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“ISLAMIC LAW AND THE WOMAN’S AGENCY”

By

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Great Students of the University of Ilorin, in particular Students
of Faculty of Law,
Distinguished Invited Guests,
Distinguished Ladies and Gentlemen.

Preamble

I feel highly honoured and privileged to be allowed to present the 274th Inaugural Lecture of the University of Ilorin. It is the 5th from the Department of Islamic Law, the 1st by a female member of the Department and therefore also the first by a sitting female Head of the Department of Islamic Law. The title of this inaugural lecture builds and seeks to answer a poser that I crafted a little over 12 years ago, when I completed my doctoral thesis at the University of Nottingham, UK, entitled ‘**The Right to Inheritance under *Shar‘ah* and International Human Rights Law**’. The title of the poser was, “*Islamic Law for Men? Or for Everyone? The Dilemmatic Question of a Muslim Woman*” which was discussed at a seminar at the University of Edinburgh, UK, organised by the co-supervisor of my thesis,

Prof. Hugh Goddard. That was the first public presentation of some of the output of my research, and certainly it was an experience that I will never forget. The poser was a spin-off from an older question from a narrative that I had gotten as a challenge from my late father, Dr. Abduljelil Adebayo Amoloye (May Allāh continue to repose his soul amongst the Faithful, *Allāhumma Āmin*). His opinion was always that Muslim women needed to acquire the necessary classical Arabic language education to participate effectively in contemporary Islamic law or Islamic studies scholarship. He argued that most of the existing interpretations and application of Islamic law were such that any critical minded and deep-thinking Muslim woman may 'legitimately feel disconnected' from Islam and its law.

He concluded that several of the existing interpretations, particularly around Islamic Personal Law (on family and interpersonal relationships) often depict the existence of women as merely to serve the interests of men. His continual stance that women are not 'appendages', 'objects' or merely 'helpers' of men and refusal to explain to me what the alternative narrative should be was and continues to be my greatest impetus for the pursuit of a career in Islamic law as a woman. One such occasion fresh in my memory from my childhood was him reading a book written by a woman, where the writer had isolated for possible fabrication some texts in the Hadith literature using the recognised methodologies in Hadith studies (*'ilm al-Hadīth*) because they were discriminatory of women contrary to what is known of the character of the Prophet of Islam, Muhammad (SAW). I remember neither the name of the author nor the title, but I still remember my father's words – 'You women need to acquire the necessary education just like this author so that you can better understand your obligations to Allāh and stop men as your 'intermediaries' between you and your Creator.'

I got to understand the implication of my father's words for the application of Islamic law generally many years after his death in 2006. This realisation is the fulcrum of the message of my lecture today.

Conceptualisations

Mr. Vice-Chancellor, ladies and gentlemen, it is important to set the tone for this lecture by putting the three terminologies contained in its title – ‘Islamic Law’, ‘the Woman’ and ‘Agency’- in their appropriate contexts. While the discussions presented below are not, and cannot be exhaustive of the subject matters to which each section relates, I hope they will help the reader to better understand the fresh narrative that the lecture will recommend regarding the interpretation and application of Islamic law in our contemporary era.

a. **Islamic Law**

It is often a herculean task to find a universal definition for a widely understood concept. Islamic law is one of such terms, where we can generally agree on an understanding of what we mean if we also agree that we cannot agree on a common definition. Thus, it is very useful in trying to explain what Islamic law is, to start by trying to explain what it is not. In the first instance, Islamic law is not simply *Shar‘īah* in Arabic. *Shar‘īah* literally translates to mean “a well-trodden path” or “a path to a resort where drinking water is fetched” (Amoloye, 1986 & 2000). Technically, it is described as the ‘highway of divine command’ in Islam (Gibb, 1962) including but not limited to matters of law (**Amoloye-Adebayo**, Hamzat-Umar, & Olohungebebe, 2025). Islamic law is also not simply *Fiqh* in Arabic (**Amoloye-Adebayo**, 2012, 2019, 2020 & 2022). *Fiqh* literally translates as ‘understanding’ or ‘discernment’ and technically describes the science of the knowledge and understanding of the technical rules of *Shar‘īah* (Kamali, 2008) for the purpose of human enactments. For the purpose of this lecture, it suffices to simply state that Islamic law is the amalgamation of *Shar‘īah* and *Fiqh* as both the divine and human component of the law. Thus, Islamic law is the law of Islam that originates in *Shar‘īah* textual authorities of *Qur‘ān* and *Sunnah* (Traditions of Prophet Muhammad, SAW) as understood, interpreted and applied by scholars and jurists as *Fiqh* (**Amoloye-Adebayo**, 2012).

Thus, I answered the first part of the poser, that is ‘*Islamic law for men?*’ in the negative that ‘No, Islamic law is

not for men’ but ‘Yes, it is for everyone’ which resolves the second part of the poser in the positive. This is self-evident, because if we agree that Islamic law is the law of Islam, then Muslims as the main but not the only subjects of this law are **men and women.**

b. **Agency**

Once more, the discussion begins on the notion of what ‘agency’ is not. In contemporary discussions about women generally, two terminologies immediately come to mind: feminism and gender. However, agency is not about feminism or gender. The distinction is being stressed because both terminologies emerged in reaction to the theory of male dominance in life experiences, whether perceived or actual. For example, the term feminism is a French coinage by Hubertine Auclert in the late 1880s (Badran, 2009). Auclert, in her journal *La Citoyenne*, used the term ‘feminism’ to criticise male dominance and argue for the protection of women’s right and emancipation as promised by the French Revolution. Regardless of its French origin, I agree with Margot Badran, who is one of the world’s foremost experts on the subject that ‘feminisms are produced in particular places and are articulated in local terms’ (2009, p.243). Thus, Nigerian feminism is not English nor is Egyptian feminism French. Often, feminist movements are located in liberation and religious reform movements that are contextually relative even where they share the common goal of the emancipation of women and protection of their rights.

Feminism, however, became political labels of various brands from radical feminism to relative feminism, secular feminism to religious feminism or even geographical like American feminism, African feminism, Asian feminism and so on. In my opinion, several feminist positions and ideologies later on, lost connection with their authentic base – namely; the protection of women’s rights (**Amoloye-Adebayo, 2016**). Because of the obsession with the notion of ‘male superiority’, several feminist arguments later became about the replication of the life experiences of men in the lives of women rather than

creating women who are self-aware of feminine power (**Amoloye-Adebayo**, 2016). So, it is not that I disagree with the historical background that led to the birth of feminism as a women liberation movement and its authentic goal – the protection of women- because as I shall attempt to demonstrate in this lecture, the protection of women occupies a centre place in Islamic law. But I disagree with some feminist arguments that seek to equalise the female and male life experiences- biologically, physiologically and psychologically, women are different from men and men from women.

Agency is also not about gender. Gender has been described as a social construct regarding societal roles for men and women which is also an analytical tool developed by women liberation movements (Badran, 2009 & Ahmed, 1992). What is problematic about gender, however, is the shifting terminologies (**Amoloye-Adebayo & Abdurraheem-Mustapha**, 2019) and their subjectivity (**Amoloye-Adebayo**, Hamzat-Umar, & Olohunbebe, 2025). By subjectivity, I mean the terminologies have continued to vary from one individual to another not necessarily from one society to the other. Thus, not only do we have terminologies such as gender roles, gender bias, gender sensitivity, gender equality, gender equity, and then to gender justice. Gender is so fluid so much so that it can be self-ascribed and not necessarily tied to biological presentation of the human person – She/him and he/her appellations as well as cisgender and transgender. There are also terminologies such as gender dysphoria, gender insensitive, gender neutral, gender phobic and so on. It all began about the protection of women rights (Badran, 2009), but we can generally agree that it is no longer simply about that. Because of the problems of goal misalignment and confusing terminologies, I argue that the term ‘agency’ better describes the goal of feminism and gender studies. That is, if we agree that this goal is to ensure that women are self-aware without seeking to define or redefine what is already **definite** and **explicit** in nature, and that the protection of women’s rights is about the protection of humanity generally as a fact of creation and material existence. What then is agency?

Agency ‘refers to a person’s autonomous control over his or her actions — but also much more than this, including a sense of what individuals can accomplish themselves and the responsibility or ownership over one’s actions’ (Sokol *et.al.*, 2015). Agency is about an individual’s lived experiences made up of intuition and strategic reasoning (Haidt, 2013) that contributes to the constructions of personal and collective narratives about life generally (Amoloye-Adebayo, 2025). Historians summarise history in two words: challenges and reactions. In other words, when we read history, we read stories of human challenges and how they were surmounted. Gender experts have contended that even the word ‘history’ is formed from two words indicating gender bias: *his* story! So, what about *her* story? For instance, there is Aziza Al-Hibri’s ‘A Study of Islamic Herstory: Or How did We ever get into this Mess?’ (1982). Vice-Chancellor sir, permit me to say that the history of the interpretation and application of Islamic law in our present time has largely been about your story, not about mine, for example, as I will try to demonstrate soon. But that is on a lighter note! On an academic note, I argue that narratives based on half reportage presents a skewed historical account that misinforms the latter generation.

c. **The Woman**

According to Sadatmoosavi *et. al.*, (2017), the woman is the other half of creation, the opposite of the man. To Hassan (1987), the woman is neither superior to the man nor inferior to him. It is important to state that these categorical assertions are in response to popular narratives, specifically Judeo-Christian and Islamic narratives of origin of creation of human beings that depict women as inferior, based on the perspective that women were created *from* men and *for* men (Sadatmoosavi *et. al.*, 2017). To explain this more clearly, the notion is that the woman is created from the rib of the man. This narrative conceives the creation of the woman, therefore, as an afterthought and appendage to the creation of the man. Thus, the woman is to merely be the man’s ‘helper’ as she lacks autonomous mandate

and must help in the fulfilment of the male mandate (Sadatmoosavi *et. al.*, 2017). Riffat Hassan, the now retired 82-year-old female, Pakistani American Professor Emerita of Religious Studies, University of Louisville, Kentucky US had argued that any description of an inferior creation of women (namely, from the ribs of men) in Islam is a fabrication influenced by Judeo-Christian teachings, which was imported into early Islamic tradition (Hassan, 1987). Even though Hassan's work, being specifically referred to in this section, was published close to four decades ago in 1987 entitled '*Equal Before Allāh? Women-Men Equality in Islamic Tradition*', her intellectual activities, activism and research outputs continue to reflect this point of view to date.

To ascertain the Islamic law position on what, for ease of reference, I now call the 'rib theory' in the creation of women, I think Hassan (1987) is correct in her assertion that the Qur'ān emphasises a single source for the creation of men and women thus- '*O People! reverence your Guardian-Lord, who created you from a single being . . .*' (Q4:1). However, I am unable to agree with Hassan that the rib theory is fabricated in Islam. This is because not only does the Qur'ān itself allude to this fact, but there are also references in the Tradition of Prophet Muhammad (SAW), which combines with the Qur'ān as the final authorities for Islam and its law, to the first woman having been created from the rib of the first man (On Them Both Be Peace of Allāh). Again, I am not persuaded by Hassan's (1987) argument that relevant Prophetic reports that support the rib theory in Islam have weak chains of transmission being opposed to the account in the *Qur'ān* and that they are fabricated attributions to Prophet Muhammad (SAW).

Mr. Vice-Chancellor, I use this rib theory in Judeo-Christian and Islamic traditions and a critical minded Muslim woman's reaction to it (a Professor Emerita) to recall the mind of the audience to my father's challenge to me, as I earlier stated in the introduction to this lecture. As I said, I did not understand what my response to the challenge should be and he refused to guide me. I now understand his refusal- he did not want to

influence my natural response and wanted me to develop it myself. In a manner of speaking, he was trying to activate my agency. With an activated agency as a woman, I came to the realisation that when Islam and Islamic law positions are interpreted by men and a woman feels disconnected and disenfranchised, denying the textual bases of those interpretations and the authenticity of cited texts is not the only available course of action for that woman. It is even inappropriate where such denial is unrealistic and against empirical evidence as in Hassan's (1987) case. The woman must understand and appreciate that in Islamic law, the textual provisions do not speak *to* and *for* men alone: they address both men and women. Therefore, as men are entitled to their understanding of the duties and rights that a set of provisions in the text create for them, the women are also equally entitled to their own understanding. These two perspectives must then dialogue in God's name and by His Consciousness as provided in Q4:1 that '*. . . [R]everence Allāh, through Whom ye demand your mutual (rights)....*'

This is the reason why I must quickly restate here an important distinction between feminist arguments, gender theories and the concept of agency in relation to the woman in Islamic law. I argue from the definitions I have given earlier that agency is about self-awareness for self-actualisation based on independent and, therefore, original cognitive abilities of women based on relevant textual sources – in this lecture, I mean the sources of Islamic law. That is to say, a woman understanding herself as a woman, as defined in authoritative sources and not in reaction to perceptions of male domination and superiority theories to create competitive and confusing paradigms of discussion and interaction as most feminist and gender studies are all about. That is why most feminist propositions and gender arguments on Islam, Islamic law and women have failed to persuade most Muslim women in whose favour they have been propounded, as they are often regarded as foreign and inauthentic (**Amoloye-Adebayo, 2025**).

To briefly resolve the rib theory for my conceptualisation of a woman in this lecture, I believe that even though the Qur'ān emphasises a single source for men and women, as we know ourselves today and as Hassan (1987) correctly cited above, the Qur'ān did not stop at that point. It goes on to state: '*O People! reverence your Guardian-Lord, who created you from a single being and created **from it, it's mate** and spread from these two, many men and women . . .*' (Q4:1; Q39:6). In addition, *Abū Hurayrah* (May Allāh Be Pleased with Him) who is one of the companions of Prophet Muhammad (SAW) and an authoritative transmitter, according to the rules in the Science of Traditions (*'ilm-ul-Hadīth*), narrated the following statement from the Prophet (SAW):

Treat women nicely, for a woman is created from a rib, and the most curved portion of the rib is its upper portion; so, if you should try to straighten it, it will break, but if you leave it as it is, it will remain crooked. So, treat women nicely. (*Sahih-al-Buhkarī* 3331, Book 60, Hadith 6).

In the Science of Qur'ānic Exegesis (*'ilm al-tafsīr*), prophetic tradition is the most authoritative explanation of the verses of the Qur'ān, an authority granted by the Qur'ān itself (Q4:59; Q53:3-6, etc). Thus, the expression in the cited verse '*and created from it, it's mate*' is taken to mean '*created from a rib*' (*Tafsīr Ibn Kathīr*, Vol. 2, 368-369). It is conceded that religious narratives that use the rib theory to justify perceptions of women as 'error' of creation and the very embodiment of all that is 'evil' should understandably be loathed by any right-thinking woman, religious or otherwise. For example, many Jews would read three blessing prayers everyday – '**Blessed is God who created me a Jew and not a woman and illiterate and ignorant**' (*Talmud, Monahut*, 43B). Likewise, I was at an occasion where a popular Muslim scholar (whose name I respectfully withhold) in a sermon stated that women are inferior versions made from men and as a result '**a woman has diminished strength, diminished intellect and diminished religious status (because she menstruates).**' Variant of this notion can also be found in some Biblical verses where the

woman is blamed for **the original sin and the fall from paradise** (Genesis 3:1-14; 16:23). Against this background, one may understand where Muslim women scholars such as Riffat Hassan and Amina Waddud may be coming from in seeking to challenge narratives of woman inferiority that adopt Islamic texts.

Mr. Vice-Chancellor, this lecture is not a validation of any narrative of inferiority of women by acknowledging the textual bases of the rib theory in Islam. I have stated quite categorically and emphatically that narratives of women inferiority are dangerous because they seek to dehumanise women, rob them of agency and legitimise the channels of perpetration of violence against women (**Amoloye-Adebayo** 2016, 2023 & 2025). The question that begs its answer at this point is that why do we even need to empirically analyse facts of creation to disprove claims of inferiority or superiority? Regardless of the ingredients of creation, only the Creator (Allāh SWT in Islam) can scientifically prove the inferiority or superiority of one creature in relation to another. The man who was himself created cannot claim that a 'rib' that was removed from him to create a like person is proof of that other person's inferiority. How can he prove that the 'rib' was not the most sophisticated, constitutive and defining element of his own creation? As a woman, I do not find also the prophetic tradition that compared women to the crookedness of the topmost part of the rib bone as derogatory or perfunctory. I think it speaks to the very delicate, intricate, exquisite, enigmatic and graceful nature of women as divine vessels of procreation (Q4:1; Q3:6, etc), which is why the tradition started and concluded with the direction to 'treat women nicely.' Again, Allāh praises Himself as the Originator of creation and the One who repeats it (Q30:11) without the need to keep returning to basics, perhaps the crude and unrefined form? At any rate, the Qur'ān is quite unequivocal about claims of superiority based on nature of creation in the provision that: *'The similitude of 'Isa (Jesus) before Allāh is as that of Adam; He created him from dust, then said to him: "Be. And he was".'* (Q3:59).

Mr. Vice-Chancellor, ladies and gentlemen, permit me to conclude this important section on the statement of two established facts in the Qur’ān as the bedrock of Islam and Islamic law- firstly, the woman is the human complement of the man and vice versa, like two sides of the same coin; one of a pair without which the other is not whole! The fact of creation generally in pairs as an ontological and metaphysical fact of existence is stated in the Qur’ān in many places such as Q36:36: *‘Glory to Allāh, Who created in pairs all things that the earth produces, as well as their own (human) kind and (other) things of which they have no knowledge.’* Secondly, that the woman’s agency is as indispensable as much as the man’s agency. Although both men and women are expected to be comrades in the aid of one another for both material and spiritual success, the woman has her own mandate *of* and *for* existence. This mandate is not dependent on that of the man. If this were not to be so, then the woman must succeed or fail legally, spiritually and materially, if the man succeeds or fails on those indices as well. However, amongst several places in the Qur’ān, where the doctrine of individual accountability, temporally and spiritually, whether male or female is established include Q80:34-37; Q74:38, Q39:70; Q4:32 and so on, even as it is specifically stated in Q66: 10-12 that:

Allāh sets forth, for an example to the Unbelievers, the wife of Noah and the wife of Lot: they were (respectively) under two of our righteous servants, but they betrayed them, and they profited nothing before Allāh on their account, but were told: “Enter ye the Fire along with (others) that enter!”

And Allāh sets forth, as an example to those who believe, the wife of Pharaoh: Behold she said: “O my Lord! Build for me, in nearness to Thee, a mansion in the Garden, and save me from Pharaoh and his doings, and save me from those that do wrong.

And Mary the daughter of ‘Imran who guarded her chastity; and We breathed into (her body) of Our spirit; and she testified to the truth of the words of her Lord and of His Revelations, and was one of the devout (servants).

Now, will it not be highly unfair if a woman who can be used as a divine example of ‘good’ or ‘bad’ for the entire community of believers or unbelievers, as the case may be, comprised both men and women, not women alone, to be humanly and legally interpreted in mundane matters as ‘inferior’, ‘a mere helper or onlooker’ and lacking in autonomy and agency? I leave the answer to all your imaginations.

Narrative of Experience Underpinning Application of Islamic Law: Single Not Synergy

Vice-Chancellor sir, narrative of experience is very important in the application of any law, especially a religious law such as Islamic law. This is because it is the context that fleshes out the provisions of the law in any social structure, religious or otherwise. It is the combination of the experiences of all individuals as subjects of the law and how the provisions of the law are applied to those experiences. This makes the law to be tangible and perceptive: that is to say recognisable and distinctive (**Amoloye-Adebayo, 2024**). Thus, the rituals of religion such as prayers and religious dresses are observed by adherents of a religion based on provisions in the religious texts. However, these provisions are abstract and can only be perceived and recognised by non-adherents, when carried out by adherents. For instance, non-adherents of Islam will recognise the Muslim woman’s dressing not necessarily by being conversant with the provisions of Islamic law on the matter but from how, in reality, a Muslim woman appears. Hence, people often do not start to learn religion by reference to the text; they learn by reference to existing constructions and practices by religious people, irrespective of how authentic or inaccurate these constructions are (**Amoloye-Adebayo, 2024**). According to Islamic textual provisions, human beings have been created to be ‘copycats’ and to learn from examples, role models and inspiring stories (**Amoloye-Adebayo, 2020**). The human mind is a story monger and story processor because it signals to the brain that ‘this is possible’ (Haidt, 2011). Scholars of Qur’ānic exegesis argue that this is why the Qur’ān is replete with stories, examples, role

models and in fact commends the Messenger of Islam, Muhammad (SAW) as the best enduring example and model for Muslims (Q33:21).

Thus, if we agree that learning religion from existing practice is natural for human beings, we can also understand why blind followership is possible. This point underscores why the authenticity of practice and observance is very primordial. This practice and observance also include, in very significant terms, the activities of the religious leaders, scholars and intellectuals. This importance can be gleaned from the following quotation from an Islamic perspective:

[T]he social and political aspects of Islam in contemporary Africa cannot be fully understood without an understanding of the role of Muslim intellectuals, both past and present. As elsewhere, such intellectuals both reflect and influence the social dynamics of their times. Their literary production, including books, sermons, poems, and public performances are of enormous importance to African Muslims in the ways they understand and practice Islam, how they organize their lives and their relations with others, and how they engage in political and social action' (Muslim Scholars in Africa, African Studies Centre Leiden, 2024).

At this juncture, I would argue that the narrative of experience that makes the application of Islamic law tangible and recognisable has, in contemporary times, been based on a single male narrative instead of a synergy of both the male and female narratives. In other words, the application of Islamic law has been about '*history*' not '*herstory*.' The agencies of the men had been active and dominant with the agencies of women often unheard or non-existent (**Amoloye-Adebayo**, 2025). Accounts of the development of Islamic Law demonstrate from the classical times that this has not always been the case. Historical records show how active women's voices were in the early centuries of Islam and until before the onset of colonialism in Muslim communities across Africa and Asia (Ahmed, 1992 & **Amoloye-**

Adebayo, 2001). Time and space will not allow a more critical review of the cause of the silence of the women's voices and the dominance of the male perspective from the colonial period till date. Suffice for our present purpose is the following observation by Ahmed (1992, pp.148, 165):

Western ideas about Islam derived from the tales of travellers and crusaders, augmented by the deductions of clerics from their readings of poorly understood Arabic texts. . . The travellers' interpretations of what they observed approximated more closely the meanings that the male members of the visited societies attached to the observed customs and phenomena. Male travellers in Muslim societies had extremely limited access to women, and the explanations and interpretations they brought back, insofar as they represented a native perspective at all, essentially, therefore, gave the male point of view on whatever subject was discussed.

By the 18th century, the publications of these travellers called *orientalists* became the authoritative references for discussion in English language of Islam and Islamic law. Since the hitherto colonised Muslim territories were now more conversant with the language of the colonial authorities more than other pre-existing languages such as Arabic (in which the textual sources and classical juristic secondary sources of Islamic law were written) and other native languages, even when woman discussed Islamic law in English, they were discussing only the male perspective. I shall return to this discussion later in section 5. In the next section, I examine some of the examples of the provisions of Islamic law that, in my view, have been popularly understood, applied and challenged within the singular male narrative. In each case, I attempt to offer a female narrative employing the woman's agency in the understanding of the text.

The Man's Agency is Half of Reality, the Woman's Agency is the other Half

Mr. Vice-Chancellor, I discuss this section in three ways. Firstly, by arguing that most of the contemporary interpretation of Islamic law widely applicable anywhere there are Muslims such as in Nigeria are informed by colonial androcentrism. This I will do by stating a practice, describe the textual position(s) and then present the existing male narrative. As I mentioned in the previous section, this is the singular narrative of experience. Secondly, by discussing what has been offered as challenge to this narrative, which I describe as merely reactionary to the singular narrative not capable of creating synergy but competition. It is also often inauthentic and dangerous for the agencies of women, a fact which I shall return to in section 5. Thirdly and finally, by discussing what I call 'the other half of the narrative', the female narrative borne out of the woman's agency as an autonomous entity. To my mind, this narrative, together with the narrative of the man's agency, should create a singular synergetic account rather than double, competing and therefore inauthentic narratives.

For ease of analysis, I will divide the discussion into two main categories. The first is Islamic law and private affairs between men and women comprising essentially issues of marriage and marital relations. The other is Islamic law and public affairs between men and women comprising issues of leadership, spiritual and temporal. These issues are clearly not exhaustive but are offered as sample illustrations. In addition, in some situations, I will not be citing references here. The audience may already be familiar with existing interpretation and the lecture is not to 'spotlight' anyone for what I call one-sided or biased interpretation. This is because these errors are the consequence of our collective socialisation so far as men and women, and my argument is for moving beyond them and not to court antagonism.

A. **Islamic Law and Private Affairs between Men and Women**

An individual is the basic indivisible component humanity. Thus, social interaction starts from two individuals. In Islam, the basic unit of the society is the family comprised of two individuals, a man and a woman. Regulation of private affairs in Islamic law refers to the rules of engagement within the family, where the woman is a wife, daughter, sister, niece, or aunt. In all these roles, the law prescribes divinely ordained obligations and rights that must be observed and enforced to ensure equitable relations. The emphasis on equitable relations is the bedrock of regulations in Islamic law, as provided in Q57:25 that: *'We sent aforetime our messengers with clear signs and sent down with the Book and the Balance (of Right and Wrong), that human beings may conduct themselves with equity . . .'* Significantly, the tradition of Prophet Muhammad (SAW) that *'[t]he best of human beings brings benefit to humanity'* underscores the Islamic ideology of material existence that a person should not adopt selfish, self-centred and self-serving perspectives and positions in their relationship with one another. I argue that the best place to be amongst the best is within the family unit.

This is in fact the Islamic law position on marital relations even if the practice does not always conform with the theoretical aspirations of the law. All historical accounts of the life of Prophet Muhammad (SAW) in relations to his wives are excellent human examples of equitable relations and the best of behaviours. There is no singular account of ill-treatment, self-centeredness or superiority complex in relation to any of his wives in all available historical records (SAW). The extent to which Prophet Muhammad (SAW) would bend over backwards to hurt himself rather than hurt the feelings of any of his wife is documented for posterity in Q66:1 that: *'O Prophet! Why do you forbid (yourself) that which Allah has made lawful for you; you seek to please your wives; and Allah is Forgiving, Merciful.'*

Alas! in several contemporary Muslim marriages, my observation is that the Islamic law standard has been jettisoned. In most situations, men who do not follow the prophetic example expect their wives to be like the wives of the Prophet (SAW). In a few other situations, women who refused to be inspired by the examples of the wives of the Prophet (SAW) expect their husbands to follow the prophetic inspiration. What appears to me to be the dominant contemporary perspective on the provisions of Islamic law of marital relations is that the marriage institution is an avenue for a man to satisfy all his human needs and desires. His ‘good’ or ‘religious’ wife (or wives), who is a subordinate must not have conflicting needs and desires and must be ready for a life of sacrifice so that her children will achieve material success. In this connection, one scholar of repute here in Ilorin has recently even gone as far as to describe the relationship between a husband and his wife as akin to ‘a master-servant relationship.’ Another scholar interpreted the provision in Q66:1 quoted above, as an indication that Allah proscribes the treating of wives nicely, ‘otherwise they would disrespect you like the wife of Prophet (SAW) did to him!’ My reply to him was that the provision in question also addressed women as part of the followers of Prophet Muhammad (SAW) regarding the excesses of their husbands as well. However, the perspective of husband-master and wife-servant is not only validated by men. Women also validate and in fact, empower it for self-serving and sinister motives. I remember a popular song I grew up to here in Ilorin- *M’odoselubokajogun, M’odoselubokajogun! 2x. Iyale mi mo se faari a jowas’eruokoni. (Meaning: Carry the pestle let us jointly pound the yam flour! 2x. Stop acting superior my senior wife for we are both servants of our husband).*

I hope my discussion will not be misinterpreted and misunderstood - in all human relations including marriage, human beings must serve one another; but there is a difference between *service* and *servitude*. Service is ‘an act of helpful activity’ and human relations thrive on such helpful activities. Servitude, however, is ‘a condition in which one lacks freedom, especially to determine one’s course of action or way of life.’ This interpretation of the role of women, in some Muslim

marriages, as *servitude* and not *service* is not supported by the relevant textual relations in my opinion. On the contrary, the provisions expect *mutual service* between the spouses (Q21:31) and several Prophetic traditions.

Again, it is this perspective of servitude that informs a man's interest only perspective on certain marriage practices such as polygamy and early marriage, etc. that I will briefly examine below. It is also important to state here, my strong opinion that this perspective of servitude which can no longer be supported presently is contributing to the high incidence of breakdown of Muslim marriages despite the elaborate and extensive provisions in Islamic law to sustain the marriage institution (Q4:35) and several Prophetic traditions.

Polygamy

Polygamy, as is generally known, is the practice of marriage with multiple spouses. The practice is of two types - polygyny (marriage of a man to multiple female spouses) and polyandry (marriage of a woman to multiple male spouses). The practice of polygamy that is permitted under Islamic law is polygyny to a maximum of four wives. In this lecture, therefore, all references to polygamy should be taken as reference to polygyny. The textual basis for polygamy under Islamic law is as follows:

If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one; or what your right hands possess; this is more proper, that you may not deviate from the right course (Q4:3).

Because it is a man that is marrying more than one woman at a time, men (Muslim and non-Muslim) generally believe that the permission for polygamy in Islam is proof that men are superior to women, as it serves the interest of men. Permit me to quote an online post that some men excitedly circulated on 11th December, 2024 on WhatsApp groups that succinctly demonstrates this perspective:

Polygamy solves all marital issues – if she is tired, polygamy solves it. If she is unappreciative, always complaining and nagging, polygamy solves it. If she is disrespectful, doesn't listen to you, polygamy solves it. If she doesn't know how to cook or won't cook, polygamy solves it. If she hates your family members, polygamy solves it. If she is getting complacent, doesn't work, or doesn't want to work, polygamy solves it. If she doesn't clean, wash dishes or wash clothes, polygamy solves it. If she respects her pastor more than you, polygamy solves it. If she is not supportive, polygamy solves it. Polygamy solves all marital problems. You just haven't realized yet. (Anonymous Lawyer).

It is clear from this post that all marital issues, in the perspective of the writer, are issues that the husband has with the wife. How about the issues that the woman has with her husband? Maybe they are not important, or husbands are just perfect. This non-consideration for the issues of women or the self-motivated validation of polygamy by some men will certainly provoke reactions. An orientalist criticism of Islamic law's permission of polygamy, for instance, argues that the provisions 'command something incompatible with modern conditions or sensibilities.' To the author, the permission 'can be forbidden without doing great violence to the integrity of Islamic law.' (Walbridge, 2011, pp.181-2). Some Muslim women may find this argument appealing, but it is a reaction to a male-centred perspective only. Intellectually, it is an inchoate position to disregard a concept from a one-sided perspective.

I would argue, on the contrary, that it is natural and legitimate for men to draw their own conclusions on the utility of polygamy to men. However, it is also legitimate and natural that women should not consider such conclusions as the full story, it is simply a perspective. I, therefore, offer a different perspective to the effect that polygamy is a marriage practice that can survive and thrive only with women support and cooperation

(Amoloye-Adebayo, 2018 & 2022). Thus, if all women can agree that only single men (previously unmarried, divorced or widowed) are eligible for marriage, polygamy will die a natural death as a practice. However, is it possible for women to come to such agreement? The answer is no, as you will find women themselves shifting the bases of their support for polygamy depending on whether they are potential ‘beneficiaries’ or ‘victims’. Then on a lighter note, how can four women, who are self-aware, proactive and with full understanding of the inherent power of womanhood as the vessel of life, feel that a single man can subjugate them through marriage? Is there no more strength in number? I would rather pray for the life of the man in question! I will conclude discussion here with the statement that, based on some research and personal experiences, some women have attested to the benefit of polygamy from a woman’s perspective. I refer to the warm and heartwarming acknowledgement of a co-wife’s effort by Prof. Hamdallah Taiye Yusuf during her presentation of the 271st Inaugural lecture of this university. Likewise, during the period of my PhD research in the United Kingdom, I also learnt of a Muslim community in Leicester, where three female professionals and one professional housewife come together for a part-time marriage arrangement to one man under the Islamic law permission of polygamy.

Permission for Muslim Men to Marry Christian and Jewish Wives and not Vice Versa

It is also often considered that the permission that Muslim men have to marry outside of the Islamic faith but limited to the *ahl-al-Kitāb* (people of the book) namely Christian or Jewish wives, by the provisions of Q5:5, attests to an advantage that Muslim men have over Muslim women. In reaction to this perspective, there have been some publications by some Western Muslim women that sought to interpret the provisions of Q5:5 as an implied inclusion of Muslim women in the permission to marry spouses from the people of the book. They consider as discriminatory, the application of the verse to

only Muslim men. Again, this is just a reaction to the male perspective. In the first instance, some scholars are of the view that the permission even for Muslim men comes with stringent conditions that time and space will not allow me to go into in this lecture. Despite this position of scholars (**Amoloye-Adebayo**, 2020 & 2022), the Islamic law textual position is that it is permissible for men and not women. The non-permissibility for women is also supported by Prophetic traditions. Without the need to go into specific textual analysis, I do not consider the interpretation that the verse does not include permission for Muslim women discriminatory. In Islamic law, the duty of maintenance of the family especially the wife, whether Muslim, Christian or Jewish rests squarely on the husband (Q4:34). It is both a spiritual and legal obligation that is enforceable both ways. However, Islamic law, as a religious law, is not automatically enforceable on a non-adherent unless they voluntarily submit to its jurisdiction. Therefore, a Muslim woman married to a husband outside the folds of Islam has lost this right as it will be the height of inequity and unfairness to enforce it. In my opinion, Q5:5 actually protects Muslim women rather than discriminate against them (**Amoloye-Adebayo**, 2019 & 2020). Also, the provisions of Section 15 (3) (c) of the 1999 Constitution of the Federal Republic of Nigeria, as amended that ‘For the purpose of promoting national integration, it shall be the duty of the State to: . . . encourage inter-marriage among persons from different places of origin, or of different religions...’ is problematic for Nigerian Muslim women from an Islamic law perspective.

‘Child’ Marriage

Mr. Vice-Chancellor, I put the word ‘child’ in inverted commas because though the words describe a form of abuse of children, it has also been widely used to include the practice of early marriage (Faith to Action Network, 2024) which is a valid form of marriage in Islamic law. According to Section 21 of the Nigerian Child’s Right Act (2003), ‘no person under the age of 18 years is capable of contracting a valid marriage.’ At an Anglophone Africa regional forum, an observer argued that

Islam violates the rights of children through child marriage where the terms ‘child’ and ‘marriage’ are incongruous, namely they should ordinarily not go together (Faith to Action Network, 2024). My response was to confirm whether the term ‘child’ was incongruent with ‘sexual relations’ since many children have sexual relations even when they are not considered old enough to marry. I have argued that the *abuse* of early marriage is the violation of children’s rights not early marriage itself. Thus, it is an abuse of early marriage when a little girl is married off against her will because consent of both parties is an essential ingredient of a valid marriage in Islamic law. It is also abuse of early marriage when a girl is married under circumstances that are not in her best interest even where she consents to such marriage. However, singular male narratives that validate the practice of early marriage as an opportunity for men to physically and emotionally ‘enjoy’ and exploit young girls with no consideration for the physical, emotional and psychological well-being of any such girl is an abuse of early marriage, not again the full story.

The other half of the story is that early marriage is not only for young girls, but also marriage at an early age for young boys. Moreover, in the words of *Cicero*, ‘abuse does not exclude use.’ I remember that around 2007-2009, Britain had the highest rate of adolescent and teenage pregnancies in Europe. In Islamic law, premarital sexual relation is unlawful, but the law also recognises that the age of sexual curiosity is relative to the individual concerned, boy or girl. To fix an age for all is problematic, which is why the 11 states that took so much time to domesticate the Child’s Rights Act are all Sharia implementing states in Northern Nigeria (Kebbi, Kano, Katsina, Sokoto, Jigawa, Zamfara, Bauchi, Yobe, Gombe, Borno and Adamawa States). Bauchi State was the last to domesticate in 2023, and along with the other 10 states, there is still the problem of implementation. According to a UNICEF report, Nigeria has the highest rate of child marriages in Africa (around 23 million cases in 2020) and this is despite its criminalisation in Nigeria. My argument is not that we ignore instances of abuse of early

marriage, but that we move beyond the lenses of male exploitation of girls and isolate situations, where genuinely the best interests of the boy or girl concerned will be served by the early marriage. The ‘best interest of the child’ rule is contained also in Section 1 of the Child’s Rights Act.

Once I was asked how an early marriage might be in the best interest of a girl? Mr. Vice-Chancellor, permit me to share with you my answer, which is a personal story. I am a product of an early marriage by a young girl who was barely 17 years old. My mother, now Dr. Bilqis Ajoke Amoloye, married my late father and had my late brother (May Allah forgive them both) and me between the ages of 17 and 19 years. She was undertaking the Advanced Level programme at the Polytechnic, Ibadan, when she had and lost my brother after 8 months. Then she had me in her second semester in the University of Ilorin, as a direct entry student in 200 Level. She recounts to me, fond memories of how my due date coincided with the last date of her second semester examinations then. Even though she applied to write the exams after my delivery if she missed them, she kept praying that she would deliver me after her exams. Allah answered her prayers. She finished all her papers and was delivered of me on the last day of the examinations. This was when her classmates were writing an elective course that she had picked initially but later dropped due to her personal academic interests. She said, Engr. Yunus Gbadamosi, one of my late father’s friends then was the first to call me ‘Prof.’ from the day I was born because he felt I accompanied my mother throughout her examinations on purpose.

Vice-Chancellor sir, my mother later graduated at the top of her class! However, one may legitimately wonder if all early marriages work out well for the women concerned like my mother’s.? I cite my mother’s example not to ignore the reality that this is not always the case, but as my mother continually states, marrying my father at that young age was in her very best interest and the best decision of her life. When she graduated in 1981, she (a woman) became the first university graduate in the

entire vast, affluent and industrious merchants of the Ojubanire dynasty in Abeokuta, Ogun State. My maternal grandfather till his death was always proud to be the father of the shining example and model for men and women in her family. More importantly, my mother's success story is possible because my father did not live with her on expectation of servitude but mutual service where both spouses are autonomous partners in progress. I conclude this part by sharing something again with the audience: my father has been dead for close to 19 years this year. Whenever we discuss the possibility of another marriage with my mum, she will answer that it is just her husband's life that has ended, not their relationship, and that on the Day of Judgment, she will make only one request from Allah: to grant her husband paradise on the singular act of his influence on her life. Presently, she simply enjoys people's assumption that she is a sister to (us) her three daughters rather than our mum, in short 'one of the girls.'

**B. Islamic Law and Public Affairs between Men and Women
Women as Imams**

According to the dictates of Islamic devotional worship, only a man can occupy the public office of an Imam for congregational spiritual observance. Shahid (2007) argues that this is an indication of the spiritual inferiority of Muslim women in relation to Muslim men. This kind of perspective has provoked some reactions. For example, Amina Wadud, the 73-year-old retired female Professor of Islamic Studies, on 18th March 2005, acted as the 'Imam' for a Friday prayer of mixed congregation of around 40 men and 60 women without segregation in the United States. This reaction is both textually problematic and inauthentic. In the first place, men and women vary in their biological compositions that predisposes one sex as being more suited for certain roles than the other. The reproduction process certainly places more strain on the life of a woman than a man in terms of the menstrual circle, other physical indications of puberty, pregnancy, menopause and so

on. During menstrual periods and some stages in the childbirth process, a woman is excused from the observance of certain rituals of worship whether alone or in congregation. These are matters that impact the private life of a woman. Therefore, the Islamic position that a woman cannot be an Imam in my opinion, can also be explained from the angle that this is to keep the 'spiritual holidays' a private matter for women. This will not be possible for an Imam who is expected to lead the members of the society in congregational prayers.

Women and other Forms of Leadership

In terms of textual authority, the only Prophetic tradition regarding women's political leadership is the following tradition narrated by *Abu Bakra*:

During the days (of the battle) of Al-Jamal, Allah benefited me with a word I had heard from Allah's Apostle after I had been about to join the Companions of Al-Jamal (i.e., the camel) and fight along with them. When Allah's Messenger (PBUH) was informed that the Persian had crowned the daughter of Khosrau as their ruler, he said "such people as ruled by a lady will never be successful" (Sahih al-Buhkari, 4425, Sunan of An-Nasai, 8/227).

It has been argued that patriarchal ideologies against women political leadership in Muslim societies are based on this prophetic tradition (Wadud, 1999, pp.80, 89). Scholarly discussion of this tradition varies. In the first place, political representation as discussed above is not only about the highest political office. It is more about opportunities for representation in the decision-making process of which the chief executive officer, as the president or governor is merely a part of the process. Islamic system of political administration is expected to be through mutual consultation and not about absolute authoritarianism. In classical Islamic political history from the lifetime of Prophet Muhammad (SAW) and onwards, women were visibly represented in the political decision-making process as well as what should be taken as popular understanding of some Islamic textual positions. It is on record that during the reign of the

second Caliph in Islamic political history, *Amir-al-Mu'minīn 'Umar Bn Khaṭṭāb* (May Allāh Be Pleased with Him), appointed a woman, *Ashifa bint Abdullah*, into the public role of market inspector and manager in charge of general quality assurance and price control. This section argues that women political representation is not only about occupying the highest political office, but about being active in the public and political life. Even in modern democracies such as the United States, the emergence of a female president continues to remain elusive.

In my opinion, the implication of the above cited textual authority on a woman assuming the highest political office as Governor or President is not problematic under constitutional democracies such as Nigeria. Since the offices of the political and spiritual head is not fused, such as under Islamic system of constitutional administration and governance, there are to textual barriers under Islamic law to the emergence of women leaders in my view. Thus, I am today a female Head of Department over 9 men and 4 women academic and non-teaching staff. However, where the office of the political and spiritual head is fused, as is the case under Islamic theocracy where the political head is also the Imam, women may occupy other leadership roles but not the highest authority due to reasons earlier stated.

The Woman's Agency and the Consequence of Half Truths in Metaphysics: the Islamic Law Experience

Mr. Vice-Chancellor, the difference between my propositions and those of other Muslim women scholars such as Riffat Hassan and Amina Waddud is that they took the existing male narrative based on a colonial design of androcentric dominance as the only perspective distillable from the textual authorities. Inadvertently, therefore, their publications continued to make those perspectives 'organic' so long as they are taken as the only authentic (or conservative/traditional view) of Islam and its law which thus requires a more 'progressive', 'modern' or 'post-modern' approach by feminist scholars and gender theorists. My proposition, supported by the activities of the early Muslim women companions and women of latter generations is to move out of the androcentric perspective to be able to

appreciate and understand the other half of the story. My argument is thus that the provisions of the Islamic texts of the Qur'ān and Traditions of Prophet Muhammad (SAW) speak *simultaneously* but *differently* to both men and women. Thus, the application of Islamic law as a religious law can only reflect the will of the Lawgiver (Allāh, SWT) upon a platform of continued dialogue between the agencies of both men and women.

In this connection, ladies and gentlemen, permit me to recount a popular incident in Islamic political history again during the reign of *Umar BnKhaṭṭāb* (May Allāh be pleased with him). After one Friday congregation prayer, it is reported that the men petitioned '*Umar* that the amount required for the bridal gift to marry women was becoming too high, so much so that it was becoming difficult for men to afford. Based on several textual provisions that Allāh intends ease and facility for human beings such as Q4:28: '*Allāh doth wish to lighten your (difficulties); For human beings were created weak*', '*Umar* (May Allāh be pleased with him) sought to issue an upper benchmark for the bridal gift. From the male perspective, this appeared to him be very valid and reasonable to sustain the marriage institution. But the women quickly reminded '*Umar* that even as the commander of the faithful, would it be his place to order a restriction on what Allāh and His Messenger have not ordered to be restricted citing the following provision that: '*And give the women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer*' (Q4:4). '*Umar*, out of gratitude to the women for the reminder that saved him from a wrong decision, quickly retracted the order. It would have been a wrong decision because of the provision that:

It is not fitting for a Believer, **man or woman**, when a matter has been decided by Allāh and His Messenger to have any option about their decision: if anyone disobeys Allāh and His Messenger, they are indeed on a clearly wrong path (Q33:36).

A lesson from the above narration in the application of Islamic law is that both agencies of men and women are to serve

as mutual check-mechanism against arbitrariness and selfish motives in the application and interpretation of textual provisions. Otherwise, decisions and interpretations contrary to the intendments of both the texts and the spirit of the texts will continually be validated. A pertinent question at this juncture is: What if 'Umar had not been challenged by the women present then? Or what if the challenge was not appropriately couched and it was dismissed as an expression of female resentment/insubordination to male superiority, as we currently have in some of our contemporary discussions? Or what if it was merely reactionary and grabbing at straws by arguing that cited provisions from the male perspective are fabricated and inauthentic? Women must appreciate that once they proceed from a status of a *reactor* and not an *agent*, they lose the autonomy to see things clearly and unwittingly validate the incomplete narrative as the full interpretation of the textual provision. It is disingenuous and inconsequential to begin to engage with an illegitimate or incomplete position or negotiate for a right or status that is already in existence.

It is important to underscore the point that the notion of the woman's agency that I canvass for is not about the amount of knowledge acquired to be regarded as a scholar in the field of Islamic law. Unless it is about a career in academics or religious propagation, not everyone is expected to be able to have the capacity for legal deduction and inductive reasoning. However, since Muslims generally have a sense of obligation to the rules of Islamic law regardless of the level of recognition as the official law of the country in question, it is important to be actively aware of the implication of relevant textual provisions, especially as regards interpersonal relationships.

Mr. Vice-Chancellor, under Islamic law, the Lawgiver is God called Allāh. Thus, agency is certainly not about an incursion into the inviolable territory of trying to deal with God on a contractual basis by seeking rationalisation before observance. Although conviction is deepened by ability to understand the rationale and basis of religious rules, sincere

submission is the basis of conviction in Islam, and by extension, its law (Q2:208). This is because, as psychologists have argued, intuition precedes rationalisation (Haidt, 2011 & Kishimi & Koga, 2013). Whatever the heart does not submit in sincerity to, it will not be rationally persuaded because of the interference of the human ego. That is why learning only takes place where the mind is humble and sincerely believes in its teacher. Thus, agency should not be mistaken as a vehicle for arbitrariness or whimsical application of texts. It is a sincere journey towards the truth by a mind that is self-aware and autonomous. Having agency in the understanding of prescription of a religious law such as Islamic law ensures that not only will the practice enacted be legally authentic, but the process will also be religiously fulfilling.

From the discussion so far, it can be surmised that perceptions of discriminatory stance of Islamic law to women is a colonial invention and importation of Western androcentric ideals to Africa (**Amoloye-Adebayo**, 2016, 2019 & 2020). I agree with Ahmed (1992, p. 165) that:

The idea (which still often informs discussion about women in Arab and Muslim cultures and other non-Western world cultures) that improving the status of women entails abandoning native customs was the product of a particular historical moment and was constructed by an androcentric colonial establishment committed to male dominance in the service of particular political ends.

Thus, when several of the colonial officials were up and about in many African and Asian societies about the rights of women and women liberation, they were oppressors of the rights of women back home. For instance, the activities of one such colonial official, Lord Cromer, as the champion of the unveiling of Muslim women in Egypt under the guise of women liberation is documented (Ahmed, 1992). What is also documented is that while he claimed to be championing women's liberation in Egypt, he was also the 'founding member and sometime

president of the Men's League for Opposing Women's Suffrage' in England (Ahmed, 1992; Harrison, 1978 & Rover, 1967). If the colonial period is too far from our memory, I can recall in 2016 when Hilary Rodham Clinton became the first woman to win a presidential nomination by a major U.S. political party and ran unsuccessfully for president of United States, she claimed in one of her rallies that her own mother lived in a time in the United States when women had no right to vote. The point I am trying to make from all these discussions is that androcentric or patriarchal ideals that perpetrate notions of inferiority of women are not religious innovations as far as Islamic law is concerned.

Vice-Chancellor sir, the Qur'ān which is the final authority for Islamic law remain, to the best of my knowledge, unsurpassed for its inclusivity in terms of references to men and women. This is, if we consider its age as one of the oldest books in the world today, having been revealed close to 1,500 years ago, at a time when it was fashionable to use the exclusive term 'Man' in any language to refer to the entirety of human existence, men and women. For instance, the Universal Declaration of Human Rights, 1945 and the two International Covenants of 1966, which altogether form the International Bill of Rights that informed the fundamental human rights provisions of all constitutions of modern democracies, do not use inclusive terminologies (**Amoloye-Adebayo**, 2012). The documents are replete with the pronouns he/him to refer to the rights holder of their provisions. What is more, even the 1999 Constitution of the Federal Republic of Nigeria does not contain the pronoun she/her either (**Amoloye-Adebayo**, 2012). In all these situations, women enjoy their human rights through creative interpretation and afterthought inclusive application and understanding. Thus, when women Muslim or otherwise read the provisions of these human rights documents, they must adopt Wadud's (1999) methodology of 'female inclusive reading'. Even women themselves have no trouble in adopting the exclusive term 'Man' in their intellectual outputs and publications to refer to all human beings. In citing recent examples, I want to refer to the titles of the inaugural lectures of my two big aunties who love me too much to take any offense to these references. The first is

Professor Patricia Folakemi Omojasola's 261st inaugural lecture entitled 'Microorganisms in the Service of Man' on 27th June, 2024 and the second is Professor Adenike Modinah Oladayo Abdul Raheem's 262nd inaugural lecture entitled 'The Sojourn of a Physical Environmental Chemist Exploring Environmental Impact in the Life of Man' on 11th July, 2024.

Contrary to these exclusive terms, however, the Qur'ān adopts inclusive terminologies in several places as a text revealed over 1446 years ago this year. The following provisions, by way of example, out of many such provisions state that:

For Muslim men and Muslim Women, for believing men and believing women, for devout men and devout women, for true man and true women, for men who are patient and constant and women who are patient and constant, for men who humble themselves and women who humble themselves, for men who give in charity and women who give in charity, for men who fast and women who fast, for men who guard their chastity and women who guard their chastity, and for men who engage much in Allāh's praise and women who engage much in Allāh's praise- for them has Allāh prepared forgiveness and great reward (Q33:35).

Thus, any exclusive or male centred interpretation and application of Islamic law provisions, I contend, is not a fault of the text but a function of the mindset and socialisation of the interpreters, men and women. In the Nigerian legal system for instance, we have been socialised in a way that a woman lawyer would find nothing wrong in the expression 'there are no ladies in law, but gentlemen in skirts!' Likewise, the women justices are addressed as 'Lordships' and not 'Ladyships'. Mr. Vice-Chancellor, I am not passing any value judgment here, but I personally prefer the stance in the Sharia Court of Appeal where there are no women Khadi's yet, and we are still debating the textual bases of this absence (**Amoloye-Adebayo**, 2025). We will get there one day, hopefully, but I find this a better pill to swallow than being called a 'man in skirt' or a woman 'Lord',

with all apologies to all My Lordships here present. Please do not punish me for contempt.

Because of the inherent inclusivity of the provisions of the Qur'ān, therefore, having agency ensures that the agent has the capacity for high emotional intelligence, which allows one to give the appropriate reaction to situations. To cite polygyny as an example under Islamic law of marriage, several of the responses of women are reactionary or vengeful because their socialisation has led to erroneous expectations and unfounded beliefs. For example, a woman that had lived together in a monogamous marriage based on partnership for the acquisition of all family properties expects that the only people in the partnership are herself, her husband and their children. That was the reason for the investment. If there are expectations of additional partners as co-wives, she may rethink the extent of investment and expected returns.

Authority not Superiority, Horizontal Interpersonal Relationships not Vertical: an Understanding of the Islamic Law Perspective through Agency

A central argument in this lecture so far is that the woman's agency has been silent or non-existent in the interpretation and application of Islamic law provisions in contemporary Muslim societies such as in Nigeria. The discussion on agency, however, has overarching implications for social relations generally. Human existence thrives on a series of complementary interpersonal interactions of the agencies of the individuals involved, men and women. No individual is an island, and every person affects and is affected by other persons. These interactions occur to create family, professional and community relationships. At each level, someone must be invested with the authority to ensure cohesion and order according to Islamic textual provisions, such as Q4:59. This lecture takes the position that human beings mostly confuse this authority with a sense of superiority and this can happen at any level – in a marriage, where the husband has the authority; in the classroom where the teacher/instructor/facilitator/lecturer has the authority; in parent-child relationship where the parents have the

authority; in political administration (whether executive, legislative or judicial) where the political leader has the authority; in religious organisations, where the religious leaders have the authority; and in the community, where the community leaders/traditional title holders have the authority.

Vice-Chancellor sir, when authority is confused with superiority, we create what psychologists call vertical relationships instead of horizontal relationships (Kishimi & Koga, 2013). Vertical relationships give the sense to the person in authority that they are above their subjects and on different sides where the authority holder is higher. Horizontal relationships, however, are all about being on the same side, both the leader and the led. Horizontal relationships accord more with the position of Islamic law on authority and leadership- indeed the tradition of Prophet Muhammad (SAW) on the point is: ‘The leader of a community is their servant.’ The fact that the servant-leader (Adedimeji, 2024) must also carry out the role with a serious sense of responsibility at all levels of interpersonal relationship is contained in another prophetic saying that ‘Verily, all of you are shepherd and you all will be questioned in connection to that role.’

In fact, in the system of marital relations, the Qur’ān uses the term *darajah* (higher degree), and *faddala* (divine grace) for the authority of husbands over their wives after demonstrating mutuality – husband and wife have similar rights over one another, but the husband has a degree higher (Q2:228; Q4:34). As earlier said, the doctrine of individual accountability is central in the Islamic belief system and by extension, in the application of its law. For example, the Qur’ān states regarding the day of accountability before God:

The day when a person shall be separated from their brother, And from their mother and their father, And from their spouse and their children, Each one of them, that Day, will have enough concern to make them indifferent to the others (Q80:34-37).

With the doctrine of individual accountability, it means that all human beings are expected by law to actively exercise in all situations, their agency. Authority should, therefore, be construed as merely an aid to healthy interactions with minimal conflict, not as a conferment of superiority. This is why I personally as a Muslim woman, do not have a problem with the divine permission that husbands have to strike lightly an erring wife as a last resort thus: *'[A]nd (as to) those (wives) on whose part you fear desertion, admonish them, and leave them alone in the sleeping-places, and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great.'* (Q4:34). In all conventional legal systems, authority must be invested with the power to punish infractions of rules that are in place to ensure peaceful relations. Hence, the saying that law cannot compel where it cannot punish. Thus, the power to punish is not a conferment of superiority in Islamic law as Allah reminds that the power should be judiciously employed for, He is Higher and Greater than all authority holders.

In situations where authority is confused with superiority, however, there are two possible problems, in my view. Firstly, there will be the need to find a consistent rational basis for that superiority, which is humanly impossible. No single individual in whatever role as leader, teacher, parent or husband can consistently maintain superiority of physical fitness, intellectual or emotional intelligence in all situations throughout their lives. Accordingly, the Qur'ān emphasises that – *'If we grant long life to any, We cause them to be reversed in nature: Will they not then understand?'* (Q36:68). Refusal to accept this may create the mental sickness of 'inferiority complex' that may ultimately result in 'superiority complex' that affects interpersonal relationships (Kishimi & Koga, 2013). God-given talents and abilities in persons we consider 'inferior' to us as students, subjects, subordinates, followers or wives become causes of worry for us instead of occasions for celebration. This is what happens in vertical relationships where roles are interpreted as personal achievements/entitlements rather than divine grace. In horizontal relationships, the holder of authority views every other person, including and especially children as

equal to them but not just the same. This allows the agencies of others to flourish and help the correct exercise of the agency of the authority holder (Kishimi & Koga, 2013). This psychological explanation is the Islamic law position on the nature of power conferred by divine authority (Q3:26).

The second problem where authority is confused with superiority is that it may lead to a misconception of the limit of the influence/interference of the authority holder over the agencies of others. Thus, where there are conflicting perspectives of the human agents in a marital or parent-child relationship for example, the authority holder may erroneously believe that they can impose their agential perspective on the other. According to Islamic textual sources discussed so far, the situation ought to be resolved by dialogue and recourse to textual positions (Q4:1, Q4:59).

My Contributions to the University

Vice-Chancellor sir, by 17th October, 2025, it will be exactly my twentieth year in this university. I started out as an Assistant Lecturer and rose through the ranks to become a Professor. In all these years, I have served in different capacities to fulfil the tripartite mandate of teaching, research and community service as an academic. I started out with the courses on Islamic Constitutional Law and Introduction of Computers to Law Students at the undergraduate level. To date, I have also taught and still teach courses such as Introduction to Islamic Law, Islamic Law of Inheritance and Wills, Islamic Family Law, *Usūl-al -Fiqh* (Islamic Jurisprudence), Islamic Law of Evidence and Principles of Islamic Law at the same level. At the postgraduate level, I have also taught and continue to teach courses such as *Āyat-al- Ahkām*, *Usūl-al -Fiqh* and some modules in Research Methodology. I have supervised over 300 undergraduate projects and over 25 Master degree dissertations. I feel very honoured and privileged to say that I was the LLM, Islamic Law dissertation supervisor for the current Grand Khadi of the Kwara State Sharia Court of Appeal, His Lordship Honourable Justice Abdullateef I. Kamaludeen. I have also graduated a Ph.D. student and currently supervising other 3 Ph.D. theses.

Furthermore, I have served/been nominated to serve in different capacities within my Department, the Faculty of Law and the University of Ilorin at large, some of these are:

- i. Chairwoman, Committee on the University Anti-Corruption and Transparency Unit (ACTU) Dec. 2024.
- ii. Head of Department, Islamic Law Aug. 2023- Aug. 2026.
- iii. Chairwoman, Faculty of Law Dress Code Committee Aug. 2023 – date
- iv. Deputy Director (Community Business Ventures), University of Ilorin Consultancy Services Unit Jan. 20021-Jan. 2023.
- v. Ag. Faculty Postgraduate Representative Nov. 2018 – Dec. 2018.
- vi. Postgraduate Programmes Coordinator, Department of Islamic Law, Faculty of Law, University of Ilorin, Ilorin Oct. 2012 – Sept. 2019
- vii. Member, Faculty of Law Quality Control Committee 2016 – 2019
- viii. Member, Faculty of Law Ethics Committee 2017
- ix. Member, Faculty of Law Biennial Law Committee 2015
- x. Member, Committee on Review of the Referencing Style for Law, Faculty of Law 2013 – 2014
- xi. National Secretary, the Nigerian Association of Law Teachers (NALT) 2012- 2013\
- xii. Member, Faculty of Law Good Standing Committee/500 Level Students’ Advisers 2007 – 2008
- xiii. Secretary, Faculty of Law Annual Faculty Lecture Committee 2006 – 2007
- xiv. Secretary, Faculty of Law Annual Faculty Lecture Committee 2007 – 2008
- xv. Member, Faculty of Law Dress Code Compliance Committee 2007

Also, I was Presenter, *Understanding the Law*, a weekly TV broadcast on Kwara State Television Authority, Ilorin, between 2005 and 2006. Being the pioneer female academic staff in the Department of Islamic Law, University of Ilorin, I have

been invited to deliver numerous lectures, talks and I have participated in dialogues at different fora locally, nationally, regionally (Africa-wide) and internationally. The central thrust of my research and intellectual engagements has always been fostering constructive dialogues between Islamic law and other religious and non-religious legal ideologies in line with the provision of Q16:125. To cite some examples, I was selected as the African representative to present research on Transnational Judicial Dialogue at *Pluricourts* in Oslo, Norway, in 2013; the African Representative for Religious Perspectives from Young Scholars, the Volkswagen Foundation, Germany in 2015; and the African Representative for Young Scholars Residential Fellowship Award in Law and Religion, International Center for Law and Religion Studies (ICLRS), Provo, Utah, 19 July – 10 August 2019, Oxford University, United Kingdom. I also won the prestigious African Humanities Program (AHP) Fellowship Award by the American Council of Learned Societies in 2021 with the mentorship of the 2024 British Global Professorship Award Winner, Prof. Olutayo Adeshina, Professor of History, University of Ibadan. The AHP fellowship is rarely won by researchers in Law generally, not to mention Islamic Law. However, by the Grace of the Almighty, I was able to break that barrier.

Mr. Vice-Chancellor, my motivation for these modest achievements, that I hope I will by Allah's Grace, continue to build on in the future is that, as the pioneer woman in Islamic Law scholarship in the University of Ilorin, I must struggle to be a beacon of encouragement for other women to aspire to a career in Islamic Law as well.

Conclusion

Professor A. A. Alaro, one of our elders in the Department of Islamic Law, consistently maintains that I am the first female Professor of Islamic Law in Nigeria. Dr. Aishah Zubair, Faculty of Law, Kwara State University Malete once stated that I might even be the first in West Africa. Both assertions have, however, not been empirically verified. What I can verify is that I am the first female Professor of Islamic Law of Modeke, Ighoho, and of Oke-Ogun extraction in the entire Oyo State, at large. At least, our *Kabiesi Baba mi Ona Onibode* can verify this. Significantly, Mr. Vice-Chancellor, you can also verify, having approved my promotion as Professor, that I am the first female professor of Islamic Law in University of Ilorin. When I was employed in 2005, as stated earlier, I became the first female academic staff since inception of the Department. I continued to be the only female academic staff for close to 20 years until recently when two other women joined me. In all the capacities of ‘First Female this and that’, I feel privileged for the Grace of Allah. But my sense of privilege never lasts and always quickly turns to a sense of dismay that is a burden on my shoulders. I worry that for a religious law such as Islamic law that aspires to universality and which, whether or not, it is officially recognised as State law or a part of it, continues to command a sense of obligation in all Muslims should just be having the first female professor. This is clearly unsatisfactory if we consider previous discussions on the dangers of a one-sided appreciation and application of textual provisions.

Vice-Chancellor, sir, I stand before you and everyone today not as a self-acclaimed scholar of Islamic law, I believe I still have a very long way to go and a lot to learn which is why I really appreciate the recognition as a professor and the opportunity to share my humble views today at this inaugural lecture. However, what I can say sir, is that I am a Woman Agent in the study of Islamic law to the Glory of the Almighty Allāh, the second half of a single narration of life. I must also acknowledge that, perhaps some of my insights that I have

shared with you today may not be fully appreciated or appear strange to some people. For example, even one of my brothers, Dr. Mubarak Amoloye, struggled with the fact that I as a woman would have no problem with a husband's authority to 'strike' an erring wife. This is part of a very big discussion in Islamic law, part of the summary of which is that the authority is to strike an *erring* wife. This presupposes the fact that such a husband is himself a model of good behaviour and not an immature baby himself who requires striking! Thus, in any position of authority, the authority holder must first hold his or herself accountable to the standard to be enforced to others. This is in line with Islamic law textual position in Q2:44 that: *Do you enjoin right conduct on the people, and forget (To practice it) yourselves, and yet ye study the Scripture? Will ye not understand?* This may account for why, despite this provision, there is no singular account known to me that Prophet Muhammad (SAW) ever struck any of his wives. For the enforcement of Islamic law provisions, therefore, I argue that all hands must be on deck, men and women. It is thus my fervent hope that all women, and not just Muslim women, can answer to the appellation of being a woman agent! The text has done all it can, in my view, and it is up to women to be self-aware and awaken to the responsibility of agency that will make the application of divine laws responsive to the inclusive objectives of the law.

Recommendations

Mr. Vice-Chancellor, ladies and gentlemen, I have the following recommendations based on my discussions so far in this lecture to make:

- a. The scholarship of Muslim women in Islamic law in particular should be urgently and actively encouraged. To use the example of the Department of Islamic Law, University of Ilorin, I am glad to be able to report, as I said earlier, that I am no longer the only female member of the Department. I have been joined by two others. While I thank Mr. Vice-Chancellor for his graciousness in this connection, I also humbly recommend that this should just be considered a beginning and not the destination, we still need more women!
- b. Encouragement of women scholarship in Islamic law can only be meaningful where the women themselves exercise the courage needed in this male dominated area. Women must stand up to the responsibility of being candid in their intellectual engagement and outputs and not use their life experiences to validate inauthentic textual positions while seeking recognition and validation by men. Women must appreciate that the only form of recognition for anyone created, man or woman, is divine validation.
- c. The provisions of the Child's Right Act, 2003 requires amendment to bring the Islamic law position on early marriage within its purview. It is believed that If the idea of the best interest of the child is given more prominence than the prohibition of marriages of young persons under 18 for early marriages, it will provide a religiously authentic basis for review of such marriages. Religious positions, even where undermined in official/statutory laws, would continue to be more authoritative as 'soft laws' in the lives of adherents.

- d. The provisions of Section 15 of the 1999 Constitution, as amended, on inter-religious marriages for national integration and perspectives that Muslims refuse to honour this provision should be understood as the need for Islamic law to protect the rights of Muslim women and not as an indication of lack of patriotism.
- e. One of the issues that may affect women scholarship in a religious law such as Islamic law is the idea in some quarters that Nigeria is a secular state. Nigerians need to be more responsive to the reality that secularism is an unrealistic mode of religion-state relationship in our context. A better argument is that Nigeria is a multi-religious country. The fact that Islamic law is a constitutionally recognised legal source is an eloquent testimony of this fact.

Acknowledgements

I acknowledge and appreciate the leadership of the University of Ilorin, all Principal Officers and the entire University of Ilorin community for the opportunity to present this inaugural lecture. I am deeply grateful to the former Chairman and the current Chairman of the Library and Publications Committee, for their joint and painstaking efforts towards the successful delivery of this lecture. They are both intellectual giants that have given me their shoulders to walk on. If this lecture is error free, it is their meticulous touch and the Grace of Allah. Thank you very much, sirs.

I also appreciate the Dean, the entire staff and students of the Faculty of Law, University of Ilorin. I especially appreciate the comradeship of our elders and colleagues in the Department of Islamic Law.

The Chief Imam, Chairman, Executive officers and all members of the University of Ilorin Muslim Community, the members and excos of the University of Ilorin Muslim Ladies Circle; and all other faith-based, professional and alumni organisations/platforms that I belong to deserve my appreciation for their support and encouragement always. I must specially appreciate all my teachers, lecturers and research supervisors. All your efforts have moulded me into who I am today.

Mr. Vice-Chancellor, to paraphrase an adage in Yoruba language, a child has two parents, but it takes a community to nurture such a child. Thus, I am a living testimony of the perspective that relatives are not always by blood; the heart often forms them. Apart from my parents, children and siblings, I have been blessed with so many fathers, mothers, uncles, aunties, siblings and children of the heart. When my father died in 2006, I was the only one out of five siblings enrolled for a master degree. With the love, care, attention and support, financial and otherwise, to our mum and us from all these fathers, mothers, uncles and aunts of the heart, I am a Professor of Islamic Law today alongside my foster sister Professor of Public Law, and all my siblings are Doctors of Philosophy and a Medical Doctor to the Glory of Almighty Allah.

Amongst this community of nurturers is our spiritual father who is looking at me proudly now and is always dreaming of our late father. Amongst these people is a man who contributed significantly to my love of learning and the classroom by buying me a lovely pencil-shaped utensil holder even before I started school. Amongst them is a man who bought lots of books in English Language for me to practice the language to placate my mum, who was unhappy at my dad's decision to send me to a public primary school. I could not speak in English Language for the first 6 years or so of my life, but I believe I am better now, all thanks to Allah. Amongst them is a man who flew me on Business Class category (first and last experience) during the December peak period in 2012, to enable me rush to the UK to visit my then recuperating husband, attend my Ph.D. degree graduation and return to Nigeria within 4 days to continue breastfeeding my one-year-old baby who had been denied an entry visa. Amongst them is a man who would travel very long distances by road, despite his age and the condition of the road, just to be there for us as a father. Amongst them is a woman who can walk any distance barefooted because she is trying to ensure that everyone is comfortable and fine. Amongst them is a woman who would consistently call around 5am in the mornings to pray and give assurances that all will be well. Amongst them are two women who love us and support us so much that they both cannot decide whether they are my mother's friends, sisters or daughters. Amongst them is a man who would do so much but will never pick up our calls to him to say thanks. Amongst them are my mother's rivals who continue to miss our dad. Amongst them is a man who would move heaven and heart to take my mum to the Holy Mosques, after consistently paying monthly stipends to my siblings who were still undergraduates after our father's death until their graduation. Amongst them are two men who adopted our father as their uncle and continue to adopt us as family. Amongst them is a man who, if I or any of my siblings would call on him at any time of the day or night, would rush over immediately. Amongst them is a great man who

was our dad's economic adviser who was a year older yesterday. Amongst them is a man who was my human pillar of strength during my LLM degree programme and our father's last illness. Amongst them are men and women who continue to cheer us on and ensure we do not relent in our various career progressions while also looking out for our mum. And finally, amongst them is a sitting Vice-Chancellor who, despite his very busy schedule, continually creates time for his usual fatherly and mentorship roles in our lives.

The list is not exhaustive and the examples I have cited are not conclusive of all their efforts and support always. To all these people, of whom some are present in the audience today both physically and virtually; some are with us in spirit; others have returned to their Creator (May Allah forgive them all), I owe a debt of gratitude for their sincere and unflinching support (*E kuas'ojus'eyin, e kuawo ye oooo*). May the Almighty reward you all abundantly in the best ways possible Amin.

All my students (law students, some students of other faculties and members of MSSN, University of Ilorin) are a significant part of my children of the heart, I thank you all.

I appreciate my father-in-law, my mothers-in-law and the entire Adebayo family of Ile Alfa, Itakure, Ilorin. I also appreciate all my siblings-in-law and their families for all their love and support. I must acknowledge the love and support of the entire Ojubanire family, of Adatan, Abeokuta, Ogun State. I also appreciate and thank my fathers, the Ona Onibode of Igboho Land and the Chief Imam of Igboho Land for their solid support always. I thank the entire Amoloye family and other ruling houses, the Modeke-Igboho Community and developmental associations, the Idagbasoke Community, the Ifelodun Community, the High chiefs and the entire community of Igboho, Oyo State for the family ties and sense of community. I also appreciate all my father's political associates and mentees for their dedication and sense of community service.

My siblings constituted the family review board for the initial drafts of this lecture. Even though I am their academic *odd*

one out since all of them are scientists, they tried to be there for me. I really appreciate this. While my brothers will accompany me as drivers and (*mahram*) on most of my out-of-town travels to deliver lectures and attend other academic engagements, my sisters would babysit my children supported by their loving spouses, my cousins, nieces and nephews. You all treat me like our late father, but in all of you, I find my late father as well. Thank you all for everything and I appreciate all your friends and colleagues that have become my adopted brothers and sisters as well.

My father's contribution and influence on my life is beyond words. I realise through him that being a parent does not mean you will always be physically present with your children. What matters most is the influence you exert on them in your absence, temporarily or permanently. I dedicate this lecture to the memory of late Dr. Prince Abduljelil Adebayo Alabi Edu Amoloye (*Omo Amoloye bi ororo*). By struggling to follow in your very oversized footsteps, I hope I can make you proud one day *in sha Allah*. May Allah continue to repose your soul amongst the faithful, *Allahuma Āmin*.

My mother, Dr. Bilqis Ajoke Edu Amoloye (*Alias Mama Azizah*) is a very rare gem whose name is apt for her: B- extremely beautiful in and out; I- intelligent; L- loyal to the core; Q- the queen, named after a queen, a queen herself- the Queen of my father's heart; I- intriguingly intuitive; and S- serene. My mother is my personal cheerleader, a pillar of support and who knows me more than I know myself. Words cannot capture the depth of my gratitude and love to you and for you. May all your prayers be answered and may you live long to witness more joyful years, *Allahuma Āmin*.

My children continue to be wonderful for their patience, support and love. I started my Ph.D programme when I was 6 months pregnant with my first son (Abduljelil Ayodele Adebayo) in 2008 and completed when my second son (Ahmad Olatunji Adebayo) was around 6 months old in 2012. I nearly delivered my little girl (Adibah Omotoyosi Adebayo) in class

while sitting on a seminar panel as the Departmental PG Programmes Coordinator in 2015. I do not take these blessings of Allah and His Grace for granted. May Allah continue to make you the joy of our eyes. Allahuma Āmin.

I am very grateful to my husband, Mr. Abdulazeez Ayodele Adebayo – Ayodele Baba ‘beji, Magaji Ilu Feyikogbon, Atanda Edukunoko Azizah, my namesake and son of my father’s namesake. I appreciate your confidence in yourself that has not deterred my own academic progress. Mr. Vice-Chancellor, ladies and gentlemen, when I met my husband at the university, he was Mr. Adebayo, and I was Miss. Amoloye. Then I became Barrister Amoloye (later in 2007 after our marriage, Barrister Amoloye-Adebayo), and he was still Mr. Adebayo. Then I became Dr. Amoloye-Adebayo, he remained Mr. Adebayo. Then I became Professor Amoloye-Adebayo, and he is still the same Mr. Adebayo, a Chief Planning Officer, Planning Unit, Ministry of Budget and National Planning, Abuja. When you meet my husband, the next thing that will likely come from him after introducing himself is that his wife is a Professor of Islamic Law. My words of gratitude and love are not sufficient, only Allah can reward you abundantly for your support and love. Allahuma Āmin.

Finally, I give all thanks and adorations to the Almighty Allah, the Most Gracious, the Most Merciful- *‘Their cry in it (paradise) shall be: Glory to Thee, O Allah! and their greeting in it shall be: Peace; and the last of their cry shall be: Praise be to Allah, the Lord of the worlds.’* (Q10:10).

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