be via oral transmission, written or both. Al-Ilorī, however, employed the two methods to disseminate the knowledge acquired by him to the extent that the public who knew him as a

devoted preacher would not believe that he combined public speaking with authorship. Badmas (2012) submitted that Al-Illorī published more than one hundred works in different fields. His works cut across various branches of Islamic sciences including *Da'wah*, History, Literature, Grammar, Islamic Jurisprudence, Islamic Thoughts, *Sufism*, Politics, Sciences, etc (p.790). His style of writing is aptly described in Mu'jamu'l-Mu'allifin as follows:

كان يكتب بالعربية الفصحى بأسلوب مشوق وصياغة متقنة ويلم بالآداب العربية والإسلامية ويرتاد في كتاباته معالم التاريخ الإسلامية (Yūsuf, 1997, p.9)

He used to write with an eloquent Arabic language with a fascinating method, perfect style, deeply rooted in Arabic and Islamic literature and used to enquire about historical teachings of Islam in his writings.

Some of the works of this widely published Nigerian Muslim author will however be mentioned due to the limited number of pages. They include Ad-Dīnu'n-Naṣīhah, Al-'Islām fī Nayjīriyā wa 'Uthmān bn Fodio, Mūjaz Ta'rikhi Nayjīriyā, Al-'Islām Al-Yam waghadan fī Nayjīriyā, Lamḥatu'l-Ballūrī, Niẓāmu't-Ta'līmi'l-'Arabī wa'l-'Islāmī, Al-'Islām bayna'l-Wāqī' wa'l-Ḥaḡīqah, Al-'Islām wa Taqālīdu'l Jāhiliyyah, Tawjīhu'd-Da'wati wa'd-Du'āh fī Nayjīriyā, Dawru't- Taṣawwufi wa's-Ṣufiyyah, Miṣbāḡu'd-Dirāsāti'l-'Adabiyyah fī'd-Diyār Nayjīriyyah, Aṣ-Ṣirā' bayna'l-'Arabiyyati wa'l-'Injlīziyyah, Al-'Islām wa tahadiyyatu'l-Qarni'l-Ḥādī wa'l-'Ishrīna'l-Mīlādī (Al-Khāmisu 'Ashar Al-Hijrī), Al-'Islām dīnu wadawlah, Ḥuqūqu'l-'Insān, etc.

In Ad-Dīnu'n-Naṣīhah written by Al-Illorī, he spelt out the aim and objectives of establishing Markaz. He disclosed that the Markaz aims at improving and standardising knowledge and held that an Arabic language is an indispensable tool for understanding Islamic religion. In Al-'Islām fī Nayjīriyā and Mūjaz Ta'rikhi Nayjīriyā, Al-Illorī traced the history of the advent of Islam in Nigeria and unfolded the role played by Uthmān bn Fodio in resuscitating Islam and absolving it from heresy that had infiltrated into it. He gave the historical background of some selected cities in Nigeria and uncovered some tales that were added to embellish the history. He also critiqued some un-Islamic practices like tribal facial marks and stressed the role of the Arabic language in enriching African languages. His book titled Al-'Islām wa Taqālīdu'l Jāhiliyyah is monumental in orientating Nigerians on Islamic stance in some cultural practices that are parallel to the teachings of Islam. The unethical

phenomenon under the guise of reviving cultural heritage and protecting norms was severely criticised with watertight proofs from Qur'ān and sunnah. The instances of un-Islamic practices cited in the Book are fortune-telling (*Kihānah*), flaunt (*Tabarruj*), wailing (*An-Niyāḥah*), *Aṭ-Ṭiyarah*, *At-Tashā'um*, *Al-Wasm*, prostrating before elderly people, etc.

Al-Ilōrī and the Origins of Human Rights

The need for human rights according to Al-Ilōrī is to eliminate the oppression of all kinds. This position agrees with the provision of the National Economic and Social Rights Initiative (2017) which stipulates that human right is designed to protect civil, economic, social, political and cultural rights.

Al-Ilōrī affirmed that in the early period, the noblemen in the society used to usurp the right of the farmers, the traders, the manufacturers and others until when two groups of people came to liberate the weak; the Prophets and the righteous leaders. With the coming of the Prophets, the transgression of some tyrannical rulers such as Namrūdh and Fir'awn was subdued. The Prophets subdued the colonialists among members of the Ād, people of Prophet Hūd, people of Prophet Nūḥ as contained in *Sūratu Shu'arā'*:128-139. The Prophets checked the transgressions of some monks and reverend fathers among the Christians and the Jews especially with regards to their fabrication of the words of Allah as reported in *Sūratu'l- Baqarah*, verses 32, 79 and 80. The Prophets also conquered the transgression of the capitalists while *Sūratu'l- 'Alaq*: 6-7, *Al Imrān*: 14, *Al-Kahf*: 46 and *Tawbah*: 34-35 point at the Qur'an's condemnation of capitalism

Al-Ilōrī, in discussing the origin and development of human rights in the world, reiterated that the notion about identifying human rights was a reaction to various oppressions. Individuals and groups clamoured for democracy in Europe and America consequent upon oppressions perpetrated by the tyrant rulers. He asserted that the revolution was launched by John Locke (1632) and later spread as follows:

- 1) England revolution was launched against the oppression of the rulers
- 2) The American revolution was launched against the oppression of the colonial masters
- 3) France revolution was launched against the oppression of some influential individuals and some spiritual leaders
- 4) The Russian revolution was launched against the oppression of the capitalists

5) Oppression at the battlefield by some warriors

Al-Ilori maintained that the advocacy for the formulation of human rights is the outcome of the various revolutions that resulted in the First and the Second World Wars. Supporting the view of Al-Ilori, Yusuf (2019) stated that the two major revolutions that occurred during the 18th century in the United States and France led to the approval of the United States Declaration of Independence and France's Declaration of the Rights of Man and the Citizen.

Rights in the Qur'ān as discussed by Al-Ilori

Al-Ilori (2012:28) emphasised that the advocacy of human rights emanating from the religion of Islam and the identified human rights in Islam in the writing of Al-Ilori include: Right to Life, Right to acquire and own property, Right to Education, Freedom of Expression, Right to Politics and Freedom of Movement. While discussing responsibilities, Al-Ilori identified the following as contained in the Qur'ān :

1. The rights of Allah
2. The rights of a fellow being
3. The rights of parents, relatives, orphans and the needy
4. The rights of the husband and the wife
5. The rights of the weak, the sick and people of age
6. The rights of animals

Al Ilori summarily identified freedom, equality, justice, kindness and peace as the recognised rights in Islam.

Articles on Human Rights

Al-Ilori (2012) formulated articles for human rights in Islam to capture the various rights recognised in Islam thus:

Article 1. The Right of Mankind. It is a right of mankind that Allah should be with him, fair in treating him and fulfil His pledges of rewarding for his righteousness.

Article 2. The Right of Allah. Al-Ilori identifies the following under the right of Allah:

- a) His absolute right which is His right to be worshipped by man
- b) The right of Allah that is shared between Him and His servant includes submission to the will of Allah in His command and His prohibition

Article 3. The right of Allah as it affects society. These are the rights that are needed to sustain society and they include:

- a) giving out zakat and war spoils for man's social welfare as prescribed in Q9:60,
- b) punishing the criminals for offences that include theft, robbery and rebellion as prescribed in Q5: 33
- c) payment of bridal gift to women as contained in Q4:4
- d) fairness in judging between two disputing parties as contained in Q5:58

Article 4. The rights of the government to be obeyed by the masses in matters that do not amount to disobeying Allah and the right of the masses to be treated with fairness by the government as prescribed in Q4:57

Article 5. The right of the parents to be obeyed by their children is contained in Q46:15. The mother enjoins $\frac{3}{4}$ of the child's kindness while the father enjoins $\frac{1}{4}$

Article 6. Right of the children. The children have the right to be trained and be treated with kindness as prescribed in Q.46:15 as well as several traditions of the Prophet.

Article 7. Rights of the husband and the wife: The husband and the wife share the right of being treated with kindness and being handled with care. The wife must be seen as a stakeholder in the family as recommended by Q2:228

Article 8. Right of the workers. Workers are entitled to their wages for the work done without delay. Allah recommends in Q46:19 that everybody shall be rewarded according to the proportion of his deeds. Workers have the right to life and living, they have the right to rest and society must be ready to cater for them

Article 9. Reciprocal rights of the teacher and the students. While the teachers must be respected, the students must also be treated by the teachers as if they are their biological children

Article 10. General rights: The religion of Islam, according to Al-Ilorī, identified some rights as general and fundamental. These rights include:

- a) Right to life

- b) Right to Freedom which includes freedom of religion, individual's right to own a property, the right to be honoured and the right to education

Article 11. Right to reward for good deeds and punishment for evil deeds: Referring to verse 13 of Suratul Hujurāt (Q49:13), Al-Ilorī mentioned that mankind is equal except by piety and good deeds. Mankind has the right to be assisted mutually in Islam just like he has some rights to claim from anybody that sat by the roadside.

Outside the realm of religion, Al-Ilorī maintained that the outcome of the various revolutionary movements in the world as earlier discussed led to the formation of the following laws that serve as the foundation of what is now referred to as human rights:

- 1) Everybody shall live a free life free of any act of oppression
- 2) Freedom shall be guaranteed for everybody in whatever he does provide he does not injure another person
- 3) Nobody shall be accused of any offence except for an offence entrenched in the constitution
- 4) Everybody is innocent of any allegation except it is proven otherwise
- 5) Citizens are stakeholders in deciding the tax to be paid and the modality for its collection
- 6) Nobody should be denied the right to rule except by the law

Universal Declaration of Human Rights

The thirty articles of the Universal Declaration of Human Rights as published by the United Nations are reproduced by Al-Ilorī in his book though without any annotation. These declarations are:

- 1) All human beings are born free and equal in dignity and right
- 2) Everybody is entitled to all the rights and freedoms outlined in this Declaration without distinction of any kind
- 3) Everybody has the right to life, liberty and security
- 4) No one shall be held in slavery or servitude
- 5) No one shall be subjected to torture or cruelty
- 6) Every human being is entitled to his constitutional right.
- 7) All are equal before the law and are entitled to equal protection under the law without any discrimination

- 8) Everyone has the right to approach international courts to seek redress on account of the violation of his fundamental rights granted by the constitution
- 9) No one shall be subjected to arbitrary arrest, detention or exile
- 10) Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal
- 11) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to the law in a public trial at which he has had all the guarantees necessary for his defence. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.
- 12) No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- 13) Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.
- 14) Everyone has the right to seek asylum in other countries or to seek protection from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or acts contrary to the purposes and principles of the United Nations.
- 15) Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.
- 16) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights during marriage and at its dissolution. Marriage shall be entered into only with the full consent of the intending spouses without any coercion. The family is the natural and fundamental unit of society and it is entitled to protection by the society and the State.
- 17) Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.
- 18) Everyone has the right to freedom of thought, conscience and religion: This right includes freedom to change his religion or belief, and freedom,

either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

19) Everyone has the right to freedom of opinion and expression: This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

20) Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.

21) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to equal access to public service in his country. The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

22) Everyone, as a member of society, has the right to social security and its realization, through national effort and international cooperation and by the organization and resources of each State, of the economic, social and cultural rights which are indispensable for his dignity and the development of his personality.

23) Everyone has the right to work, free choice of employment, just and favourable conditions of work and protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration that can cater for himself and his family. Everyone has the right to form and to join trade unions for the protection of his interests.

24) Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

25) Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services, the right to security in the event of unemployment, sickness, disability, widowhood, old age, etc. Motherhood and childhood are entitled to the same social protection.

26) Everyone has the right to education: Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all based on merit. Education shall be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all

nations, races or religious groups. It shall strengthen the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children.

27) Everyone has the right to participate freely in the educational life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

28 Everyone is entitled to a social and international order in which the rights and freedoms outlined in this Declaration can be fully realised.

29 Everyone owes duties to the community in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations established by law solely to secure due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

30 Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Contents' Appraisal of *Ḥuqūqu'l-'Insān*

Ḥuqūqu'l-'Insān is, no doubt, a reference book for researchers. The work brought the issue of human rights closer to Arabic native speakers. The work, even though with a wide topic, narrowed its study to human rights as contained in the Qur'ān. The study of the work centred on the following:

- 1- The origin and development of human rights from the guidance of mankind sent in the revealed books through the prophets and its origin consequent upon the reaction of some groups and some individuals to oppression from some tyrannical rulers and oppressive governments
- 2- Human rights as contained in the divine books of Allah. Al-Ilorī identified those rights that are fundamental as captured in the Qur'ān. Discussing these rights, Al-Ilorī identified eleven articles and substantiated his choice of these articles as divine-human rights with verses of the Qur'ān, traditions of the Prophet and sometimes, short stories of the companions of the Prophet. These articles are considered as laws on human rights because most of them discuss the

struggles of the prophets to liberate their audiences from the hands of the tyrannical rulers and the oppressive rich people.

- 3- Al-Ilorī finally reproduced the Arabic version of the Universal Human Rights Declaration to represent human rights as developed by the world leaders. The Human Rights Declaration was produced as a result of disregard and contempt for human rights.

Suggestions and Recommendations

The fact that this book is published for the consumption of people within and outside the academic environment makes an appraisal of the work academically difficult. Be that as it may, it is admissible that the book is unique among its like in Nigerian Arabic Literature. The book was designed to bring the constantly discussed issue of human rights closer to the Nigerian Arabic audience in particular and the world Arabic audience in general.

Notwithstanding the relevance of the work in the discussion, it is observed that the book would have been more focused if

- a) The title bears human rights as contained in the heavenly religions and conventional laws. The human rights discussed in the book are those contained in the Qur'an which is the book of Islam. Although, it could be argued that the Prophets before Muhammad and their impacts on human rights are discussed. However, citation of verses of the Qur'an while discussing those prophets is an admission that they are all Prophets of the religion of Islam
- b) Human rights from an Islamic perspective are discussed independently of the perspective of the Universal Law Declaration. No comparison was made whatsoever. Even though, the title of the work is not of comparison, comparing the two laws in terms of relevance would be a great contribution to the existing body of knowledge.
- c) The work could be more significant if it focuses on human rights as contained in the constitution of the Federal Republic of Nigeria because the immediate audience of the work are Nigerians
- d) A study of human rights, the relevance of the rights to citizens of a country and how individuals could fight for it could equally be useful
- e) A discussion of restrictions to human rights is unveiled in the work.

Conclusion

This work has assessed the fundamental human rights as contained in *Huqūqu'l-'Insān*. The exploration of the work revealed that its author is an intellectual scholar of high repute, who is not only a theologian but an activist whose erudition in Islamic teachings influences his philosophical thoughts. The work, which aims at keeping the world abreast of the entrenchment of human rights in Islam, divulged that the provision of the rights is to abolish oppression, protect the civil, economic, social, political and cultural rights of man. This, therefore, clarifies misconceptions about the attribution of despotism, violation of human rights, terrorism, and abuse of power as well as gender equality to Islam. Unlike the rights identified by the United Nations as a result of traumatic events of the Second World War especially reactions from the oppressed people, Al-'Ilorī affirmed that those rights are naturally gifted by Allah and established in the Qur'ān.

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