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HUMAN RIGHTS JURISPRUDENCE UNDER ISLAMIC LAW: A CRITICAL REVIEW OF CONTENDING CONCEPTIONS

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ABSTRACT

Recent Islamic resurgence in Nigeria has provided a sufficient impetus for a sustained reflection on the nature of the relationship between Islam and human rights idea. The most recent of these impulses is the manifest antipathy exercised by some Islamic fundamentalist sects toward non-Muslims, especially Christians. At the time of composing this essay, Christians in the north were given an ultimatum to either vacate within very few days or face attacks. This is only subsequent to numerous occasions of bomb detonations that have claimed thousands of mainly non-Muslim lives and destroyed property worth a huge amount of money. It is therefore held no longer enough for Islam in Nigeria to adopt Sharia criminal justice system, or to engage in full blown proselytism in utter violation of human rights of non-Muslims. Waging a violent jihad is now seen as the more efficient methodology to reach the logical conclusion of the Islamic fundamentalist agenda. This Nigerian scenario is however a mere modicum of what obtains in many parts of the world today. It has therefore become necessary to engage in a more fundamental discussion on the Islamic attitude to human right philosophy generally. This paper critically reviews the conflicting opinions on the subject and draws a response.

Keywords: Human Rights, Islamic Law, Jurisprudence, Nigeria, Sharia