A NOVEL PERSPECTIVE ON THE APPLICATION OF THE *SHARI'AH* PRINCIPLE OF *MASLAHAH* FOR NATIONAL INTEGRATION IN NIGERIA

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Abstract: This paper examines the purpose of why Shari'ah is divinely revealed to unify human social strata. This stemmed from the basis where the Shari'ah itself is derived, that is Tawhid. Tawhid commands unification and encourages integration through understanding and constructive engagements based on mutual benefit, otherwise known as Maṣlahah. Maṣlahah is an important Shari'ah principle meant to nurse diversity and prevents discord. In governance, Maṣlahah is an important legal doctrine that accommodates ideas to help in developing public confidence to strike a balance between the statutory legislation produced by the authority and the public to adjust towards them. However, Nigeria as a country is faced with multifaceted challenges, from insurgency, banditry, and kidnapping to ethnic and religious conflicts among others. These threatened its survival as one entity and is setting it on a path to disintegration. Thus, the paper employed a historical-analytical approach in exploring the doctrine of Maṣlahah for national integration in Nigeria. It underpins that the ethnoreligious plurality of Nigeria must be seen as a means of understanding and strength, not hate and division. Similarly, the societal problems bedevilling Nigeria that including social insecurity can be managed through the Shari'ah principle of Maṣlahah, particularly Shura (consultative forum) and the re-institutionalization of an effective social justice system called al-ʿadalatul Ijtima'iyyah. Hence, the reasons given for the application of Maṣlahah as a viable means for national integration prove the idea as a novel in providing security for national building and prosperity.

Keywords: Shari'ah, Maṣlahah, Nigeria, National-Integration, Shura, Social Justice

A. Introduction

Nigeria is located just north of the equator in West African countries. It is Africa's largest population of more than two hundred million, according to recent estimates. As a nation, its civilization is dated back to 600 BCE due to evidence of iron technology among the Nok people around the city of Abuja, the present capital. The actual history of the foundation of Nigeria as a central state is put at 1000 BCE consisting of Kanem Borno, Benin, Ife, Oyo and Hausa city-states. However, the activities of the trans-Sahara trade that lasted up to the nineteenth century had helped in the emergence of monumental changes to the political and social institutions that defined the potentiality of what later came to be a Nigerian entity. The amalgamation of the Northern and Southern protectorates by the British colonialists in 1914 actualized the symbolic features that Nigeria had presented to the world as a multi-ethnic nation with unique political, social and economic stabilities. Nonetheless, the teachings of Islam which were early introduced in Northern Nigeria and that of the Christian missionaries in the South had breath in its people's social and moral values that had helped them live harmoniously with love, dignity and respect for generations.

Moreover, there is a concern about the recent social and political developments that threaten the entity of Nigeria as a nation and drum the ember of dissent and disintegration. Despite the existence of several governmental institutions and policies such as the legislative arms and the law enforcement agencies that are meant to preserve the national sovereignty yet, there are more agitations for sessions across the country than ever before. The persistence of insurgency in the form of kidnapping and banditry in most parts of the country seems to point to the failure of the architectural security of the country and the lack of political will of the central government to hold the entire country as one entity. For the fear of this reality, some regions and communities call for disintegration, while others see that as an advantage for personal and political manoeuvre to the detriment of the nation. However, Nigeria, as a country blessed with abundant natural and human dispositions, could not be left to disintegrate without fully harnessing its potential and occupying the position it is destined to achieve in the league of the world community. This could be possible if the country can fully benefit from the *Shari'ah* principle of *Maṣlahah* to nurse its diversity and prevent discord to ensure cohesion through thrusting confidence in the minds of its citizens.

The paper, therefore, takes a critical look at the legal doctrine of *Maṣlahah* and its juristic principles in bringing benefits and preventing harm in human societies in general and Nigeria in particular. It also surveys the extent how the *Maṣlahah* principles address social grievances

through consultation, legislation and social programmes to amend and strike a balance of issues based on the ideal reality of the situation at hand. Hence, the paper believes that the *Shari'ah* principle of *Maṣlahah* is not only a novel solution to the recent threats to national disintegration in Nigeria but is the most viable route to national cohesion and prosperity.

B. Methods

The approach used in writing this paper is a literature study approach. Basically, the study of literature is the same as research in general, but the data obtained by the researcher is secondary data using the literature study method. Some steps that the researcher take in preparing this article include: firstly, the researcher searches for and collects reference sources that are relevant to the theme of this research. Secondly, several scientific papers that have been collected are then processed and elaborated, in order to comprehensively explain the inter-sections of this article. Thirdly, the researcher analyses the application of the *Shari'ah* principle of *Maṣlahah* for national integration in Nigeria.

C. Result and Discussion

1. *Shari'ah* Doctrine of *Maṣlahah* and Its Principles in Islam

The Arabic doctrine of *al-Maṣlahah* is linguistically taken from the verb *Ṣalaha* which means to rectify, to make better or right, and *al-fasad* which means to ruin or corrupt is its antonym.[1] Therefore, *Maṣlahah* is any that connotes *al-ṣalah* (properness or intactness) or *al-Manfa'ah* (benefit, interest and advantage) to human beings at any given time and age.[2] Technically, Muslim scholars have defined *Maṣlahah* in various ways based on their different considerations. *Imam* al-Ghazali defines *Maṣlahah* as the basis of bringing or securing benefit or preventing harm which is harmonious with the objectives (*Maqasid*) of the *Shari'ah*.[3] While Imam al-Shatibi defines *al-Maṣlahah* as a process of building a *ḥukm* which would likely lead to the acquisition of benefits that could repel harm or bad things and such benefit must be obvious not only to reason but also in the *Shariᶜah* perspective.[4] However, Ibn Abdulsalam perceives *Maṣlahah* as the provision of ease or its process and preventing harm or means of avoiding it.[5]

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[1] Ibn Manzur, *Lisan al-Arab,* vol, 2, Maktabatu Lebanon, Beirut, 1995, p. 517.
[2] Majiddu-al-Din, Muhammd Ibn Ya'kub, *Al-Kamus al-Muhīt,* Dar al-Fikr, Cairo, 1995, p. 259.
[3] Al-Ghazali Abu Hamid, *Al-Mustaṣfa,* np, np, nd, p. 174.
[4] Ibrahim Musa Muhammad, Al-Shatibi, *Al- ᵓtisām,* vol.1, Dar al-Rahmah, Cairo, 1988, p. 352.
[5] Abdulaziz Ibn Abdulsalam, *Al-Qawa''d al-Suqurah,* Dar al-Fikr, Damascus, 1416H, p.32.

It is, therefore, crystal from these definitions that *Maṣlahah* is a process of law-making that owns its validity from the basic purpose of legislation (*tash'rī'*). Thus, the purpose is aimed at securing people's welfare through promoting their benefits or protecting them against harm.[6] Consequently, Muslim jurists have pointed reason for its validity from the texts (Nuṣūṣ) of the Qur'an, *Sunnah* and *Ijma'*, and on the ground that the Companions (RA) have validated it and formulated the rules of *Shari'ah* on its basis. On this, al-Shatibi pointed out that the basis of the doctrine of *Maṣlahah* is traced back to the Qur'an and *Sunnah* to allow people to attain the *Shari'ah* benefits of this world and that of the hereafter.[7] This is because *Shari''ah* is a comprehensive code in all ramifications; the spiritual as well as material well-being of human beings.

2. Maṣlahah and Its Consideration in *Shari'ah*

Maṣlahah is an important principle in Islam, Muslim scholars have generally classified *Maṣlahah* into three based on the *Shari'ah* considerations of its applications, which as:

Firstly, *Masālih Mu'tabirah:* this indicates all the benefits the *Shari'ah* intends to establish for mankind through its enactments in the Qur'an and *Sunnah.* This is to say, it refers to all the *masālih* the Qur'an and *Sunnah* acknowledged. This exists three areas namely: essential public interest (*Masalih daruriyyah*), needed public interest (*Masalih hajiyyah*) and refining public interest (*Masalih tahsiniyyah*). This category of *Masālih* can be relied upon in making legislation in absence of a clear rule from the texts (*Nuṣūṣ*).[8]

Secondly, *Masālih al- Mulghāt* refers to what the *Shari'ah* did not acknowledge. That is to be rejected on the ground that both the Qur'an and *Sunnah* have nullified. For instance, the prohibition of usury in transactions or polyandry. This type of *Maṣlahah* cannot be relied upon in making a rule for human enjoyment or benefit.[9]

Thirdly, *Maṣālih al- Mursalah* is neither acknowledged nor rejected by any of the *Nuṣuṣ al-Shar'i'*. That is, there is no text from the Qur'an or *Sunnah* to validate or invalidate it. For example, the compilation of the Qur'an that was conducted by the Companions (RA), using of

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[6] Umar Salman Al-Asqar, *Nadhariyat fi Usul al-Fiqh,* Dar al-Nafa'is, Ardan, 1999, p.239.
[7] Ibrahim Muhammad Al-Shatibi, *Al-Muwafaqāt,* vol. 2, Dar al-Ilm, cairo, p. 39
[8] Mohammad Hashim Kamal, "Goals and Purposes maqāsid al-Shari'ah: Methodological perspectives", Idrees Nassery, Rumee Ahmed & Muna Tateri (eds.), *The Objectives of Islamic Law: The Promises and Challenges of the Maqāsid al-Shari'a,* The Rowman & Littlefield Publishing Group, Inc., Lanham, 2018, p. 12.
[9] Al-Ghazali, *Al-Mustaṣfa…,* p. 174.

prison, registering marriage in the court of law, or HIV tests for those who are getting married among other things the *Shari'ah* did not make their rules but were considered nowadays as issues with benefit or harm that must be preserved or prevented.[10] Based on this, *Al*-Shanqiṭi described it as a valid legal process through which new issues, which are not ruled by *Shari'ah,* are scrutinized to determine their benefits (*Maṣlahah*) or harm (*mafsadah*) in the light of the general objectives of the law (*Maqasid al-Shari'ah*).[11] While *Maṣalih al-Mursalah* is generally used on issues that are not determined by the *Shari'ah,* it is, however, used both in religious and social practices. In the latter, it can be used in settling issues of social engagements whose form and essence are entirely new to *Shari'ah.* Hence, the issue of disputes in Nigeria can fall within this category and its benefits or otherwise can be determined properly by the principles of *Maṣalih al-Mursalahah.*

3. Nigeria Towards a Disintegrated State

Modern Nigeria dates back to 1914 when the British protectorates of Northern and Southern Nigeria were amalgamated. Nigeria is blessed with a large growing economy and huge human and natural resources. It is the largest population with rich cultural diversity. Falola and Heaton put the estimate the ethnic groups of Nigeria at two hundred and fifty. They maintain that each ethnic group inhabits a territory that it considers to be its own by right of first occupancy and inheritance and those individuals who are not members of a dominant group but who have lived and worked for several decades in the territory of the group are still considered to be settlers.[12] There are three major ethnic groups in the country: the Hausa-Fulani, the Yoruba, and the Igbo. The northern-dwelling Hausa is one of the major ethnic groups in the country, and the great majority of them are Muslims. Yoruba are another large and politically dominant group in southwestern Nigeria. They consider the city of Ile-Ife their ancestral home and the deity Oduduwa, their progenitor. Igbos are the third major ethnic group and they live in small decentralized and democratic settlements in the Southeastern part of the country. Apart from these major ethnic groups, there are smaller groups that lived in all parts of the country.[13] The ethnic, religious and regional diversity of Nigeria has been the source of strength in achieving

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[10] Muhammad Amin Muhammad Al-Shangiti, *Al-Maṣālih al-Mursalah,* Al-Jāmi'ah al-Islamiyyah, Madinah, 1410 AH, p. 23.

[11] Muhammad AminAl-Shangiti, *Al-Maṣālih al-Mursalah,* Maktabah Ibn Taymiyyah, cairo, 2003, pp. 19 – 20.

[12] Toyin Falola and Mathew M. Heaton, *A History of Nigeria,* Cambridge University Press, Cambridge, 2008, p. 89.

[13] Daniel E. Hermon, *Nigeria: 1880 to the Present: The Sruggle, the Tragedy, the Promises,* Chelsea House Publishers, Philadelphia, 2000, p. 105.

its economic, social and political interests as a nation with cohesive unity. However, this unity is threatened by forces from within its borders, which include:

a. Ethnic and Regional Diversity

Diamond in his groundwork shows how Nigeria is divided by the geographical landscape where the Yorubas were in the southwest, the Hausa-Fulani in the north and the Igbo in the southeast while hundreds of smaller groups with different languages live between and among them. Though, the division, according to him, existed long before the coming of the Europeans that should be managed by its indigenous leaders. To him, the failure of the government to turn the ethnic and regional diversity into a source of strength presents the uncommon problem of disintegration.[14] And, now more than ever, its unity hangs in the balance as its ethno-religious diversity is being used by political entrepreneurs to promote their ambitions.

b. Amalgamation

History shows that modern Nigeria came out of the merging of two British colonial territories of southern and northern protectorates in 1914. This amalgamation of the northern and southern protectorates made up of many ethnic groups with different languages and cultures is seen as an error that Nigeria suffers to date. The colonialists saw the wisdom of amalgamation for administrative convenience. Though the north practices Islamic religion while the south is predominantly of Christian faith and traditional religion, they shared certain common characteristics. Although, Afigbo maintains that in the process of colonial state-formation, groups were divided or brought together with little or no regard for their common characteristics or distinctive attributes. They were placed in new administrative frameworks, governed by new values, new institutions, and new operational principles and techniques. The autonomous local outlook of the old order was replaced in the control mechanisms of the state; the ultimate authority was an outsider, a foreigner.[15] This mechanism functioned through the centralization of power, had ultimately rested on police and military force, the tools of authoritarian rule. This crude force was, however, softened by making use of traditional leaders as extended arms of state control over the tribes or the local communities, giving this externally imposed system a semblance of legitimacy for the masses. Adding to this appearance of legitimacy was the introduction of a welfare system by which the state provided meagre social

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[14] Larry Diamond, *Class, Ethnicity and Democracy in Nigeria: The Failure of the First Republic,* Macmillian Press, stanford, 1988, pp. 41 – 47.
[15] Adiele E. Afigbo, "Background to Nigerian Federalism: Federal Features in the Colonial State", *Oxford Journal,* vol. 21, No. 4, pp. 13 – 29.

services and limited development opportunities to privileged sectors. National resources were otherwise extracted and exported as raw materials to feed the metropolitan industries of the colonial masters. This new system undermined the people's indigenous system, which provided them with the means for pursuing their modest but sustainable life objectives, and replaced it with centrally controlled resources that were in short supply and subject to severely competitive demands. For this reason, Tibenderana describes the process as a means of receiving basic services from the state, rather than as a process of growth and collective accumulation of wealth that could in turn be invested in further growth.[16] Unfortunately, independence, which was hoped to rectify the colonial misdeeds, ends up removing only the common enemy, the colonial oppressor, but sharpened the conflict over centralized power and control over national resources, especially when combined with territorial identity. This is is a reality that exists independently of political manoeuvers and to argue that regional politics as unwitting tools of political manipulation is to underestimate a fundamental social reality of contemporary Nigeria. It is this dilemma that Ajaebili termed as too big to be contented with.[17]

c. Corruption and Inept Leadership

Nigeria, as a developing nation with all the potential of becoming one of the leading economies in the world, is threatened by pervasive corruption in all aspects of its governance. Corruption, therefore, becomes a vile disease that drains out the qualities that could make it a great nation. It is for this that one cannot dismiss the reason that the perpetual involvement of people who were trusted with the national wealth in the act of corruption that plunders the nation into the depth of poverty, and lack of security and keeps it far away from the path of development and true progress. As it has almost become the culture and way of life of corporations, companies and government officials it, therefore, becomes the moral virus that makes people in government compromise on equity, fairness and justice. This also affects the process through which people are selected for various leadership positions and as such the process continued producing greedy people that only feed on the toil of every citizen. This makes Nigeria to be ruled by unqualified leaders whose effect is always seen in the gross mismanagement of national resources and misrule. Okoro, however, believes that the lack of proper leadership roles has impoverished and denied opportunities to the majority of Nigerians and their development. The persistence of this evil is what led to agitations from different parts

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[16] Perter K. Tnbenderana, "The Irony of Indirect Rule in Sokoto Emirate, Nigeria, 1903 – 1944", *African Studies Review,* vol. 31, No. 1, 1988, pp. 67 – 92.
[17] C. N. Ajaebili, "A Century After Amalgamation: Reflection in History and Nation Building in Nigeria, 1914 – 2014", *Journal of the Historical Society of Nigeria,* vol, 24, 2015, pp. 95 – 105.

of the country due to the despicable state of poverty and backwardness of individuals and communities. Moreover, the feeling of marginalization by sections of the country led to the call for cessation deepened by the existence of social and economic inequalities. And, until something is done such a threat will continue to be a national problem.

d. Insecurity

One of the key factors of mutual co-existence of any society is the provision of security and guarantee for safety against one's life and property. And where an individual of a community is vulnerable to certain insecurity there would be a threat to continuity and social order. Nigeria has taken a long time in fighting insurgency that keeps metamorphosing into different social mayhem. Hardly, one can find a region that is fully safe from one insecurity problem or the other. From *Boko-Haram* in the Northeast, banditry and kidnapping in the Northwest, to ethno-religious crises in the North-central, and oil bunkering in the South-south and kidnapping in the southeast and west among others. The attitude of pushing blames from one region to another for the catastrophe that befalls it instead of looking inward for the actual root cause of the problems is becoming a factor of resentment that is giving way to the disintegration of Nigeria. Equally, there is an opinion which maintains that the persistence of the insecurity issue in the country is due to the failure on the part of the government at all levels.[18] Government officials are becoming more interested in claiming the security vote instead of putting it into full utilization. And, had the security vote been managed very well, kidnapping and other insecurity threats will be a thing of the past and regions will feel more secure than be disintegrated.

e. *Maṣlahah* as a Course to National Integration in Nigeria

Maṣlahah generally could be described as the methodology of ruling that preserves the five essential values of human existence whether at the level of necessity (*daruriyyah*), complementary (*hajiyyah*) or embellishment (*tahsiniyyah*). Thus, it is compatible with the objectives of the *Shari'ah* (*Maqasid al-Shari'ah*). *Maṣlahah* as such is not only a form of a *Shari'ah* but also an integral part of it. On the above, Muslim scholars have perceived the aim of *Maṣlahah* as securing what is beneficial to people through a *Shari'ah*-Oriented policy called al-*Siyasah al-Shar'iyyah.* Ibn al-Qayim, thus, observes that *al-Siyayah al-Shar'iyyah* is indeed part of the religion and its philosophy not contrary. It serves as a means of bringing benefits (Ṣ*alah*) and removing corruption (*fasad*) among people through legislation that ensures justice

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[18] Callister K. Obi, "Challenges on Insecurity and Terrorism in Nigeria: Implication for National Development", *International Journal of Sustainable Development,* vol. 8, No. 2, pp. 11 – 18.

and equity.[19] *Maṣlahah,* therefore, is a viable political tool that can be employed to help in unifying Nigeria and strengthening its cohesion as a nation, so long as the benefits outweigh the harm therefrom. Hence, proper application of the principles of *Maṣlahah* in the Nigerian context can surely expunge all factors threatening its unity and territorial sovereignty. These principles are:

1) The *Maṣlahah* of Human Multiplicity and Nigerian Ethno-Religious Pluralism

The fundamental objective of the ordinance of the Lawgiver is to make things easy and beneficial for human beings in this earth to worship Him to earn salvation in the hereafter. And to prevent anything that would be harmful and injurious for them therein. This general idea is supported by the verse where Allah says:

> Strive in the cause of Allah in a manner worthy of that striving. He has chosen you (for His task), and He has not laid upon you any hardship in religion. Keep to the faith of your father, Ibrahim (AS). Allah named you Muslims earlier and even in this (Book), that the Messenger may be a witness over you, and that you may be witnesses over all Mankind… (Qur'an 22:78).

Moreover, this important characteristic of the law permeates all areas of rule-making in Islam, whether in religion, politics or economics. Thus, Imam *Al-Suyuti* maintains that any *Maṣlahah* which involves issues of necessities (*daruriyyat*), needs (*hajiyyat*) or embellishment (*tahsiniyyat*), deems to be upheld so long as it is beneficial, simple, practicable and does not impose hardship.[20] However, in a social setting, the basic premise of existence is hinged on the unity of the Creator in the form of *Tawhid. Tawhid* embodies a worldview which focuses on the essential unity of the creation, unity between human beings and their environment, unity of mankind, unity within the family, unity of the state and society, law and culture. The clear reason for the necessity of upholding the command of *Tawhid* lies in the purpose it serves. That is, safeguarding the necessity, compliment and improvement of the existence of humanity through preserving the inclination of the individual and collective social behaviours of the human beings. This is in the manner the human mundane and worldly *Maṣālih* are mostly achieved through social conglomeration. From the scientific analysis of this reality, Choudhury opines that:

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[19] Shamsuddeen Muhammad Ibn al-Qayyim, *Al-Ṭurq al-Hukumiyyah fi al-Siyasah al-Shar'iyyah,* Matba'atul Madani, Cairo, 1317 Ah, pp. 17 - 18.
[20] Abdulrahman Abubakar Al-Suyuti, *Al-Ashbāh wa al-Nadhā'ir,* vol. 1, Dar al-Kutb al-Ilmiyyah, Beirut, 1403 AH, pp. 53 -54.

> The systematic phenomenology of *Tawhidi* (unity of knowledge), as marked by positive complementarities between good things of life and avoidance of the bad things of life is thereby quantitatively the wellbeing functions, subject to the properties of inter-variable indigeneity and inter-variable causality.

Thus, he concludes that:

> In all of these properties, the attributes of wellbeing are characterized by interaction, integration and continuous evolution [that] spans over the multidimensional domains of (knowledge, space and time) in the disjoin cases of God and Bad.[21]

This conclusion, therefore, depicts that human beings are created to live in unison but not in isolation, in peace and harmony not in discord and cacophony. Accordingly, the existence of Nigeria as a conglomerate society is a physical translation of Allah's way of creation and testimony of the human nature of existence. It provides an example of the typical suitability of human life that must be preserved through understanding and constructive engagements. It is for this that the Almighty Allah commands that:

> O mankind! Behold, We have created you into nations and tribes so that you might come to know one another. Verily, the noblest of you in the sight of Allah is one who is the most deeply conscious of Allah (Qur'an 13:49).

In another verse, He (SWT) says:

> O mankind! keep your duty to your Lord who created you from a single soul and created its mate of the same [kind], and then created from them multitudes of men and women. And keep your duty to your Lord by whom you demand your rights of one another, and [observe] the ties of kinship (Qur'an 3: 103-105).

The above-cited verses implied that human beings are created in the image of multiplicity and pluralism. The main purpose is to recognize differences and engage with one another to gain an understanding of values ranging from inner abilities, talents, a manifestation in race, religion, language and culture. It is generally clear from this that Islam calls for unity of the human race through active efforts to gain a deep understanding of the differences that exist among them. By this, differences in religion, tribes and languages across the regions of Nigeria are by no means a reason for division and disintegration but an inevitable basis for identity and recognition of unity and strength. The benefits of this could come apparent by a cursory glimpse

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[21] Masudul Alam Choudhury, "Wellbeing Objective Criterion (*Maslaha*)", Masudul Alam Choudhury (ed.), *The Tawhidi Methodological Worldview: The Transdiciplinary Study of Islamic Economics,* Springer Nature Singapore Pte Ltd, Singapore, 2019, p. 49.

into Imam al-Zahabi's account of the Prophetic history during the early days of Islam. It began as a minority and remained so until when it fully recognized the reality of its environment, and within a few years of its active engagements through *jadal* (persuasive method of engagement) with the other sections of its environment and followers of other religions such as the Christians, the Jews and the Zoroastrians, it turned out to be the most prosperous nation, politically matured, militarily powerful and intellectually great.[22]

Consequently, the calls for division and disintegration by different groups and regions in Nigeria would not be of benefit to any other than harm. It will harm people by creating separation among clans across regions and tribes, as it will untie the bond of friendship that existed for centuries and saw a seed of hate and abhorrence. If such division is allowed to occur, it would lead to rivalry for economic and political hegemonies. Similarly, the political and military influence that Nigeria had long enjoyed in the world community, would soon be vanished once it disintegrated into smaller groups and regions as it would become prone to internal and external aggressions. However, based on the principles of *Maṣlahah,* Nigeria must by no means sign its disintegration, particularly taking into consideration the command of the verse where the Almighty Allah says:

> And obey Allah and His Messenger, and do not dispute and [thus]
> lose courage and [then] your strength would depart; and be patient.
> Indeed, Allah is with the patient (Qur'an 8:46).

2) The Benefits of the National Consultative and Reconciliation Forum for Social Integration in Nigeria

It is obvious to every discerning mind that if the impending threat to national disintegration is allowed to occur, no doubt, there would be great harm that could come to individuals, communities and the country as a whole. However, looking at the nature and sensitiveness of the factors calling for social disunity, the Islamic principle of *Maṣlahah* in a form of *Shura* (consultation) can be employed to manage the situation. *Shura,* as such, is not only an Islamic principle but also a viable political tool used in handling social unrest emanating from fermentation. Thus, the Almighty Allah gives a vivid description of this where He says:

> And those who have responded to their Lord and established prayers
> and whose affair is [determined by] by consultation among

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[22] Shamsudeen Muhammad Al-Zahabi, *Tarikh al-Islam wa Wafayāt al-Mashārīh wa al- 'Alām: Al-Maghazi,* Dar al-Kutb al-Arabi, Beirut, 1990, pp. 32 -38.

themselves, and from what we have provided them, they spend (Qur'an 42:38).

In the above verse, consultation is an important social pillar, and to conduct the affairs of collective life without consultation is not only tantamount to the violation of the rules of Allah but also a gross act of injustice, which contradicts the basis of *Maṣlahah.* It is also clear that the Prophet was once commanded thus:

> So, by mercy from Allah, [O Muhammad], you were lenient with them. And if you had been rude [in speech], and harsh in heart, they would have disbanded from about you. So, pardon them and ask forgiveness for them and **consult them in the matter.** And when you have decided, then rely upon Allah. Indeed, Allah loves those who rely upon Him (Qur'an 3:169).

By this, Muslims are commanded to resort to *Shura* (consultation) for any press social issue that is not addressed by the Qur'an and *Sunnah.* It is for this that Al-Muwardi maintains that it is binding upon political leaders to always consult and incline to what is generally agreed to be beneficial and to avoid that which is perceived to be harm or choose that which is believed to be a lesser harm thereof.[23] Although, the modalities of the consultation or means through which those to consult is not given by the Qur'an or *Hadith* of the Prophet (SAW). Moreover, due to the critical role of consultation in the prevailing social condition, modern scholars have traced certain steps from the historical antecedents of the Prophet and that of his Companions (RA) on the areas of its necessity and the qualities of those to select for consultation. Thus, Ibn Abdulaziz comments that: "consultation and debate are key to reaching an unflinching resolved and determination". Based on this importance, they argued on the modalities of constituting a forum for consultation and the requirements needed in the person to be chosen for consultation. On the modalities, they resolved that it is an issue that cannot be prescribed by a particular rule but is guided by the social and political practice of people at a given place and time. Nevertheless, they differed on the requirements needed in a counselor. The Majority of scholars are on the opinion that whoever serves as a counsellor must be a male, a Muslim and knowledgeable. Some of them, particularly, Al-Mawardi[24] and Abu Ya'la[25], added that he must be just, knowledgeable and must not narrow-minded. To clarify this, Mutawalli argues that despite the importance of requirements highlighted by scholars, they cannot be considered necessary since they are not sanctioned by any religious and legal principles but purely

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[23] Aliyu Muhammad Al-Muwardi, *Adab al-Dunya wa al-Din,* Dar al-Iqra, Beirut, 1985, p. 308.
[24] Aliyu Muhammad, Al-Muwardi, *Al-Akham al-Sultaniyyah,* Dar al-Hadith, Cairo, 2006, p. 16.
[25] Muhammad Ibn al-Husain, Al-Fira', *Al-Ahkam al-Sultaniyyah,* Dar al-Fikr, Beirut, 1994, p. 23.

determined by the socio-political condition of a people constituting them.[26] It could be concluded that if these are the arguments of the scholars concerning *Shura,* the primary goal of any consultation is to determine what is the most beneficial between two or more alternatives and to remove evil or select the lesser of the two evils.

On the above, there is an emergency need for a national consultative forum to be constituted to discuss the issues to save Nigeria from the threat of disintegration. Moreover, there were attempts by previous governments in that direction whose recommendations are said to be biased or politically motivated. The one to be constituted must conform to all the requirements and conditions put in place by scholars to be able to exhaustively determine the *Maṣlahah* for what a united Nigeria could mean to everyone. It is necessary, therefore, that people to be selected must consist only of those with impeccable integrity and impartiality and who are experienced in the field of managing crises and conflict resolution. Al-Qurtabi hinted that when selecting counsellors, there must be no compromise to the certainty of the knowledge of the people to be selected on the issues they are to deliberate upon.[27] Thus, Ibn Khaldun added that apart from the above-listed, equal representation of regions and tribes can also be considered.[28] This is to ensure that the *Maṣlahah* (the best interest) of each region can be guaranteed.

3) Addressing the Pressing Social Problems of the Nigerians for National Integration

The primary responsibility of any government to preserve the *Maṣlahah* of the citizenry in all aspects of their life. This is normally possible through creating policies that would ensure social security to earn public confidence. When government fails to make policies that would improve people's standard of living there will be unemployment, a high rate of inflation and a collapse of the security architect of the state. If this situation persists, people will lose confidence in the government and that would give room for protests and agitations.

Still, one would argue that the Nigerian social reality indicates that there is a variance of what the government is saying to have achieved with its policies in the socio-economic and security well-being of the people. The failure of the government, both at the state and federal levels, to make tangible success in the socio-economic aspect of the people led to a high rate of unemployment among youths, excessive hike in the price of commodities and a long overdue

[26] Abdulhamid Mutawalli, *Mabādi ᶜNizam al-Hukm fi al-Islam ma ᶜa al-Muqaranah bi al-mabadi ᶜal-Dasturiyyah al-Hadith,* pp. 247.
[27] Muhammad Ahmad Al-Qurtabi, *Al-Jami ᶜLi Ahkam al-Qur'an,* vol. 4, Dar al-Sha'ab, Cairo, 1272 H, p.250
[28] Abdulrahman Ibn Khaldun, *Al-Muqaddimah,* Dar al-Qalam, Beirut, 1984, p. 224.

monolithic economic system.[29] These were compounded by issues of massive corruption and nepotism among those entrusted with piloting the affairs of the state. The absence or lack of political will to address these social maladies has led people to lose confidence in the government to protect their lives and properties. This is seen as the major reason why certain regions and groups are calling for division and disintegration of Nigeria.[30]

Nonetheless, Islam, according to Shamsuddin, is a divine religion that has made man and his social well-being its primary concern. It commands governance and makes human social well-being the sole responsibility of any responsible authority. In Islam, social well-being is only possible when the government not only provide the five essential values called *al-daruriyat al-khams* but also protects them.[31] This includes the protection of religion, life, intellect, lineage and property. On this, one would suggest that the Islamic system of social justice can be embraced in solving the social issues bedeviling Nigeria. The merit of the scheme is generally aimed at providing the following:

a) Protection of the fundamental human rights of every citizen.

b) bringing into existence a perfect society.

c) Social equality through enacting proper legislation and combating poverty, security, ignorance, fear and degradation.

d) Protecting people against any security threat.

e) Enacting principles that are flexible and applicable for effective social change and civilizational progress per the tents of Islamic principles and social values.

f) Combating unnecessary luxury and extravagance whether in war or peace, and

g) It keeps the actions of a ruler within the will of the people not just a small group of the elites.[32]

If Nigeria can borrow from this Islamic scheme and apply its principles to manage the crises it is internally facing, it would solve all the social problems threatening its cohesion and hampering its national unity. Additionally, the principle of Islamic social justice will allow

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[29] Exekiel O. Akpan, "Contemporary Socio-economic Challenges and Youth Vocational centres: Implication for Nigeria's Development, *An International Journalof Arts and Humanities,* vol. 2, No. 2, 2013, pp. 55 – 72.

[30] Gerald Mcloughlin and Clarence J. Bouchat, *Nigerian Unity: In the Balance,* US army War College Press, Califonia, 2013, p. 31.

[31] Muhammad Mahdi Shamsiddin, *Nizam al-Hukm wa al-Idarah fi al-Islam,* Al-Mu'assassah al-Dauliyyah Li al-Dirasat wa al-Nashr, Beirut, 1991, p. 19.

[32] Ahmad Hassan, "Social Justice in Islam", *Islamic Studies,* vol. 10, No. 3, 1971, pp. 209 – 219.

Nigeria to mitigate the socio-economic inequalities existing among individuals and regions and will improve its social security as well.

D. Conclusion

Nigeria as a multi-conglomerate society stands to benefit from its numerous diverse natures. Instead, it is faced with challenges that placed it in the vulnerable position of internal crisis or at worse disintegration. Though, several factors were counted as reasons for that, ethnicity, religious and cultural diversity, amalgamation, corruption, bad governance and insecurity can be seen as the major issues at stake. Yet, one cannot dismiss the fact that the failure of the successive Nigerian governments to deal decisively with these issues brought it to this dire state, and until something is done to save it. Nigeria will face the most heinous upheaval in the history of its existence. Thus, the best process that can handle the situation, as seen by this writer, depends on the proper application of the *Shari'ah* principles of *Maṣlahah.* This has arrived from the belief that the hallmark of *Maṣlahah* is to preserve benefit or increases it and to prevent harm or reduce it. On this fact, Nigeria is destined to benefit more than to allow itself to disintegrate, particularly when one takes into consideration the purpose for which human multiplicity is aimed to achieve through constructive engagement. Moreover, division can only set a path of harm, the nature of which can never be determined. Yet, the two principles of *Maṣlahah* discussed in this paper*,* which are *Shura* and *Adalatul ijtima'iyyah* can prevent that from happening. The former can be in a form of a national consultative forum, and unlike the earlier conducted, all required conditions must be taken into consideration. The latter should be in a form of legislation and programmes that would address the social problems bedeviling individual Nigerians and their communities.

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