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ISLAMIC STANCE ON RESURGENCE OF JĀHILIYYAH CULTURE AMONG MUSLIMS IN NIGERIA

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ABSTRACT

Cultural diversity is the hallmark that precipitates the sporadic spread of core values, norms, parlance and setting a pace for unambiguous precision uniting the Muslims from different walks of life, thereby, quenching the raids of primordial disunity and intolerance of the Jāhiliyyah era. Considering the canon of cultural permissibility of the Shari'ah maxim and coalescence of the customs prevalent in Nigeria, this paper attempts to unravel the pros and cons of the former and the latter in the shade of the Qur'an and Sunnah. Historical and analytical research methods were adopted to sieve the wheat from the chaff. The finding reveals that there is a dire need for Muslims in Nigeria to adhere to the cultural modifications portrayed by the Shari'ah, from the gamut of law of personal statute to the primitive credos, so as to consolidate the pristine precepts of Islām and proffer remedies to the multifarious socio-religious and cultural logjams domiciled among the Muslims, especially in the Nigerian society.

Keywords: Culture, Jāhiliyyah, Shari'ah, Logjams, Remedies and Nigeria.

Introduction

Jāhiliyyah, often known as pre-Islamic era or period of ignorance, is a time to be reckoned with in the epoch of Islamic history. The nomenclature, Jāhiliyyah, does not signify that the pre-Islamic Arabs were wallowing in ignorance or not aware of knowledge; because, the pre-Islamic Arabs contributed immensely in the realm of literature and oratory, just like the science and technology in the modern time.¹ However, they got depicted with the appellation due to their spiritual blindness to perceive the truism of the monotheistic nature of the Supreme Being cum their indulgence in immoral attitudes which had ravaged the nooks and crannies of the Arabian

peninsula ever before the 7th century. The ignominious practices of the Arabs then were consumption of liquor, sexual assault, hazard games and idolatry and their religion was purely polytheistic in nature. In fact, there were different temples designated for worship by the priests.² Also, it was a common practice to have a social gathering at that moment with the leader of the clan called *Sayyid* who was appointed by the elderly men.³ The Arab cultures could not be far-fetched in all facets of their socio-religious life while their feasts formed an inseparable entity of the entire masses vis-à-vis singing and dancing in the amusement park and consuming of liquor in public places. The paramount epitomes of their cultures shall be delved into in this research as well as the modifications experienced after the Prophet was raised to dispel the vulgarities in the land of Arabia and the entire universe via the subsequent Muslim generations; the *Sahābah* and the *Tābi'ūn*.

The Etymology of Al-'Urf from Lexical and Islamic Periscope

The word *al-'Urf*, is a derivative of *Al-Ma'rūf* (Tradition) while its opposite is *An-Nukr* (Abomination). This implies the practice and tradition that engulfed human endeavours and interaction. This, however, encompasses the meaning of *Al-'Ādah* (custom).⁴ The Oxford Dictionary defines custom as an accepted way of behaving or of doing in a society or a community⁵ while culture is the customs and beliefs, art, way of life and social organization of a particular country or group.⁶ It is pellucid from the foregoing that culture and custom could be used interchangeably. However, the latter word, *Al-'Ādah*, is frequently used among the Yoruba speakers in Nigeria and

other tribes as well. In Islām, culture could be viewed from different perspectives. Islamic culture includes all the practices which have stemmed out from the religion of Islām, including the act of *'Ibādah*.⁷ Thus, a preponderant number of social values are endorsed by the *Shari'ah* as far as they do not contravene its basis; the Qur'ān and *Sunnah*. These include the maintenance of households, payment of *diyyah* (Money of compensation to the bereaved), tenderness towards women etc. Islam, as a religion, is far-reaching in its ethics for distinguishing the desirable culture from the despicable ones in all its ramifications. Consequently, it considers *Shari'ah* as the criterion for its validity and considering it is imperative on a *Mujtahid* (A scholar who gives Islamic legal verdicts) to be well-acquainted with all the predominant customs of his or her locality in case of circumstantial adjudications that might warrant such cognition.⁸ In addition, the word *'Urf*, is used in the Qur'ān in *Sūratu-l-A'rāf*, (Q7:199) thus; *Hold to forgiveness; command what is right; but turn away from the ignorant*.⁹ This verse urges the Prophet to uphold good manners in his interaction with the entire *'Ummah*, and Ibn. Kathīr submitted that the directive is the most important saying of Jibrīl to the Prophet that 'Your Lord has indeed commanded you to pardon whoever offends you, and be cheerful to who deprives you, and relate with who ostracizes you. Culture is, in any locality, an incontrovertible trademark of identifying people and their dispositions. The common maxim which formed a general principle for cultural practice among the Islamic Jurists is *الأصل في الأشياء الإباحة* i.e., the origin of every tradition is permissibility.¹⁰ or the more precise principle *العادة محكمة ما لم يخالف نصوص* i.e., 'custom is arbitrary as far as it does not contravene clear-cut text (evidence).'¹¹ The latter legal maxim means that the provision of a proof from the Qur'ān or *Sunnah* abhorring a practice, norm or custom of the people, nullifies its legal permissibility. It is pertinent at this juncture to laconically examine the types of culture as highlighted by the Muslim scholars as well as their socio-religious implications.

Types of Culture in Islām

The Muslim scholars have divided the Islamic culture under distinctive categories, viz;

1. *Al-'Urfu'l-Qawli*: This has to do with the colloquial expressions, parlance and the changes they experience from one region to another. This could serve as a condition stipulated to a contract in a business transaction, capital disbursement and

reimbursement, etc., in which, a merchant would need to be well-acquainted with those conditions. This is in line with a legal maxim which reads: *المعروف عرفا كالمشروط شرطا* that is, 'A well-known tradition is like the condition stipulated to a contract.'¹² For instance, the word *walad* in Arabic means a child be it male or female. However, it is customarily meant for a male child alone.

2. *Al-'Urfu'l-'Amali*: This entails all the traditions which are prominently known with a group of people in a given society, such as the drumming of tambourine among the women's folk in the eve of marriage solemnization practiced by the Yoruba Muslims, payment of *Mahr* before or after *Nikāh* and clitoridectomy of (*Khifāḍ*) found among the Egyptians and the Sudanese which is considered to be repugnant in the Syrian culture.
3. *Al-'Urfu'l-'Ām*: This has to do with a culture which is axiomatically acceptable by the populace, either a statement or practice. For instance, the use of International passport bearing the name of the country that a sojourner intends to reach in the world.
4. *Al-'Urfu'l-Khāṣṣ*: This refers to an emblem that is peculiar to a group of people or tribe, especially, in terms of occupation and professions, such as, doctors, farmers, etc. For instance, *Agbada* is common regalia among Hausa, Igbo and Yoruba tribes in Nigeria.
5. *Al-'Urfu'l-Fāsid*: This is the embodiment of all cultures that contradict the *Nuṣūṣ* (Texts of Legal Injunction) from the Qur'ān or *Sunnah*, e.g., taking loans from *Ribā* banks, timeless condolence visit to the bereaved and congregational prayer for the deceased after the eighth or the fortieth days popularly considered as a means of redeeming the dead (*fidā'*). This baseless taboo is prominent in some states in Nigeria, but strictly prohibited in Islām.
6. *Al-'Urfu's-Ṣaḥīḥ*: This is a practice that does not contravene the dictates of *Shari'ah*, e.g., cash withdrawal and transfer via ATM in the modern day, the use of cell-phones to reach acquaintances from far distance and the act of boarding a flight to cover a long distance of journey etc.¹³

The Jābiliyyah Arabs and Culture

It is incontestable that no culture either Arab or non-Arab could claim to be completely Islamic or unIslamic, therefore, Islām is neither premised on the Arab culture nor the practice of the majority of Muslims. In fact, of all the

adherents of Islām across the globe, the Arabs were only 15-20%.¹⁴ In this regard, there are some socio-religious practices retained by Islām, while others were jettisoned under certain criteria well-explained in the Qur'an and *Sunnah*. The examples of culture endorsed by Islām are hospitality of the guests, using of turbans by the Muslim men, and other occupation like farming, e.g., the issue of date-palm tree cross-pollination as explicitly stated in the *Hadīth* infra:

عن أنس أن النبي مرّ بقوم يلقحون فقال: "لو لم تفعلوا لصلح" قال: فخرج شيصاً فمرّ بهم فقال: "ما لنخلكم؟" قالوا: قلت كذا وكذا قال: "أنتم أعلم بأمر دينكم" رواه مسلم¹⁵

Narrated 'Anas that the Prophet passed by a group (of farmers) cross-pollinating the date-palm trees and said: "If you don't practice that, it will still yield prosperously." 'Anas reported that: 'there was a poor farm produce (in the following year), and he passed by them, and said: what has affected your date-palm trees?' They replied: 'You said this and that.' The Prophet said: 'You know better the affairs of your world. (Reported by Muslim)

The above *Hadīth* enunciates the fact that scientific discovery is not antithetical to faith, but Islām does not interfere into its affairs in all ramifications. Therefore, the statement of the Prophet as used in the *Hadīth* is not an inspiration from his Lord, but he rather spoke like an ordinary human being; hence, people were left to their own agricultural discovery and husbandry.¹⁶ In the same vein, the *Jāhiliyyah* primeval life has brought about disintegration and degradation of the Arabs as portrayed in the anarchy chaos among them, raiding and plundering of one tribe by the other, perpetual conflicts, warfare and other innumerable frivolities. Another turning point in Islamic history is the irregular waging of wars that were rampant then, for instance, the Banū Bakr and Banū Taghlib tribes were said to have fought each other fiercely for forty-years over an insignificant matter; beating of a she-camel.¹⁷ Furthermore, the prevalent premonition among them is the fear of poverty, to the extent that they bury their daughters alive, because, a female child was seen as a curse, misfortune and bad omen to the *Jāhiliyyah* Arabs, and they even go the extent of sacrificing human beings for their idols in the periods of misfortune and insurmountable adversities.¹⁸ It was on this scenario of maltreatment of women at that time, that Allāh described the father's countenance with a disgusting adjective as mentioned in *Sūratu'n-Nahl*, (Q16:58-59). Besides the practice of female

infanticide supra, the women like their daughters, were insignificant in the society, and some certain foods were forbidden for them and they have limited freedom as clearly stated in *Sūratu'l-An'am* verse 139. The most important aspect of their religious life was devotion to idolatry service, and it was recorded that almost 360 idols were used to adorn the *Ka'bah*, in which the prominent among them are the *Lāt*, '*Uzza*' and *Manāt* as contained in *Sūratu'n-Najm* verses 19-20. The verses indicate that the Arabs attached much important to the three idols mentioned as Al-Khāzin submitted that the three idols were worshipped by the Pre-Islamic Arabs, and they derived those names from the names of Allāh and they professed that *Lāt* is from *Allāh*, and '*Uzza*' is from *Al-'Aziz*, the former was located in *Tā'if* while the latter was located in *Ghaṭafān*, the duo idols were shattered into pieces by Khālid bn. Walīd, while *Manāt* was that of the Adnān or Qaḥṭān tribe which was also venerated by the people of *Makkah*.¹⁹

It is impartial to submit that, the position of faith and religion was quite different from one tribe to another, in the sense that, the pre-Islamic Arabs were devoted to the worship of stars, fire, gathered sand and assemblage; however, they had no spiritual impulse in the observance of their religion or aura of sanctity in worship. For example, Imru'ul-Qays (the famous Pre-Islamic Arab poet) was reported to have kicked down the oracle god, after it refuses to respond to his enquiry. This has actualized the level of insincerity and barbarism in the primordial life of the *Jāhiliyyah* Arabs.²⁰ Consequence upon this, the Pre-Islamic Arabs still acknowledged the existence of the Creator, who was believed to have brought the universe into existence, but they neither envisaged nor affirmed the reward of the paradise and punishment of hell for any righteous deed or misdeeds i.e., they denied the concept of eschatology as perceived in Islām.²¹ In fact, the salient cultures of the *Jāhiliyyah* Arabs reflected in their *modus-operandi* as stated below:

1. **Sacrifice:** A number of conservative historians argued that some of the idolaters of Pre-Islamic period believed in the oneness of Allāh and acknowledged Him as One, rather, they took their idols as intermediaries to intercede for them before the Supreme Being as Allāh declares: We only serve them so that they bring us nearer to Allah.²² In fact, a notable tribe of the Arabs upheld the axiom that, a person whose grave is sacrificed with a she-camel, he or she would rise up on the doomsday mounted on the camel. Therefore, the camel was considered as a sacred animal which they

mount to perform rituals around the precinct of the *ka'bah*.

2. **Star Worshipping:** Another part of the Arab devotions then, was the worshipping of stars which was as old as idolatry, only that the historians were not specific on the region to have firstly begun this practice among Egypt, Persia and Greece. The sun, for instance, was worshipped by the Himyar tribe, the moon by the Kinānah, Dahran by Tamīm etc. Many idols were designated with the names of stars, and their paramount affairs were based on the setting and rising of particular stars. This indicates that the moon was worshipped more than any other inanimate object²³ and that is why it is not astonishing to see the astrologers who spent their zeal and zest to clairvoyantly determine the future occurrence by studying the space in the past and present time.
3. **Sooth-Saying and Omens:** In the aspect of sooth-saying, the Arabs were vehemently inclined towards the idea of metaphysical knowledge or the unseen (*ʿIrāfab*) and those who claimed that of the future (*Kuhbān*). The most popular of their soothsayers were *Satīh*, *Nāẓir*, *inter alios*. They took some objects as indications of their power of fore-sighting the future, such as, mirrors, pebbles and a bowl of water etc. Some specific omens as the signs of bad happenings, therefore, it is a credo to them that the crows are omen of inauspicious happening, and even sneezing was superstitiously believed to be an omen of ailment, and they spent a great period of time on sorcery (*Sīhr*) and satanic intimacy.²⁴
4. **Lewdness:** Arabs in the period of *Jāhiliyyah* indulged in illicit sex among themselves, because, there was no law enacted for limitation of wives, and a woman can have more than a husband (Polyandry) like that of the ancient India and other countries in the world. In addition, the husband could entertain his guests with his wives, as the culture of *Hijāb* had no or little significance among the *Jāhiliyyah* women. A woman could disclose her pulchritude, ornaments and nudity indiscriminatingly in the public, while they recite poems describing sensitive parts of a woman's body especially that of Imru'ul-Qays, as portrayed in one of his erotic poetic verses infra:

و يوم عقرت للغدازي مطيتي ## فيا عجباً من كورها المتحمل²⁵

And the day I butchered my camel for virgins; How astounding was its enduring solid saddle!

5. **Music and Poetry:** The *Jāhiliyyah* Arabs as aforementioned took pleasure in poetic versification, in so much that both elderly and young men composed poems to shower encomium on the dignitaries, especially the glamorous poetry competition in the market of *ʿUkāz*. The Arabs were born poet and orators, in so much that they compose lengthy poetic lines extemporaneously. Therefore, they were very proud of eloquence in oratory. So, poetry formed a major re-creational activity which could lead to resentment between two tribes, put an end to a war or fuel it to an abrupt end. The poems which were mostly acknowledged gave tribute to the rites of *Hajj*, while the most fascinating ones were hanged around the wall of *Ka'bah* which were termed as the Seven Golden Odes (*Al-Mu'allaqāt*'s-Sab').²⁶
6. **Mourning the Dead:** It was a prevalent practice of the *Jāhiliyyah* Arabs for the bereaved to burst into tears and wailing hysterically for the death of their lovely ones, in fact, the women would follow the funeral procession with their hairs loosened which is concomitant to the practice of the Hindus who normally shave their beard to mourn the deceased, likewise, in the Pre-Islamic Arabia, women used to shave their hairs and invite people for mourning and lamentations after the funeral rites has come to an end.
7. **Gambling:** Hazard game, played in the casino in the modern day, was another disgruntled act of the Pre-Islamic Arabs, who took pleasure in it and got addicted to the inordinate gains. They usually bet with arrows which had no feathers and different names were ascribed to the games based on the winning target, while a similar arrow games were played before *Hubal* at the precinct of the *Ka'bah*. Another game is the gathering of plenty sand like a hill in which an item would be kept inside it and later made into heaps for the partakers to guess where the object is, which implies that the one who guesses right is the winner while the other is the loser.²⁷
8. **Naming a Child:** The pre-Islamic Arabs do not care about names giving to their children whether positive or negative. Though, many names were retained while others were

modified. For instance, the companions of the Prophet, such as Bilāl from Abyssinia (Ethiopia), Salmān Al-Fārisi (from Persia), 'Umar (from Arabia), and others companions retained their names after their conversion to Islam, and the Prophet did not command them to change their names. Other names like *Harb* (war) was changed to *Silm* (Peace), *Al-Mudtaji* (the one who lies down) was swapped for *Munba'ith* (the one who stands up).²⁸ The same names could be found among the Muslims in the South-West zone of Nigeria, such as Ifayemi (Oracle is my success), Ogungbemi (The god of Iron is my saviour).

9. Outing Attires: During the Pre-Islamic era, the pagan Arabs inculcated, but they had little cognition about dresses which could be considered as pure-Islamic in the later time. The women, for instance, normally put on scarves while the men use turban. The stance of Islam on the dress code for male and female Muslims shall be discussed later.

10. Swearing Oaths: The pagan Arabs do swear with their gods which they believed in their effects after vowing when one is found guilty. Hence, they swear with *Lāt*, *Uzza* etc. The resurgence of this vow is highly pronounced among the Nigerian Muslims, whereby they swear with the gods of rivers, iron and even the dead among them.²⁹

11. Greeting and Genuflecting: The slaves and the less-privileged among the Pre-Islamic Arabs used to pay a symbolic reverence like bowing to their masters and elderly men in the society in order to deflect themselves from being maltreated. In fact, the coward slaves were used to fight the courageous ones in the wrestling matches, and they succumb to the will of their masters with poignantly. However, we shall consider the paradigm-shift experienced in the Islamic era which has refined the pagan Arabs from the precipice of inimical cultures to that of pristine Islām, navigating into the injunctions from the Qur'ān and *Sunnah*.

Antidote to Jābiliyyah Culture among Nigerian Muslims

Prior to the advent of Islām in Nigeria, all existing tribes were pagans. They worshipped abstract or inanimate objects which they took as intermediaries. For example, the idols worshipped in the North were Dala Hill, Yergum, Ankwe, Keutotira etc., while those of Igboland were

Chukwu, Igwe, Ala etc., also, in Yorubaland, they venerated gods like Sango, Ogun, Obatala, Oya, Osun river etc.³⁰ Islam has, however, dispelled all forms of idol venerations and it enforces permissibility of cultural practices which were instrumental to the dictates of *Shari'ah* and the society. Despite the fact that idolatry, saint worship and fetishistic festivals like *Egungun*, *Sango* and *Isese* are strictly condemned in Islam, they are still celebrated among the Muslims today. In fact, the government usually declares public holidays for some idol veneration ceremonies, at least annually, under the guise of promoting the cultural heritage of the people. They broadcast these festival days on the social media where the young and adult Muslims watch at their various homes. However, Muslims should abhor this syncretic practice.³¹ In this regard, Allāh declares in *Sūratu-'l-Kahf* verse 110 thus:

Say: "I am but a man like yourselves, (but) the has come to me, that your Allah is one Allah. Whoever expects to his Lord, let him work righteousness, and in the worship of his Lord, no one as partner. 32

Furthermore, the idea of sacrificing animals at the shrines, rivers or masquerade festivals or attending them, or contributing to it financially is condemned in Islām as Allāh declares in *Sūratu-'l-Mā'idah* verse 3 that also considered to be forbidden is: '...that which is sacrificed on stone (altars)...³³ More so, the practice of sorcery and sooth-saying is predominantly practiced by some Nigerian Muslim clerics, especially before marriage proposal, embarking on a journey or starting a business. Hence, the practice of sorcery and sooth-saying are considered pertinent in their social endeavours. The Q7:188 indicates that the Prophet never ascribed the knowledge of the unseen to himself or extraordinary clairvoyance except that which Allāh has revealed to him through His divine inspiration (*wahy*). Hence, any claim of a mortal to the knowledge of future occurrence is a mere deceit and fallacy. The gravity of this heinous sin is what the Prophet has described in the authentic *Hadith* infra:

عن صفية بنت عبيد عن بعض أزواج النبي صلى الله عليه وسلم -ورضى الله عنها- عن النبي (ص) قال: " من أتى عرافاً فسأله عن شيء، فصدقه، لم تقبل له صلاة أربعين يوماً"
رواه مسلم³⁴

Narrated Safiyyah bintu' Ubāyḍ, from one of the Prophet's wives from the Prophet, who said: 'whoever goes to a soothsayer and inquires something from him, and believes in

his report, his prayers would not be accepted of him for forty days. (Reported by Muslim)

In the same vein, the Nigerian Muslims in the south-western part in particular, heavily believed in the resultant effects of spell and sorcerer's afflictions when any catastrophe befalls them rather than utilizing the drastic measures capable of forestalling it. Thus, they do consult the herbalists for healings. Allāh spoke about those who believe in sorcery, spell and witchcraft in *Sūratu-n-Nisā'*, Q4:51. Undoubtedly, it is evident from the above verse that sorcery is a path to misguidance as the Prophet further warned against its devastating and heinous sin thus:

عن أبي هريرة رضي الله عنه عن النبي صلى الله عليه وسلم قال: "اجتنبوا السبع الموبقات قالوا: يا رسول الله وما هن؟ قال: "الشرك بالله والسحر...متفق عليه"³⁵

Narrated ' Abū Hurāyah said: The Prophet said: "Refrain from seven destructive sins", they said: Oh Allāh's Apostle! What are they? He said: "associating partners with Allāh and sorcery... (Agreed upon)

The above *Hadīth* places the implication of sorcery and *Shirk* on the same pedestal of major sins that defile all righteous deeds. The Islamic antidote to the consultation of these con men is the *Istikhārah* prescribed in the *Sunnah* for seeking Allāh's counsel before the commencement of any job or mundane affair or while in a state of quandary. Sorcery and soothsaying in our view, is the root of disbelief in divine decree domiciled among the Nigerian Muslims, that is, the uncompromising attestation that the knowledge of *Qadar* and *Ghayb* are the sole attributes of Allāh alone. Furthermore, singing and dancing with the opposite sex in the public is strictly prohibited under *Shari'ah*, even with one's wife. Music, without iota of doubt, precipitates the psychological instinct that results into mischievous acts, such as *Zinā*, sexual promiscuity, obscenity, disclosure of nudity and deterioration of faith. However, the norm of purchasing and playing the so-called Islamic songs and snippets which have become rampant virtually in all Muslim homes in Nigeria is strictly prohibited in Islām. Likewise, the invitation of Muslim Musicians who play on trumpet, piano, guitar and other musical instrument during festive periods, marriage solemnization, naming ceremony etc, like that of the non-Muslims is tantamount to emulation of the retrogressive *Jābiliyyah* culture. Thus, the Muslim parents and young children have been influenced with these preposterous songs in a profoundly sick society, thereby memorizing satanic songs instead of the Qur'ān at their precocious age. Hence, for

this resultant effect, these so-called Islamic songs and dance are considered opprobrious to the development of an enviable Islamic society and the best of community of Muslims epitomized by the Prophet and his immediate companions. The credence to the disapproval of playing music and dancing is portrayed in *Sūratu Luqmān* Q31:6. As regards this verse, the majority of *Mufasssiriin* concurred on the interpretation of *Lahwu'l-Hadith* as music and any other fun that chases the minds of the believers away from the remembrance of Allāh. It is worth mentioning that Islām does not condemn poetry that imbues the Muslims with sound creed, Islamic knowledge and other virtuous deeds, known as *Waka* among Yoruba people, but frowns at the lyrics promoting lewdness like that of the *Jābiliyyah* Arabs. Therefore, Islām permits rehearsing and chanting of poems which are devoid of blasphemous and outrageous utterances and even the composition of Islamic Poetry was encouraged by the Prophet himself in different occasions. Some companions like Ḥassān bn. Thābit, Ka'b bn. Zuhāyr, among others, were reported to have eulogized the Prophet with panegyric poems in his presence, especially the most appealing response of Ka'b to 'Abū Sufyān after he vituperated the Prophet:

وانت زيم نيط في آل هاشم ## كما نيط خلف الزاكب القح الفرد³⁶

You are a bastard hanged over the family of Hashimids;

As a bicyclist hangs a goblet at the back of his bike

Similarly, the marriage solemnization takes different forms from one tribe to another, for example, the typical Islamic Hausa marriage I witnessed in Niger state seems to be very simple for the rich and poor Muslim youths and no drumming and dancing was featured in the ceremony. In fact, the contraction of marriage took is normally done in a jiffy, so that people could continue with their daily routines, unlike Yoruba land where almost a whole day or more is used to celebrate wedding ceremony. It is our view thus, that the Yoruba Muslims should endeavour to eschew wealth profligacy and sycophantic praises in the wedding ceremony. However, the extant tradition of jingling the tambourine (*Duff*) or beating the calabash decorated with beads among the women folks is entrenched by the *Shari'ah*, however, this should not be misconstrued for the legitimacy of other musical instruments which are strictly forbidden. Hence, the practice becomes impermissible when outrageous statements are being pronounced in the course of the soft singing.

³⁷ Also, the term *walimah* which is the wedding

banquet has been misconstrued by some Yoruba Muslims and other tribes as recitation of the first five verses of *Sūratu 'l-Baqarah* and the ceremony is marked by slaughtering a ram or a cow after the recitation in marriage solemnization. Furthermore, one of the Pre-Islamic practices endorsed by Islām is entertaining the guest either being a Muslim or not.

Moreover, another despicable cultures which have been opposed in Islām are gambling and liquor, however these two despicable cultures could still be found everywhere in Nigeria today except in some few places. Gambling has a prominent position to the pagan Arabs to the extent that one could lose his wife in gambling. Today, some apologetic Muslims have subscribed to the modernized gambling of soccer betting known as *NairaBet*, *9japredict* and *1960bet* where football fans were enchanted with abstract prizes in order to bet money online across the world.³⁸ This practice is condemned in Islām along with consumption of all intoxicants as explicitly stated in *Sāratu-'l-Mā'idah*, Q5:90. More so, several reprehensible innovations had crept into the Muslim funeral rites in Nigeria which were pinpointed by Shāykh 'Uthmān bn. Fūdī in his renowned treatise, *Ihyā-us-Sunnah wa Ikhlādu-'l-Bid'ah* (Reviving the *Sunnah* and Dispelling the *Bid'ah*), such as shouting *Lā ilāha illāh* in the presence of a dying Muslim as opposed to soft pronouncement prescribed by the *Sunnah*, wailing and weeping hysterically by the bereaved at the moment of conveyance of the deceased to the cemetery as a sign of paying tribute to the dead, stamping the feet on the ground at the moment of its conveyance and reciting the Qur'ān or chanting *dhikr* of any kind rather than absolute serenity preached by the *Sunnah*, converging at the residence of the deceased on the seventh or eighth day of demise for making *du'a* and banquet coined as *fidā'*, cementing the tomb or erecting mausoleum on it like that of the unbelievers are despicable innovations and exception to the rule is the *Sunnah* of placing a stone on the upper part of the grave for making distinction.³⁹ The proof for the disapproval is the *Ḥadīth* which reads:

عن جابر رضي الله عنه قال: نهى رسول الله صلى الله عليه وسلم أن يخصص القبر، وأن يقعد عليه، ون يني عليه. رواه مسلم

Narrated Jābir, said: The Prophet forbade cementing of the tomb, and sitting on it and erecting (a mausoleum) on it. Reported by Muslim(

The idea of extreme mourning of the dead beyond the rolling of tears on the cheeks as exemplified by the Prophet, striking the feet on the ground and slapping oneself, is unIslamic and such practice of the bereaved could turn to a severe punishment for the deceased in the grave as below:

عن عمر بن الخطاب رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم: الميت يعذب بما ينح عليه.⁴¹ متفق عليه

Narrated ' Umar bn. Al-Khattāb, said: The Prophet said: The dead shall be punished in the grave as his people wail over him. (Agreed upon)

It is germane at this juncture to reiterate that the Prophet had strictly condemned all forms of wailing as tantamount to *Kufr*, because it depicts an emblem of displeasure to the divine decree. This ignominious custom is prominent among many tribes in Nigeria, especially the Yoruba Muslims who normally wail uncontrollably when they heard the announcement of the demise of their relations in order to avoid the suspicion of the people that they involved in the assassination of the deceased. In our repartee, the display of sadden countenance and displeasure on the lachrymose eyes is enough to sympathize within the three days of condolence visit. It should be noted that the deceased shall be punished for the wailing of the bereaved if such practice evolved the following:

1. When the deceased instructed the bereaved to wail before his demise.
2. If the deceased was acquainted that wailing was a prevalent custom of his people and he did not object them from doing that.⁴²

In the light of the above exposition, the Muslims in the south-western part of Nigeria, among other regions, celebrate the deceased after wailing termed as *fidā'*. The Qur'anic usage of the word *fidā'* is a bone of contention among the *Sunni* and *Sufi* scholars alike. For instance, *fidā'* is used in several passages of the Qur'ān as to ransom a captive, to redeem a soul or to save someone from severe punishment⁴³ etc. The Q3:91 clarifies the misnomer of the term *fidā'* as used for seeking forgiveness for the deceased after burial. In this regard, Oseni (2008) has succinctly discussed the salient features of *fidā'* ceremonies among the Muslims in Nigeria, especially the Yoruba and Edo people. These include communal cooking of traditional foods, consumption of beer by the elites, congregational recitation of the Qur'ān, admonition of the people with little significance while the gluttonous participants among the women folks scramble for food, donation of

money to the Mallams present at each moment of the prayer session, slaughtering of goats for the bereaved relations and special guests, invitation of musicians at times by the bereaved relation like that of the adherents of African religion.⁴⁴ As par the culture of naming a new born baby, Al-Ilory (1971) clearly stated that the community Imam and his entourage will come to the residence of the parents in the forenoon, the Imām gives thanks to Allāh, after which the name the father suggested from the names of Allāh and His prophets, and the companions would be announced to the hearings of the people, then the Imam will beseech the favour, of Allāh for the baby, his parents and those that are present; the Imam would remind the baby's parents of the rights of a child over his parents etc. This tradition is predominant among the Yoruba Muslims, Dahomey, Ghana, some part of Hausa land, Mali etc.⁴⁵ The fact that a child in Islām, is called and recognized by his father's name, a Muslim daughter is not expected to succumb to western ideology of changing her maiden name after she gets married to her husband, because the lineage of a child is sacred and immutable under the ruling of *Shari'ah* as in *Sūratu-l-Aḥzāb*, Q33:5 which states: *Call them by (the names of) their fathers: that is equitable in the sight of Allah.*⁴⁶ It is paramount to emphasize that the idea of changing the maiden name by the female Muslim after marriage is alien to Islāmic naming system as below:

عن سعد بن أبي وقاص رضي الله عنه- أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ وَهُوَ يَعْلَمُ أَنَّهُ غَيْرُ أَبِيهِ، فَالْجَنَّةُ عَلَيْهِ حَرَامٌ" مُتَّفَقٌ عَلَيْهِ.⁴⁷

Narrated Sa' d bn. ' Abī Waqqāṣ said: "The Prophet said: whoever chooses to be called with a name apart from his father's after being acquainted with that, the paradise has been made forbidden upon him. (Agreed upon)

The issue of a married woman retaining her maiden name after *Nikāh* is pellucid, and this was the practice of the female companions and the Prophet's wives even after they got married to him, they all bore her maiden name, such as, Khadījah bint Khuwāyid, Ā'ishah bintu Abī Bakr, etc., and the daughter of the Prophet, Fātimah, did not change her name after she got married to the Prophet's cousin, 'Ali bn. Abiṭālib. In the view of this polemic, the female Muslims must not change their maiden names after marriage in the name of western civilization at the expense of the Islamic ideologies.

Also, the issue of *Hijāb* (Veil) and *Niqāb* (Yashmak) worn by the female Muslims is another controversial issue among the scholars in Nigeria. The *Sunnis* were of the opinion that the use of *Hijāb* is incumbent upon the women as regards the divine ordinance of the Qur'an, while others viewed it as mere custom of the Arabs. This issue has often resulted to unending pandemonium and animosity today, especially in Nigerian law school. However, it is sacrosanct to debunk the illusion that veiling in Islām, is a dress that covers the entire body of a woman. It should be long, loose and plain not defining her shape.⁴⁸ *Hijāb* (Veil), in the light of this definition, is all encompassing term for *Khimār*, *Jilbāb* and *Niqāb*. Although, the *Sunni* scholars have written extensively on this argument with different scholarly polemics. It should be noted that the major purpose for the injunction of *Hijāb* is to deflect Muslim women from illicit interaction and sexual assault and to assuage the level of moral decadence among all and sundry. Therefore, the government of Nigeria should endeavour to grant the law of *Hijāb* at all levels of citadel of learning. Muslims should take recourse to the activism of the Bamidele movement in Yoruba land on the use of yashmak for Muslim women and denunciation of syncretism preached by 'Uthmān bn. Fūdī between (1804-1810).⁴⁹ The use of *Hijāb* should not be perceived as relegation of women but a true emancipation from the oppression of *Jābiliyyah*. Allāh says in *Sūratu-n-Nūr*, Q24:31: *...and that they should draw their veils over their bosoms...*⁵⁰ Also, Allāh instructed the Prophet to preach the injunction of *Hijāb* to his wives, his daughters and entire believing women as their outing attire and nothing else. This is emphasized in *Sūratu-l-Aḥzāb*, Q33:59. In the same vein, the male Muslim dress code is entrenched in the corpuses of the Prophet; the Prophet had ordered his companions and entire Muslim community to emulate this manner of dress as evident below:

عن أبي سعيد الخدري رضي الله عنه قال: قال رسول الله صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "إِذَا رَأَى الْمُسْلِمُ إِلَى نِصْفِ السَّاقِ، وَلَا حَرَجَ- أَوْ لَا جَنَاحَ فِيمَا بَيْنَهُ وَبَيْنَ الْكَعْبَيْنِ، فَمَا كَانَ أَسْفَلَ مِنَ الْكَعْبَيْنِ فَهُوَ فِي النَّارِ، وَمَنْ جَرَّ إِزَارَهُ بَطَرًا لَمْ يَنْظُرِ اللَّهُ إِلَيْهِ" رَوَاهُ أَبُو دَاوُدَ بِإِسْنَادٍ صَحِيحٍ.⁵¹

Narrated Abū Sa' id Al-Khudry, said: The Prophet said: The lower garment (trousers) of a Muslim should be placed on top of the shin, and he is not guilty of sin for what is between the shin and above the ankles. For that which is below the ankles will resort to the hellfire, and he who allows his trousers to trail in vanity will be discountenanced by

Allāh (on the day of judgement). (Reported by ' Abū Dā' ud)

Without any iota of prejudice, it is very clear from the above that placing trousers above the ankles by the Muslims is not a discretionary law of personal individuals among Muslims, but an ordinance of the Prophet as he ordered Ibn. 'Umar.⁵² With this, we strongly assert that if the Yoruba Muslims and other ethnic groups in Nigeria could imbibe the custom of *Esiki*⁵³ outing attire, therefore, the placing of trousers above ankles has to be inculcated in their entire lifestyle. One of the issues taken with levity hand by Nigerian Muslims is the attitude of telling lies and taking false oaths. This is condemned in *Sūratu Ālīmrān*, Q3:77; This verse negates all kinds of falsehoods regardless of the situation one might be, except if one intends to settle a dispute between two people and thus, diplomatically appease a group on behalf of another. Also, the idea of swearing with animate or inanimate objects, such as money, iron, rock, Prophets, angels, men and women; dead or alive, god of iron (*Ogun*), god of thunder (*Sango*), mermaids (*Oluweri*) and progenitors is against the tenets of Islām. The credence to this condemnation is stated in the Prophetic tradition below:

عن أبي هريرة رضي الله عنه عن النبي صلى الله عليه وسلم قال: "من حلف فقال في حلفه: باللات والعزى، فليقل: لا إله إلا الله، ومن قال لصاحبه: تعالي أقامرك، فليصدق". متفق عليه.⁵⁴

Narrated Abū Hurāyrah, that the Prophet said: whoever takes an oath and says: I swear by Al-Lātt and Al-' Uzza should follow it with Lāilāha' illallāh (No god but Allāh), and he who says to his friend: come let us gamble, should expiate his sin by giving charity. (Agreed upon).

The above authority nullifies swearing with deities. Also, it frowns at gambling and even considered it as a sinful act which requires immediate atonement. Therefore, the Nigerian Muslims should desist from the modern football betting, such as *NAIRABET* and *BABAJEBU*, etc. Finally, the issue of giving handshakes to the people, or bowing and genuflecting as a sign of respect to the parents, elders, teachers etc, is another controversial issue among the *Sunni* and *Sūfi* scholars in Nigeria. The former vehemently opposed bowing for exchanging pleasantries with the young and old, while the latter argued for its permissibility. Yoruba epigram says: *Idobale kiséwa* (Prostration does not signify humility). It is

therefore unambiguous that the legislation of greeting with the statement of "Peace be unto you." and giving handshakes is common among the companions of the Prophet and there is no sophisticated evidence for the permissibility of genuflecting and bowing in the Qur'an and *Sunnah*. Anyway, the scenario of *Mu'ādh* has been falsified by the scholars of *Hadīth*. One is pertaining to the chain of the transmitters (*Isnād*) and the other is the textual analysis (*Matn*).⁵⁵ In our view, the custom of bowing while greeting is allowed in the law of the past Prophets, but it has been abrogated in the law of Prophet Muḥammad. Concerning the repealed law of bowing Allah says in *Sūratu Yusuf*, Q12:100 thus:

And he raised his parents high on the throne (of dignity), and they fell down in prostration, (all) before him. He said: "O my father! This is the fulfillment of my vision of past! Allah has made it come true!"⁵⁶

From the above verse, it is clear that the bowing of Prophet Yusuf's father to his son is an acceptable custom of the people of Egypt at those days, but rescinded in the law of Prophet Muḥammad. The *Hadīth* that established the concept of greetings in Islam is as follows:

عن أنس رضي الله عنه قال: قال رجل: يا رسول الله، الرجل منا يلقى أخاه أو صديقه، أينحني له؟ قال: "لا" قال: "أقبلتمه ويقبله؟ قال: "لا" قال: أفيأخذ بيده ويصافحه؟ قال: "نعم" رواه الترمذي وقال: حديث حسن.⁵⁷

Narrated Anas bn. Mālik said, that a man said: Oh the Apostle of Allāh! If a man among us meets his brother in faith or friend, Should he bow for him? He replied: "No!" Should he hug and osculate him? He said: "No!" Should he hold him and give him handshakes? He said: "Yes!" Reported by At-Tirmidhy, and he said: It is a good Hadīth.

From the above proof, it is clear that the most perfect Islamic greeting is to say *As-Salām alaykum* and give handshakes. To sum it up, Al-Ilory denounces the dogmatic custom of removing the shoes before greeting or entering the house of great men and scholars as extremely practiced among the Muslims in Nigeria,⁵⁸ such as the Yoruba, Nupe etc, with exception of Hausa. Hence, Muslim parents should inculcate this etiquette in their children by refraining from genuflecting for one another. Al-Ilory asserts:

ويح قومي حملوا معني الحيا ## وأسأوا فيه ختاً وابتداء
هكنا قد حملوا تواضعا ## وبنوه في سجود وانحناء⁵⁹

Woe unto my people! They misconstrued modesty from the head to

the last. Similarly, they presumed that humility is by genuflecting and bowing!

Conclusion

It can be seen from the aforementioned cultural practices of pre-Islamic Arabs and the modifications experienced afterwards, that some heretical practices sprang up in the course of propagation of Islām via the Muslim scholars in Nigeria and heedless reaction of some Muslims to Islamic injunctions whose were benighted of proper Islamic faith, principles and understanding. In fact, custom has been one of the subsidiary sources of Islamic Law which is required to be known by a *Mujtahid* in order to enhance postulation of his legal verdicts. Therefore, spontaneous remedies need to be proffered in the light of intellectual and textual evidences to educate all and sundry. Attempt has been made to elucidate the influence of pre-Islamic culture nowadays and scholarly antidotes to them. Thus, it is crystal clear that custom is arbitrary only when it does not contravene clear-cut evidences. Nigerian Muslims should endeavour to embrace the paradigm-shift of Islamic culture without sentiments, thereby shunning the dogma that Islamic culture is meant for the Arabs alone, so as to ensure *modus vivendi*.

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53. *Esiki* is loose and short sleeve regala with trousers at the two shins level commonly worn by typical Yoruba speakers which is the similitude of the *Nisf us-Saq* trousers prescribed by the *Sunnah* for male Muslims.
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