

Chapter 6 Part V  
Glossary of Islamic Technical Terms Used in the Judgments  
and Elsewhere in this Work

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*alfasha*. Immoral acts disapproved by Islamic law.

*al-siyasa al-shar'iyya*. Literally sharia of politics/policy, but more technically “administrative law” or ordinances of government.

*azɓani*. Hausa for the Arabic *ẓani* q.v.

*diyab*. Blood money payable in respect of either homicide, wounding or assault, should the injured person, or his heirs in cases of homicide, agree to forego retaliation in kind (*qisas*) and accept *diyab* instead. The amounts payable for various types of injuries have been worked out in detail by the Muslim jurists and are specified in the Sharia Penal Codes adopted in Nigeria.

*fatwa*. Religious ruling on a particular issue given by an Islamic jurist.

*fiqh*. Science of application of Sharia or Islamic jurisprudence or legal doctrine. Compare *usul al-fiqh*. An expert in *fiqh* is a *faqih* (pl. *fuqaha*).

*hadd* (pl. *hudud*). Literally, boundary or limit. The limits or bounds laid down by law. In the criminal law, it means an unalterable punishment prescribed by Allah for certain specific offences, namely, in Maliki law, *zina*, *qadhf*, *sariqah*, *shurb*, *hirabah* and *ridda*. The punishments for these offences are regarded as the right of Allah, so that once an accused has been duly found guilty of the offence, the punishment may not be waived or commuted by anyone else, including the victim.

*hadith* (pl. *ahadith*, although in this work ‘hadiths’ has been used). A narrative or report of deeds, sayings and approvals of the Prophet Muhammad (SAW).

*halal*. Permissible in Islamic law or Sharia. Compare *fard* or *wajib* (obligatory), *mandub* (commendable), *makruh* (reprehensible or abominable) and *haram* (forbidden).

*haram*. Forbidden by Islamic law or Sharia. Harmful. Evil. Compare *fard* or *wajib* (obligatory), *mandub* (commendable), *halal* (permissible), and *makruh* (reprehensible or abominable).

*hirabah*. Armed or highway robbery or banditry. It belongs in the category of *hudud* offences.

*hukm* (pl. *ahkam*). In jurisprudence, this means a rule or ruling, such as a command or a prohibition, as provided for in the Qur'an or the Sunnah, or derived by the process of *ijma*. It has also come to mean the final sentence of a judge.

*ibadat*. That part of the Sharia which regulates matters of religious belief and worship.

*i'izar*. Hausa for the Arabic *i'dbar*. Opportunity provided by the judge to the party against whom evidence is introduced during trial to challenge that evidence.

## GLOSSARY OF ISLAMIC TECHNICAL TERMS

- ihṣan*. The state of being a freeborn, sane, adult person who is or was a partner in a lawful marriage, lawfully consummated, with a person who is (was) also in the state of *ihṣan*.
- ijma*. Consensus of opinion. Technically, it is the consensus of Islamic jurists – whether within a period of time after the death of the Prophet (SAW) or during some other period – on a point of law.
- ijtihad*. Literally, exertion, striving or struggle, and technically the effort a jurist makes to deduce the law from its sources. It is the effort invested in interpretation according to a prescribed methodology.
- ikirari*. Hausa for the Arabic *iqrar*: acknowledgement, admission or confession of having done some wrongful deed, whether made in or out of court, formally or informally.
- imam*. The leader of *ṣalāh* – congregational prayer or worship.
- iman*. Faith; belief in the existence and omnipotence of Allah, the Prophets, the angels, the hereafter and predestination, whether for good or ill.
- in ṣha Allah*. Literally, Allah willing. Common phrase usually invoked by Muslims when making undertakings, promises or commitments. It underlines the centrality of Allah in the schemes of Muslims.
- isnad*. The chain of transmission of a hadith, beginning with the person who witnessed the saying or act of the Prophet in question, up to the one who wrote it down.
- madhab* (pl. *madhabib*). A school of *fiqh*, that is, a school of Islamic jurisprudence. There are four main Sunni *madhabib*: Hanafi, Maliki, Shafi'i and Hanbali. The one most widely followed in Nigeria is the Maliki.
- mu'amalat*. "Transactions": that part of the Sharia which regulates the conduct of Muslims in social life and defines their duties towards other members of society. It is from this part of the Sharia that the body of rules enforced in the courts is drawn.
- mubṣin*. A man (or *mubṣinat*, woman) who is in the state of *ihṣan*.
- mukallaf*. A person having full legal and religious capacity; that is, legally liable for all kinds of obligations or duties.
- munkar*. Forbidden, strange or evil acts under Islamic law.
- qadhf*. Literally, calumny or defamation. Technically, it means the *ḥadd* offence of an unfounded allegation or accusation of *zina*.
- qisas*. Retaliation in kind: an eye for an eye, a tooth for a tooth, etc. The legal sanction in cases of homicide and wounding, unless waived in favour of either *diyyah* or complete forgiveness by the decedent's heirs or the wounded party.
- qiyas*. In its ordinary dictionary meaning, *qiyas* means, 'to guess', 'to estimate', 'to measure', or 'to compare'. In Islamic jurisprudence, *qiyas* means reasoning by analogy: the extension of a rule established by the texts to new circumstances on the basis of a common underlying cause, by means of analogical deduction.
- rajm*. Lapidation; stoning to death. The fixed punishment for *zina* committed by a person who is *ihṣan*.
- ridda*. Apostasy from Islam; in Maliki law one of the *ḥudud* offences.

*sariqah*. Theft; one of the *hudud* offences. *Sariqah* is specifically forbidden in the Qur'an and its commission may attract the *hadd* punishment of amputation of the hand.

*SAW*. *Sallallahu alaihi wasallam*: "May the blessings of Allah be upon him"; used when the Prophet is mentioned.

*shubha*. Uncertainty regarding the unlawfulness of an act; doubt.

*shurb*; *shurb al-khamr*. Drinking wine, and by implication, any alcoholic beverage.

*sunnab* (pl. *sunnan*). Literally, a form or pattern. The customary practice of a person or a group of people. It has come to refer almost exclusively to the practices of Prophet Muhammad (SAW) as disclosed in the Hadith.

*SWT*. *Subhanahu wa ta'ala*: "Glory be to Him"; used when Allah is mentioned.

*tubuma*. In Hausa: suspicion; interrogation. Cf. the "oath of *tubuma*": the oath offered to an accused upon an unproven allegation, by which he may swear to his innocence; sometimes called "oath of innocence".

*urf*. Literally, that which is known. The recurring practices that are acceptable to people of sound nature. It represents those customs of a community, not prescribed by the Sharia, that however do not contravene the principles of Sharia and that are valid and authoritative for that group.

*usul* (derived from 'asl'). Root, origin, source, proof.

*usul al-fiqh*. The part of Islamic jurisprudence which is concerned with understanding the sources of Islamic law, their order of priority and the methodology and procedure to be employed for deriving specific legal rules from the Qur'an and Sunnah.

*wakil*; *wakili majauwali*. Representative.

*zani*. A man (or *zaniyah*, woman) who has committed *zina*.

*zina*. Unlawful sexual intercourse, that is intercourse outside the bounds of a lawful marriage. One of the *hudud* offences.

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