

Consideration of Custom ('Urf) by the Izalah Organization in Gombe, Nigeria: A Critical Examination¹

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Abstract

'Urf in the Sharī'ah serves as an essential tool for dealing with mu'āmalāt aspects of Muslim life. The 'urf rulings stipulated by the scholars determine its acceptability or otherwise. A certain 'urf serves as a legal principle to conduct a transaction in social interaction. However, Jamā'atu Izalati bid'a wa Iqāmatis Sunnah (The Society for the Removal of Innovation and Establishment of the Sunnah) uses the term bid'ah indiscriminately to include some customary practices in mu'āmalāt. This leads to a different perception of how people understand the word and its application, which gives a different dimension of interpretation on the Sharī'ah allowance of 'urf usage. Thus, depicting 'urf as bid'ah complicates the ability to verify the crux of bid'ah in matters pertaining to 'ibādah and mu'āmalāt in their respective domains. The results of the qualitative research conducted in Gombe metropolis show the people's understanding and utilization of the words to be synonymous. This is a result of the Izalah organization's application of the two words (bid'ah and 'urf) in dealing with mu'āmalāt as well as 'ibādah. Muslims misunderstood the utilization of these terms and therefore misapply some practical Sunnah in marriage celebrations, for example, as bid'ah. Therefore, there is need for the organization to educate Muslims on the validity of customary practices that do not contravene the teachings of Islam.

Keywords: 'Urf, Bid'ah, Rulings, Interaction, Izalah

مراعاة آلية "العرف" لدى جماعة الإزالة في ولاية غونبي، نيجيريا: دراسة نقدية

ملخص البحث

العرف في الشريعة الإسلامية بمثابة أداة أساسية في التعامل مع جانب المعاملات في حياة المسلم. وأحكام العرف كما نص عليها العلماء تقرّر مدى قبوله ورفضه. وهناك بعض الأعراف بمثابة أداة لإجراء المعاملات بين أفراد المجتمع. واستخدام "جماعة إزالة البدعة وإقامة السنة" النيجيرية- هذا المصطلح في جوانب معينة، قد مهد لتصور آخر في كيفية فهم الناس للمصطلح وتنفيذه. وتصور "العرف" كأنه مقابل للبدعة يجعل استخدامه معقدا في معرفة ما دخل في إطار البدعة وما لم يدخل فيه من المسائل المتعلقة بالعبادات والمعاملات. وقد أظهرت نتيجة البحث النوعي الذي تم إجراؤه في عاصمة ولاية غومبي، نيجيريا، فهم بعض الناس لهذا المصطلح واستخدامهم للكلمتين مثل المترادفات. وهذا ما كان إلا نتيجة لاستخدام الجماعة المذكورة لهذين المصطلحين في تعاملهم مع المسائل المتعلقة بالعبادات والمعاملات. وقد ساء فهم المسلمين لاستخدام المصطلحين. ومن ثم أساؤا استخدام بعض السنن العملية في احتفالات الزواج واعتبروها كبدعة. ولذا هناك حاجة لهذه المؤسسة أن تعلم المسلمين حول صلاحية تلك التقاليد العرفية التي لا تعارض تعليمات الإسلام.

الكلمات المفتاحية: العرف، آلية، الأحكام، التفاعل الاجتماعي، جماعة إزالة

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Introduction

Jamā'atu Izalatil bid'a wa Iqāmatil Sunnah (The Society for the Removal of Innovation and Establishment of the *Sunnah*), popularly known as *Izalah*, is a non-governmental organization in Nigeria. The activities of the organization revolve around guiding Muslims to abide by the *Sunnah* of the Prophet (S.A.W.) and shunning *bid'ah*. The main objectives of the movement are to preach, guide, and uphold true doctrines, teachings, and practices of Islam as stipulated in the Qur'ān and traditions of the Prophet (S.A.W.). At the same time, they are out to eliminate all forms of religious ignorance, heretic *Ṣūfi* innovations and new practices introduced into Islam.

Every society has its customary practices some of which are in line with the dictates of the *Sharī'ah*, and some of which contradict the *Sharī'ah*. As such, in the *Izalah* organization's effort to rectify some of the assumed heretical doctrines of Sufism, it uses the word *bid'ah* to

refer to any act contradictory to the teachings of the Prophet (S.A.W.). This helps in forming a method of identifying the correct teachings of Islam from incorrect practices by some *Sūfi* scholars. Due to the frequent usage of the word by this organization in the procedures of explaining and clarifying intricate issues, some of the *'urf* in *mu'āmalah* has also become *bid'ah*. As a result, the majority of the Muslims in Gombe consider some of the accepted customs of marriage in Islam as *bid'ah*.

Methodology

The method of data collection adopted in this paper is qualitative. Ten persons were interviewed (Bryman, 2015; Creswell, 2013), from among the *Izalah* organization's officials, Muslim affiliates of the organization, and non-affiliates. The results of the interview displayed the adoption of the word *bid'ah* in matters of *mu'āmalah*, particularly in marriage where it rarely fits. The reason may be connected to the usage of the word by the organization especially at its inception without proper explanation. The interviews were transcribed, and a content analysis method was applied to triangulate with other literatures (Bowen, 2009). Thus, an inductive method was utilized. The analysis revealed the widespread utilization of the concept in all situations without delineation.

The concept of 'Urf or 'Ādah (Customs) in Islamic Jurisprudence

'Urf is a noun derived from the Arabic root *'arafa* (to know), which literally means, 'which is known' (al-Fayrūzabādī, 1996: 1080; Ibn

Manzūr, 1990:236; Al-Zāwī, 1971:198). In its primary sense, it refers to something known as opposed to unknown, familiar and customary, as opposed to unfamiliar and strange. Technically, 'urf can be defined as 'recurring practices that are acceptable to people of sound nature' (al-Burnu, 2002). They are matters on which communities of people agree on in the course of their daily life. It comprises of their actions, speeches and legacies (Zaydan, 1985). This means a common action which is repeatedly performed by individuals and communities. It is something that is practiced by the community or a group of people to the extent of being accepted as binding upon them. 'Urf normally denotes the collective practice of a large number of people. It does not refer to the personal habits of an individual or a minority group (Kamali, 2003).

Going by the above definitions, 'urf could therefore be termed as societal values, philosophies, concords, and principles. It could also be interpreted as the traditions of people of sound minds. For 'urf to serve legal purposes, it must be logical as well as represent the refined aspect of customs, at least according to some classical scholars (Salisu, 2013).

The majority of the scholars make use of 'urf and 'ādah largely synonymously. It signifies a collective practice of a large quantity of people. However, 'ādah, is derived from the Arabic letters 'ayn, waw, and dāl, which means, among other things, 'return'. It also signifies custom, manner, and habit to which people frequently return to from time to time (Al-Isfahāni, n.d). 'Ādah is defined as "practices that have penetrated deep among people by recurrence and

is acceptable to people of sound nature" (al-Zarqa, 1983:132), or a "repeated matter which has no connection with reason". 'Urf, is said to be synonymous to 'ādah because they resemble each other in definition and concept (Al-Burnu, 2002). According to al-Zurqā's definition, 'urf can be regarded as lesser in scope than 'ādah as it is the custom of a group of people (al-Zurqā, 1983). However, 'ādah could refer to either an individual's custom, such as a woman's custom to menstruate, or a group's custom, such as terms used among a large number of people especially in transactions or skills. In other words, all 'urf is 'Ādah but not all 'Ādah is 'Urf (Zakariyah, 2012).

As discussed above, the use of 'ādah and 'urf is controversial. However, one can categorically say that these terms are often used interchangeably (Kamali, 2003). Ibn 'Ābidīn (d. 1252 A. H.) remarks that habit is derived from frequency and recurrence, because it happens frequently and in succession (Ibn Abidin, 2000). Hence, 'Ādah and 'urf implies the same meaning despite their conceptual dissimilarities. It is also essential to note that, for 'urf to be acknowledged and functional in Islam, it must not contradict any injunction of the *Sharī'ah*.

Finally, from the various definitions on 'urf and 'ādah, it can be inferred that for any social practice to be recognized as such, it must relate to a group of people, and must be reasonable, and should not contradict the *Sharī'ah*. Therefore, Muslims of sound mind should not accept any customary practice that is prejudicial to the people or encourages corruption (*fasād*).

Urf and Bid'ah in the Sharī'ah

Since cultures or customs comprise of several actions of a human of a particular group, through a certain period of time (Quirk, Randolph et al, 1983), it is accepted as legal principles of the *Sharī'ah* with certain rules and regulations. This definition entails the philosophy of a group of people or a community, encompassing of how they conduct their live, in terms of belief system, treasured (arts), and social values; marital and matrimonial life, food, cloth, shelter and so on (Shaboyede, 1992). Thus, there is a need to check the compatibility of the customs with the principles governing them.

In Islam, the *Sharī'ah* regulations of *'Ibādah* (religious matters) are stipulated by the Qur'ān and *Sunnah* of the Prophet (S.A.W.). While *'Ādah* or *'Urf* (in *mu'āmalāt*) play a significant role in regulating some family matters and transactions, the latter are regulated within the scope of human reasoning, which can be discovered and differentiated between good and evil through human experience, while the former are by stipulated injunctions from the Qur'ān and *Sunnah*.

In *Mu'āmalāt*, the criterion for measuring customs and cultures are based on the general principle of “whatever is not prohibited is in fact permissible” or “everything is permissible except what is prohibited by a clear and decisive (*qat'ī*) text of the Qur'ān or *Sunnah*” (Zakariyah, 2012: 86). In other words, before a particular custom is prohibited, a clear text must be provided. In socio-cultural affairs, evidence from the Qur'ānic or ḥadīth text is not required for permission (as long as it does not contradict the Qur'ān and

ḥadīth). In fact, it is only required before a customary practice in relation to *Mu'āmalāt* is prohibited. Besides, to discard a sound custom and its usage brings about unnecessary difficulty and un-warranted harm to the people. Going by the principle of Islamic jurisprudence, which emphasizes and advises that: “cultural usage is second to nature”, it implies here that it is a difficult thing for people to go against their instinctive natures; the established customs are part and parcel of their life. Besides, Islam does not bring hardship to its adherents.

Apart from this, the actions and speech of people are of two types: acts of worship established by their religion and the customary acts which are required by their daily activities and at times by instinct. In matters of worship, the general principle according to some of the scholars is that everything is prohibited except what is approved by the Qur'ān or the *Sunnah* (Majallah, article 5; Keller, 1995). That is, textual evidence is required for any act of worship (*'ibādah*) or religious belief (*'aqīdah*) to be established as permissible. Matters related to this are religious emblems, or anything uniquely identified with a certain religious group, such as a belief, act of worship, dress, groom, custom, celebrations, festivals, and others. These are either discouraged or prohibited, unless with textual proof for its permissibility. This can be backed by referring to the sayings of the Prophet (S.A.W.): “He is not one of us who imitates a people other than us. Do not imitate the Jews and Christians” (Al-Tirmidhī, no.:120712). Another ḥadīth states that: “Whoever imitates a people is one of them” (Musnad Ahmad, no. 13). Several

examples can be found in the ways Muslims conduct their marriage ceremony and matrimonial life similar to the people of the book, without knowledge of the idea behind the act by the latter. In the *Shari'ah*, the acts of *'ibadah* are those prescribed by Allah and endorsed by the Prophet's (S.A.W.) actions or approvals. Except through these two sources, no other sources can be acknowledged as having any weight with regards to *'ibadah*.

For customary activities of the people, the principle is freedom of action. Restrictions take place only where the *Shari'ah* has made prohibitions. To refute any action contrary to that, Allah says in the Qur'an: 'He it is Who created for you all that is on earth...' (Al-Baqarah: 29; Al-'Arāf: 32). In another place, Allah states: 'Do you see what Allah has sent down to you for sustenance? Yet you have made some part of it halal and some part haram?' (Al-Yūnus: 59). The stand of the *Shari'ah* is that people are free to buy, sell, lease, just as they are free to eat and to drink what they like as long as it does not fall into the categories of prohibitions. The criteria for measuring customs and cultures is based on the general principle of "whatever is not prohibited is in fact permissible" or "everything is permissible except what is prohibited by a clear and decisive (*qat'i*) text of the Qur'an or *Sunnah*" (Majallah, article 5). The strongest ruling that most scholars of Islam are in agreement with is that things in principle are permissible. Even though there may be disapproved acts, they are free as long as the *Shari'ah* does not prohibit them. Thus, the original principle of permissibility remains (Al-

Qardawi, 2003). Therefore, a local custom or tradition is allowed, if it does not contradict the *Shari'ah*.

Perception of *Izalah* Movement on 'Urf

In order to rectify some problems and provide lasting solutions to any contradictory customs, some Muslim scholars considered reviving family life of Muslims in northern Nigeria. The task of preaching and enlightenment campaigns against practices that contradicted Islamic injunctions arose from some scholars most notably Abubakar Mahmud Gumi (d.1990). Accordingly, the explanations given by this scholar as utilized by one of his students, Ismā'īl Idrīs, led to the emergence of the Islamic organization popularly known as *Izalah*² (Gumi & Tsiga, 1992; Modibbo, 2012; Ousman, 2003; Thurston, 2009; Loimeier, 1997).

The major preoccupation of Sheikh Gumi was combating innovations. His ideas were publicized by his students to the general people. Based on *al-'aqidah al-ṣaḥīḥah* (the right faith according to the prescriptions of the law), *Izalah* teachings consist of ideas against the heretical doctrines of *Sufi* scholars. As it is, the *Izalah* scholars attempt to show people deviations from the path of the Prophet (S.A.W.) (Loimeier, 1997; Olabiyi, 2002). So, *Izalah* perceives itself as a protector of the *Sunnah*, therefore, obliged to fight against anything they consider as an aberration or innovation in Islam. These include any statement or action not mentioned in the Qur'an or *Sunnah* of the Prophet (S.A.W.) or Predecessors. The *Izalah* scholars' understanding of *bid'ah* is either major or minor. The major

ones have to do with faith while the minor ones revolve around *mu'āmalāt* which includes the likes of naming ceremonies, marriage practices, and social activities of Muslims (Gumi & Tsigia, 1992; Olabiyi, 2002).

From the linguistic context, the concept of innovation (*bid'ah*) is complex and dynamic. This establishes the problems of defining the concept, the authority in its definition, how it is understood and the correct usage of the concept. So, *Izalah* members understood the concept through the guidance of their leaders (Ramzi, 2011). In this, the preachers generalized *bid'ah* as innovation and as aberration to mean the same thing. However, in *mu'āmalāt*, there are certain instances whereby the perception of humans is accepted. The customary practices that do not contradict the *Sharī'ah* (Abu Dawud, Vol.3: 874), are practiced by a large number of people (Ghazzam, n.d), and that are for the benefit of the people are as important as the *Sharī'ah* rulings themselves.

Relationship between *Ibādah* and '*Ādah*

In the same vein, when considering the aspects of worship, *bid'ah* and '*ādāt* are interwoven and stipulated in the *Sharī'ah*. Whenever the contrary of *bid'ah* occurs, it becomes custom or culture (Shāṭibī, 1994). Given that a Muslim is considered to be a servant of Allah, even his customary affairs can be categorized as *ibādah*. In Imam Shāṭibī's philosophy of *bid'ah* and '*ādah*, he describes *ibādah* as whatever the mind cannot comprehend the wisdom behind its stipulations, such as purity, *ṣalāt*, *ṣawm* and *ḥajj*. The rulings are clearly manifested in them as

aspects of worship. While anything where the meaning is clear, whether good or bad, like sales, marriage, divorce, and the rest, are customs (Masud, 1995). The *Sharī'ah* has stipulated a number of conditions for how they can be implemented generally. They can be implemented through a number of ways or choices which follow those conditions. Thus, the two are interlocked in the meaning of *ibādah*. It follows that when innovation is found in customary acts through this channel, then customs can be accepted as *ibādah* (Shāṭibī, 1994). Here, there is need to look into legal maxims where custom is accepted as the basis of judgement.

Custom as the basis of judgment." (*Al-'Ādah Muḥakkamah*)

Legal maxims in relation to the custom and practices of the people begun with the saying of Ibn Mas'ūd: "What the Muslims deem to be good is good in the sight of Allah" (Ibn Ḥanbal).³ Several other legal maxims were stipulated by Muslim scholars based on what the Caliph 'Umar (R.A.) wrote to Abū Mūsa al-Ash'arī while serving as a judge (Ahmad, 2014) as well. Al-Qāḍhī Shurayh, during the era of Caliph 'Umar, told the weavers "Follow what is customary among you," based on Al-Bukhārī's report (Mahmassni, 1987). The same applies to some of the legal maxims on customs and practices of the people, such as "People's practice is authority and should be reckoned with" (*Isti'māl al-nās ḥujjah yajib al-'amal bi-hī*) (Al-Burnu, 1997:306-7). A similar maxim was also recorded by Ḥanafī jurist al-Sarkhasī, and was

subsequently adopted in the Ottoman Majallah (Mas'ūd, Haydar, Bāz, al-Ghazzi, al-Mahāsini, and al-Atāsi) which provides that 'urf, whether general or specific, is enforceable and constitutes a basis of judicial decisions.

Commonly, the rule must take into consideration the customs and practices of the people in any matter that is not clearly detailed. In other words, custom is not applied where there is a clear text addressing the issue at hand. The same is also applied to the matter whose verdict is based on the customs and practices of the people. The customary practices, which are devoid of benefits and are associated with disadvantages, are not considered as legal 'urf. A custom which does not contravene the principles of *Sharī'ah* is valid and authoritative. For example, respect for the mother in-law is in accordance with the text of respect for parents. Apart from being reasonable and acceptable, a custom must be observed and upheld by a court of law (Zakariyah, 2015). In this case, it is what *Sharī'ah* considers to be good, not what humans or the prevalent practice considers to be good. Thus, the process of approval prior to acceptance is necessary. Here, the above sub-maxim has broadened the authority of custom in Islamic law. The Shāfi'ī jurist, al-Suyūti, in his well-known work, *al-Ashbah wa Al-Nazā'ir*, recorded a legal maxim which goes as follows; "What is proven by 'urf is like that which is proven by a *Shar'* proof." And "What is known by the virtues of custom is as a stipulated condition" (Al-Suyūti, 2011).

These two stipulated the conditions binding on people's activities and engagements

with others who practice the same custom. This can be effective even though the conditions are not stipulated at that time. For instance, the *kayan aure* (paraphernal gift) among the Hausa/Fulani custom is considered to be part of the *ṣadaqah*. A similar example is cited in the suspension or prompt payment of *mahr* in marriage, depending on the custom of the area. Thus, it can be a valid marriage if either of the two practices is stipulated based on the custom (Zakariyah, 2015). In fact, the complete area of personal status is one of the crucial sections of law where jurists relied on 'urf consistently.

The importance of 'urf or 'ādah in resolving issues arising in Islamic law is based on consensus of both classical and contemporary Islamic scholars (Zaydan, 1997). There are many ways in which custom is authoritative in Islamic law especially in *mu'āmalāt* issues, where a specific text is not established (Oba, 2013). Jurists have stipulated some particular instances where the knowledge of customary practices is a necessity, not conditional pre-requisites. These include linguistic conversations, whose interpretation depends on the common customary practices (Oba, 2013), such as oaths, admissions, and divorce utterances. The entire area of personal status is an important section of Islamic law where the jurists consistently relied on custom.

The collection of legal opinions (*fatāwā*) are full of references to the common practices on issues ranging from the criteria to determine suitability (*kafā'a*) in marriage, the amount and manner of payment of dowry, respective contributions of the (would-be) spouses and their

families, settling marital discords, and the rules governing the process of divorce (Ayman, 2010; Ibn Qudāmah, 1928). The conditions governing the absence of the spouse in terms of estimation in order to deal with issues on inheritance or divorce, the issue of bridal furniture, custody and breastfeeding, and bridal gifts (al-Wansharīsī, 1981). All these and many more are issues on *mu'āmalāt* that deal with customary practices, some of which are not the concern of this research. The issue of transactions are part and parcel of the importance attached to *'urf* being an authority in Islamic rulings on *mu'āmalāt*.

Marriage Customs in Islam

Custom plays a crucial role in the formulation of family law in Islam. The Qur'ānic injunctions about the family were rectifying pre-Islamic Arab practices. Among the pre-Islamic norms assimilated into Islamic family law include: the Islamic laws on *ṣadāq (mahr)*, child marriage, social compatibility (*kafā'a*) (Hafti, 2006), guardianship, (*walī*) custody, (*haḍānah*), prohibited relations (*muḥarramāt*), verbal repudiation of marriage contract, *'ila*, *Khul'*, and delegation of the right of divorce (*tafwīd*) (Fawzi, 1983). The *Sharī'ah* adopts these elements because they reflect reasonability and cultural preferences within a society.

Al-Shāṭibī mentioned that in the principles of law, all conventional acts are devotional in some way. Any act whose import is not clearly understood as it is intended or prohibited is regarded as a devotional act. For example: ablution, *ṣalāt*, *ṣawm* are all devotional acts. While those acts, whose imports are obviously

understood, their advantage and danger are known, are regarded as conventional acts. Examples of this are marriage, divorce, sales contracts, and criminal offences, as their rulings are clearly understandable. On the other hand, they are restricted by laws as they consist of devotional aspects. This makes the advocate not have the freedom of choice in either dealing with the required or optional acts. Thus, there is a participation in both divisions: devotional acts have conventional and devotional aspects. Thus, an innovation can appear in matters of conventional acts (Al-Shāṭibī, 1921).

Therefore, the conventional matters of life have two aspects: one which is progressive and tantamount to change with the passage of time. Islam has no restrictions on this and is not concerned with its compliance or innovations. For example the *ḥadīth* states: "You know best the matters pertaining to your worldly affairs" (Al-Bukhari, no. 4358). Here, having good intentions matter; engaging for the pleasure of Allah. Performing any action in such a way makes a Muslim benefit from it and achieve his goals, as his efforts are acts of worship. All customary matters in marriage that do not contradict Islam are based on good intention and piety, clearly explaining the legal maxim- "*al-umūr bi maqāṣidiha*" (Matters are determined according to their intentions (Al-Husayn, 2002).

The second part is where boundaries have been drawn by Allah and must be complied with. Islam does not intervene in ordinary conventional matters such as a marriage feast and arrangements so as not to bring hardship upon people. The places where Islam intervenes are

conventional acts of specific interest which are deemed as divine ordinances, and believed as acts of worship, and portrayed as injunctions from Allah or examples from the life of the Prophet (S.A.W.). For instance, the charity marriage among the Hausa/Fulani Muslims in Gombe is considered by them as an injunction from Allah and a Sunnah of the Prophet (S. A. W. S.), when in reality it is a *bid'ah*.

Hausa/Fulani People's Perception on Family Customs

The serious influence of local customs and traditions in Northern Nigeria is one of the reasons behind the 18th century *jihād* of 'Uthman Dan Fodio. Traces of these *uraf* survived the *jihād* (Ibrahim, 2006) and subsequently new ones emerged. The most difficult challenge between custom and *Sharī'ah* abidance in northern Nigeria is in the area of family regulations. Thus, in northern Nigeria, a mixture of *'ādah* and Islam governs the family system (Na'im, 2002). Even though the two are intertwined, customs or traditions overlap with the *Sharī'ah* of Islam (Kumo, 1988; Ambali, 1998). Some local Muslim scholars have mixed Islam with local traditional practices as a means of commercial livelihood in the name of religion (Yusuf, 1993). To add insult to injury, the colonial authority treated Islamic rulings on family matters as a variant of customary law by modifying its applications (Oba, 2013).

Despite the fact that customs are given a special consideration in Islamic law by incorporating some pre-Islamic Arab-customs into the Islamic *mu'āmalāt* rulings (Fawzi,

1983), there are some which are frowned at and rejected. Regardless of this interpretation, the scholars among the Hausa/Fulani before the emergence of *Izalah* did not demarcate between some of the family traditions and the Islamic culture, rather, they considered them to be part of the *Sunnah* (Hill, 2009). Gombe is not an exception from all the northern states and the people's adherence to their cultures and traditions.

A. 'Urf as Bid'ah in Marriage

The findings of this research reveal the condition of the people before the emergence of *Izalah* as that of ignorance of the injunctions and actual teachings of Islam (GMW/AJ/Informant 1, DU9; GMW/SH/Respondent 1, DU3; GMW/PT/Respondent 2, DU3; GMW/JK/Informant 4, DU3&7; GMW/NR/Informant 10, DU18). Even though there were Muslim scholars who guided people to authentic teachings of Islam, the method adopted and how regular the exhortation was did not yield much result. Several pieces of literature show the extent of *Qādiriyyah* and *Tijāniyyah* teachings in educating Muslims about Islam (Loimeire, 1997; Umar, 1993). Thus, the *Izalah* movement has publicly declared some aspects of worship among the *Sufi* brotherhood as *bid'ah*. At the same time, it has fought against some of the traditions of the Hausa/Fulani. This statement from an *Izalah* official stands as proof: "Before the teaching and exhorting by the movement, people were wandering in traditions and various kinds of innovations, in all aspects of life" (GMW/ HG/ Respondent 10, DU34).⁴ The aim of the

organization confirms the *Izalah* organization's name itself: "elimination of all forms of aberrations or *bid'ah* (innovations) in Islam." Preaching toward the eradication of *bid'ah* has led to some practices in the *Sunnah* (which are not *bid'ah*) also to be classified as *bid'ah*. One of the informants state: "In short, in marriage at least the *bid'ah* should be minimized, but instead, new practices are being incorporated" (GMW/AJ/Informant 1, DU 24). All these statements on *bid'ah* depend on the understanding of the concept and its utilization.

Among the types of marriage prevalent among the Hausa/Fulani are forced marriages and charity marriages, both of which are contradictory to the injunctions of Islam. In this regard, the scholars have emphasized the protection of public welfare as the primary objective of Islam as far as the consideration of customary matters is concerned (Al-Ghazāli, 1994). Therefore, the *Izalah* organization carries out clarification about the stand of Islam on all types of marriage.

The result of the interview conducted revealed some misconceptions on the concept of *bid'ah* in Islam, betrothal in marriage and customary wedding celebrations (GMW/SH/Respondent 1, DU3; GMW/AJ/Respondent 8, DU3; GMW/BJ/Informant 7, DU18; GMW/NR/Informant 10, DU26). This comes as a result of the teachings of the *Izalah* organization to the Muslims there. They categorized the customary practices in weddings as *bid'ah* instead of *'urf* practices. An *'urf* where all the stipulated conditions are valid and is observed

with good intention, invites the pleasure of Allah. It therefore serves as an act of worship by the servant to his Creator.

The technical definition of *bid'ah* is: an aberration in Islam, with the intention of acquiring the pleasure of Allah, which resembles Islamic regulations, but has no reason for its validity in the *Sharī'ah*. It is initiated with the intention of getting reward from Allah without bases from the Qur'ān or ḥadīth.

In Islam worship is divided into two categories: the direct worship between man and his Creator (*'ibādah*) and the relationship between human beings (*mu'āmalāt*). In each, regulations and injunctions are stipulated by the law. In marriage for example, the marriage contract itself is an act of worship, which has its prerequisites and conditions. For instance, in the wedding *fātiḥah*, stipulations are made based on the conditions for it being valid or invalid (al-Qurtubī, 2009). These include the wording of offer and acceptance (Ayub, 2002), which should be in accordance with the Islamic injunctions, the *ṣadāq* ('Uthman, 1981), witness (Abi al-Zahri, 1947), *walī*, and the absence of any legal impediments (Oba, 2013; Mahmud, 1981). However, all other activities with respect to the wedding ceremony are left to the customs of the people. Yet, marriage celebration is considered *bid'ah* as advocated by the *Izalah* scholars.

So, going back to the technical definition of *bid'ah*, it only comes into marriage when new ways of worshipping Allah are designed into the marriage, which have not been mentioned by the Qur'ān or explicated by the ḥadīth of the Prophet (S.A.W.). The kind of *ṣadaqa* (charity) marriage

prevalent among the Hausa/Fulani before the inception of the *Izalah* movement falls in this category. “The *ṣadaqa* marriage is another custom within the Hausa/Fulani family” (GMW/JK/Informant 4, DU24). As declared by Abdul-Mumini, they are divided into two. The first type has no basis in Islam⁵, but is intended to serve Allah, as a means of attaining His pleasure and reward. This kind of marriage is *bid'ah* as the Prophet (S.A.W.) did not mention anything as such. Besides, the regulations and conditions of a valid marriage are not followed. The misconception and misinterpretation of the ḥadīth of the Prophet (S.A.W.) on *ṣadaqatun jāriyatun*⁶ (the ongoing charity) makes people seek to obtain the pleasure of Allah in impermissible ways, which leads to the *bid'ah* in question. Persistent practice and *fatwā* given by the 'ulamā' then made the nominal Muslims adhere to its regular practice, hence, it became widely accepted as a binding custom among them. Here, the prerequisites of marriage are not accomplished, because it does not recognize the giving of *ṣadāq* (dowry) to the bride, and the wedding *fātiḥah* (solemnization) is not based on offer and acceptance to a particular husband (At-Tuwaijiry, n.d) and as such, it is null and void. Thus, it falls under the category of invalid customs as it negates the texts on the prerequisites of a valid marriage (Hasiballah, 1976).

The second type is where the *ṣadāq* (dowry) and other marital gifts are given by the bride's father to the bride in order to help a poor man get married to his daughter. Here, if the person (father) is well known and the wedding *fātiḥah* is conducted in his name, and the offer

and acceptance are accomplished, it can be considered as helping the poor get married, but there is, as well, no specific text to back such a marriage. The Prophet (S.A.W.) commanded one of his companions to bring *ṣadāq* even if it was an iron ring or verses of the Qur'ān (al-Bukhari, No. 3316). But there is no evidence to show that *ṣadāq* can be given by the father of the bride in order to assist the poor man to get married. This is a clear-cut *bid'ah* in marriage which has no basis. Unless if it can be observed from a different perspective where Allah commanded: “And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and all-Knowing” (Al-Nūr: 3).

From this verse, it is clear that Islam encourages marriage and emphasizes its importance. The Muslim *ummah* is commanded by Allah to engage actively in conducting marriages and supporting each other in this attempt, seeing as celibacy is forbidden (Al-Kulayni, 1946; Al-Yafi'i, 1994). So, in order to help the poor get married, this verse can be a basis for conducting such marriages, in a different but correct way. As stated by Abdul-Munimi that *ṣadaqa* marriage is based on the aforementioned verse, which has no basis in Islam (Ambali, 2003). So instead of the incorrect practices of the *ṣadaqa* marriage, this verse can be utilized to help the poor get married in a different way: giving donations to them without specifying what the donations are for. The way the donations will be used will be up to the poor person. If a poor man uses it for giving dowry to

a bride, that is his business. Giving general donations to the poor (who want/need to get married) will be commendable religious acts and the correct utilization of this verse. The outcome of this research suggests something similar to this as the rich should help the poor get married through utilization of the above verse.

One of the achievements of the *Izalah* organization through their preaching is the minimizing of such kind of *bid'ah* marriage. In future situations, the organization can adjust them to suit the Qur'ānic injunctions.

B. 'Urf that is not Bid'ah

In the marriage contract, all customary practices are allowed as long as they comply with the injunctions of the Qur'ān and *Sunnah*. However, the people under study in this research consider any customary act either valid or invalid as *bid'ah*, based on the preaching of *Izalah* and the persistent mentioning of *bid'ah* in almost everything. The absence of demarcation between the concepts of *bid'ah* and where it can be called as such on the one hand, and the customary practices not in conflict with the injunctions of Islam on the other hand, have contributed towards this misconception. One of the informants declare: "...but still adhered to their 'urf while, Islam renounces customs." (GMW/KB/Informant 2, DU20). From the above statement, it can be inferred that the informant in question is deficient in awareness of the acceptability of valid customs in Islam. This point in the teachings of the *Izalah* movement needs to be revisited.

In many audio preaching sessions of *Izalah*, specifically during its inception, 'urf or 'ādah are categorized as contrary to the tenets of Islam. For instance, in an audio preaching, Isma'ila Idris categorically states: "*Al'ada fa ba za ta kai ka ko'ina ba*," (Tradition or Custom will not lead you into anywhere). However, Islam only denounces customs that contradict its teachings. The majority of the rulings in *mu'āmalāt* are based on the customary practices where the text did not stipulate any injunction. Such utterances at the inception of the *Izalah* preaching led to all these misconceptions and so remain as binding. First impressions last longer. Therefore, there is need for *Izalah* scholars to help clarify such misconceptions and bring out the correct Islamic injunctions in adhering to customary practices.

One of the informants explains the position of the bride's conveyance in Islam where the custom is in accordance with the *Sunnah*. He declared that: "...there are certain things that are perceived as not allowed, while the religion has permitted them. Example ...women should escort a bride, they think is ...not proper, or women to gather and receive the bride. These are preached against, while it is allowed in Islam" (GMW/PT/Informant 9, DU16). The proof for this is narrated from Aisha (Radiya Allahu anhu) who said: "We accompanied a woman to her wedding with a man of *al-Ansār* (Madinah residents who accepted Islam and helped the Prophet (S.A.W.)). The Prophet (S.A.W.) said: 'Aisha, won't you have some entertainment? *Al-Ansar* enjoy entertainment" (Al-Bukhāri, Vol. 7, ḥadith no. 92).

In addition to that, there are certain marriage cultural practices that were not rejected by the Prophet (S.A.W.) himself. One of which is that the wedding *fāṭihah* should be done publicly and conducted at the *masjid*. The Prophet (S.A.W.) is reported to have said: “Make known this marriage, perform it in the *masjid* and celebrate it with the beating of tambourines.” (Al-Tirmidhī)

It was narrated that Abu Husain, whose name was Khalid Al-Madanī, said: “We were in Al-Madinah on the day of 'Ashura and the girls were beating the *duff* and singing. We entered upon Rubai' bint Mu'awwidh and mentioned that to her. She said: 'The Messenger of Allah entered upon me on the morning of my wedding, and there were two girls with me who were singing and mentioning the qualities of my forefathers who were killed on the day of *Badr*. One of the things they were saying was: “Among us there is a Prophet who knows what will happen tomorrow.” He said: “Do not say this, for no one knows what will happen tomorrow except Allah.”” (Ibn Mājah, no.1897). Another narration said that publicizing of marriage is desirable as the Prophet (S.A.W.) said: “The separator of the lawful and unlawful (in marriage) is the tambourine and the voice.” (Ibn Mājah, no. 1896).

Islam permits women to celebrate a wedding by singing tasteful songs, accompanied by a tambourine. Such poems and songs should not promote lust, lewd desire, or portray physical beauty. Instead, they should sing delightful and decent songs to express their happiness with the marriage. Indeed, the *duff* alone should be used to

accompany traditional singing, which should not call to forbidden things or praise that which is forbidden just to announce the wedding and to distinguish the marriage from fornication (Bin Baz, 2001).

Ibn Abbas reported: Aisha (Radiya Allahu anhu) gave away one of her relatives in marriage to a man among the *Anṣār*, and the Messenger of Allah (S.A.W.) came and he said, “Did you send them a girl?” She said: “Yes.” The Prophet (S.A.W.) said: “Did you send with her someone to sing?” She said: “No.” The Prophet (S.A.W.) said: “Verily, the *Anṣār* are a people who love poetry, so you should send someone along with her to say: Here we come, to you we come, greet us as we greet you” (Ibn Mājah, no.1900). This is a valid custom which the Hausa/Fulani nowadays consider as *bid'ah*.

There is no dispute among Muslim scholars that in a wedding celebration the Prophet (S.A.W.) allowed women to use the *duff*. The most valid opinion among many scholars is that men can also use drums in order to publicize the marriage thus making it known near and far. The noble Islamic purpose of such publicity is to distinguish between an evil and illicit relationship and a pure and lawful marriage, on the condition that it should not be accompanied by forbidden things, such as undignified singing or music, which excites lust.

It should not lead to *fitnah*, such as beautiful voices being heard by men and should not cause any annoyance to anyone such as when voices are heard via loudspeakers. The Prophet (S.A.W.) forbade the worshippers in prayer from raising their voices over one another during

recitation as this causes disturbance and annoyance. Therefore, the voices on loud speakers and the sounds of *duff* beating can be more disturbing than the worshipping at the *masjid* (Al-Uthaymin, 2011).

Culture being a natural constitution of any society reflects the physical, mental, and material wellbeing of the people. The moral and cultural values of the people based on *'ādah* and *'urf* should be preserved to ensure cultural diversity and intergenerational promotion of ethical values. However, the ethical values of the Hausa/Fulani are not the same as before. Several factors can be attributed to this. Denouncing allowable customary practices as *bid'ah* is one of them. Incorporating unlawful western customs is another. Polishing the existing customary practices to fit with the conditions of valid *'urf* is one of the methods that could be utilized by the *Izalah* movement in order to save the Muslims from discarding allowable customs and from incorporating abhorred western customs into marriages.

Conclusion

Customary practices are part and parcel of human nature although some require modifications. The activities of the *Izalah* movement to the Hausa/Fulani Muslims in Gombe is a commendable one. However, some of the existing customary practices are in accordance with the teachings of Islam; they only need to be polished, not condemned as *bid'ah*. The wisdom is to allow people free choice in terms of customary practices that do not contradict the Qur'ān and *Sunnah*, so as not to make life

difficult. Choices are given within the boundaries of stipulated conditions based on the Qur'ān and *Sunnah*. As a result, customs should be perceived as an integral part of Islamic law if they abide by the rules. Therefore, there is a need for the *Izalah* organization to double-check and rectify their method of teaching the Qur'ān and *Sunnah* of the Prophet (S.A.W.) to the people of Nigeria.

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Masājīd, sources of drinking water and so on. But it is translated as 'charity of a young lady' instead of the actual meaning of the *hadith*. The actual Arabic word of this segment is: '*Sadaqah Jāriyah*' and its pronunciation as: '*Sadakati al-Jariya*' causes the distortion of its context.

Endnotes

¹ This paper is part of the Ph. D. thesis submitted to the International Islamic University Malaysia.

² Throughout this paper, the word *Izalah* is utilized.

³ This *hadith* does not go back to the Prophet (S. A. W. S.), it stops with Ibn Mas'ūd and most of the scholars attribute it to his sayings, not to the Prophet.

⁴ Several such statements and the like are found in the various lectures delivered by the *Izalah* scholars especially during the inception of the organization.

⁵ It is the type where the wedding *fatihah* is concluded with the name of Muhammad (S. A. W. S.) and the bride may end-up with Ibrahim for example.

⁶ This is misinterpretation of the Prophetic *hadith* which talks about the three lasting good deeds of a man after his death. Abu Hurayrah reported: The Messenger of Allah, (S. A. W. S.) said: "When the human being dies, his deeds come to an end except for three: ongoing charity, beneficial knowledge, or a righteous child who prays for him." (Muslim: 1631). The "ongoing charity" mentioned in the *hadith*, is good deed whereby people will continue to benefit from its fruits, like building of schools, hospitals,