Approaches to Teaching Islamic Law: Contrasting United Kingdom and Nigerian Experiences

By

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In this paper, I wish to share with you two teaching experiences. I came to the University of Warwick, UK, as a law doctoral candidate on study fellowship from Bayero University, Kano, Nigeria, where I have been an academic staff for a number of years. As part of my duties as a law lecturer at Bayero University, I have taught various subjects of Islamic law. At the University of Warwick Law School, I have been involved in the teaching of a module entitled 'Introduction to Islamic Law'. I have led group seminars for three years now and have attended all the lectures delivered by the course lecturer, Prof. Shaheen Ali. I have therefore experienced two teaching approaches in general and two approaches to teaching Islamic law in particular. The paper will discuss these approaches using the Bayero and Warwick universities experiences as case studies for Nigeria and the UK respectively. The purpose of the paper is mainly to contrast the experiences pointing out the strengths and weaknesses of the teaching approaches.

In both general teaching and the teaching of Islamic law, the Nigerian and UK approaches vary a great deal. The first thing that struck me was the teacher-student relationship. In Nigeria, except for teachers who decided to depart from the norm, the teacher acts like a boss over their students. They are in total control of their class in a manner that barely leaves room for the contribution of students. The relationship could be described as a one-way traffic. Teachers either deliver lectures or dictate notes or do a combination of the two to the students. The students are mostly passive recipients from the teachers. Students are often afraid to ask questions let alone challenge the teacher. They are never asked to give feedback on the teaching. And except in the form of marks awarded for their work, teachers never give them feedback. As Trigwell et al would put it, the approach to teaching in Nigeria is teacher-focused with the intention of transmitting information to students (Trigwell et al, 1999).

In the UK, the relationship is the opposite. I see the teacher-students relationship as friendly. The teacher recognises the worth of students and therefore gives room for questions and discussions. They engage students in discussions and encourage them to participate actively. This they do for instance by asking questions directly or directing questions asked by a student to the whole class for volunteer answers. Teachers receive feedback from students. And the feedback impacts on subsequent

teaching in that areas of weakness identified by the students are improved upon and areas of strength are continued with. Teachers also give students feedback on their assessed essays pointing out areas of strength and weakness and suggesting ways of improving the essays. This friendly and interactive relationship makes learning conducive. It balances between teacher-focused strategy and student-focused strategy each of which is extreme. The result is a teacher-student interaction strategy which makes students to acquire the concepts of the discipline better (Trigwell et al, 1999).

In both UK and Nigeria, the teacher knows in advance their course outline and shares same with students at the beginning of term. However, the approaches differ. In the UK, the outline is arranged thematically within a time frame. For instance, in a ten-week term of weekly two-hour lectures, sessions are planned on weekly basis. Each week of the term the theme(s) to be covered are known by both the teacher and the students in advance. Group work in the form of seminars are organised weekly for further and deeper discussions of the themes. The role of the seminar tutor is to facilitate student discussions. The seminar questions normally form part of the module outline. Both the lectures and the seminars are held within specific times that are religiously adhered to and they serve specific and distinct purposes. While lectures are meant for introducing students to general principles in the module with the teacher in the lead, seminars are student-focused; are designed for brainstorming; and their main purposes are to promote deeper and active learning and to build the skills and confidence of students (Booth & Booth 1997). It is generally agreed that seminars are more effective in small groups (Griffith, 1999; Race, 2003).

In Nigeria however, the course content is transmitted to students without any sessions plan in most cases. So lectures are generally conducted without plan a situation which often leaves some themes uncovered at the end of term. Catching up in most cases requires arranging for extra class hours. There are of course other factors contributing to this situation such as delay in beginning lectures especially at the commencement of a new academic session when students would have to follow long queues to enrol manually. Timetables normally contain a one-hour weekly tutorial for each module. But the tutorials are rarely observed and students are in the end left with lectures only. And because the lectures are a one-way traffic, students become completely unexposed to group work. This means that students do not have the benefits of interactive sessions. Ultimately, the teaching and learning approaches both become surface instead of deep ones (Lublin 2003) and a deliberate strategy for building students' skills and confidence is missing (Booth & Booth 1997).

Still on the approach, I observed that at Warwick, the teacher carefully selects relevant materials for the module, makes copies thereof and distributes to students in thematic order at the beginning of term. These materials include chapters in books, journal articles, etc. and are normally distributed along with a synopsis for the module. The synopsis contains guid notes on the various themes, a rich bibliography for further research (most of which will be available in the library), and questions for the seminars. In Nigeria, the teacher dictates to students the course outline together with list of relevant literature (most of which may not be available in the library). No reading materials are distributed. The lecture thus takes the general pattern of dictating notes to students with or without explanation. There is therefore the risk of recycling notes for many years. The wide gap between these two experiences may not be unconnected to the difference in the resources available to the educational institutions in the two jurisdictions respectively. The UK being a developed country, resources for its educational institutions would not be a big problem. Moreover, there is a strong connection between the institutions and the private sector. The institutions in Nigeria, especially the public ones rely almost solely on public grants and for many reasons, budgetary allocations to education do not reach even half of the UNESCO minimum standard (26% of budgets). These and other issues are the challenges facing (higher) education in Africa generally (Teferra & Altbach, 2004).

The literature aspect brings me to the particular approach in teaching Islamic law. In Nigerian universities, the literatures used are basically translations of the Qur'an and *Hadith* (teachings) of Prophet Mohammed, textbooks and articles mostly written by Arab, Asian or Nigerian Muslim scholars. A common feature of these literatures is that they represent the classical point of view. They are generally descriptive. They give you the law as it is; they tell you that it has been made for you to obey; and they warn you that the obedience is in your own interest both in this life and the life hereafter. In other words, the teaching is based on the Islamic view of adherence to law as a form of worship rewarded in life after death. The law is regarded as either directly divine (when sourced from the Qur'an or Hadith) or it derives its authority from the divine sources (when formulated through secondary sources such as the views of Muslim jurists) and therefore must be obeyed as it is. It is simply a take-it-or-leave-it rule. Just to take two examples, they tell you that theft attracts amputation of the hand as punishment once the conditions (such as custody and value) have been satisfied; and that men and women are equal save that due to the difference in their gender roles which is informed by their respective biology, men shall take twice the share of women in inheritance.

In the UK, the literature takes a different approach. It looks at the classical position in a wider context. It questions the applicability of Islamic public law in modern times particularly in the face of international human rights treaties which Muslim countries clamouring for the law are party to. It argues for instance that amputation of the

hand and other capital punishments under the Islamic criminal justice system are incompatible with 'universal' human rights standards. And they describe as "discriminatory" against women the unequal inheritance shares, something which the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) frowns at.

Interestingly, some of these critiquing literatures are authored by Muslim scholars calling for introspection in the Muslim world. For instance, because of the incompatibility of Islamic public law with international human rights law, they call for a reform of Islamic law in order to achieve a synthesis between the two (An-na'im 1990). It is also argued that problems arising from application of Islamic law particularly on gender issues are rooted in inappropriate interpretation of the divine sources of the law (Ali 2000; Shah 2006). However, there is a balancing literature which does not see dissonance between Islamic law and Human rights law and suggests a dialogical approach which "demands a culture of tolerance and persuasion and the abandonment of a culture of parochialism, violence and rivalry" (Baderin 2003).

On a deeper level, you find further differences between the UK and Nigerian approaches. In Nigerian universities for instance, the authority of the Qur'an and *Hadith* are unquestionable. In class, we boldly tell students that "the Holy Qur'an *is* the word of God, and the *Hadith are* the sayings, actions and approvals of the Prophet". But in the UK, the practice is to say "the Koran is *believed by Muslims* to be the word of God, and *Hadith* is the sayings, actions and approvals *credited* to Mohammed". What this shows is that the former statement is put as a factual statement while the latter looks more of an opinion. There is scholarship which even challenges the authority of the *Hadith*. For instance, a German scholar, Ignaz Goldziher, argues that the *Hadith* is not a reliable source of law because, according to him, it is the record of the views of early Muslims and not the teachings of the Prophet or even his companions; it is oral; later collections are larger than earlier ones; etc. (Siddiqui 1993). In Nigeria, such literature cannot find its way into school curricular. Because it is a conservative religious society, views of this nature could be termed as heresy.

This varying attitude towards literature in the field of Islamic law may not be unconnected to the general conception of higher education in the two jurisdictions. In other words, there is a cultural element in the diversity. In the UK, the culture is that of questioning and going beyond the text in every academic field. In Nigeria, religious texts are held to be transcendental and sacrosanct. When brought as academic subjects, they are processed at the surface level. Thus while in the UK the orientation is towards comprehending materials, in Nigeria the orientation tilts

towards reproducing the materials. Marton & Saljo (1976: 7-8) captured this difference in the following words:

> In the case of *surface-level processing* the student directs his attention towards learning the text itself (*the sign*), i.e., he has a 'reproductive' conception of learning which means that he is more or less forced to keep to a rote-learning strategy. In the case of *deep-level processing*, on the other hand, the student is directed towards the intentional content of the learning material (*what is signified*), i.e., he is directed towards comprehending what the author wants to say about, for instance, a certain scientific problem or principle (quoted in Richardson 1994).

It is not only the literature which is challenging in the UK. The students too are. Islamic law being rooted in religion and some of the students being atheists or agnostics, I faced questions on fundamental theological/legal issues which would hardly be asked in Nigeria. For instance, a student once asked me thus: "does your God know the past, the present and the future?" to which, being Muslim, I replied: "Yes He certainly does". The student asked further: "Then why did He not provide for issues like human cloning in the Koran?" I paused for a long time; I felt challenged; and then thought it was only in places like the UK that students could ask such questions. On the face of it, the question was a difficult one because the Qur'an was revealed more than 1,400 years ago and human cloning is a new technology yet to come to fruition. I however managed to deal with the situation effectively. I realised that in Nigeria such questions would not arise because of the belief system there and the fact that the students are grounded in the basic principles of the religion and its laws. I therefore explained how the Qur'an deals with new issues like cloning through laying down general principles and encouraging intellectual exercise (*Ijtihad*) in deducing particular day-to-day rules.

Teaching Islamic law in the UK for an average Nigerian Muslim would be both challenging and rewarding. It would be challenging in the sense that he/she would have to grapple with 'strange' literature on the subject and then intelligibly deal with 'strange' questions from students among other challenges. It would be rewarding because it would widen his/her horizon and teach him/her new teaching techniques. In Nigeria, I have not been personally used to drawing session plans; conducting seminars for small groups; giving feedback to students; receiving feedback from students; etc. I did not also realise how important teacher's enthusiasm was to the overall teaching and learning approach. The teaching experience at Warwick has therefore given me a lot of new things to take away and try. Quite admittedly, trying some of these new strategies might be difficult because the teaching approach in Nigeria might be too ingrained to be changed easily (Shamim 1996).

The strengths of the UK teaching and learning system lies largely in the use of the techniques mentioned above and conversely, therein lies some of the weaknesses of the Nigerian system. This is not to suggest that the UK system does not have its weak sides. For instance, I find the culture of eating and drinking in the course of lectures quite distracting and even disrespectful to the teacher. But on the whole, the UK system would be preferable because it promotes learning more than the Nigerian system does.

References

Ali, S.S. (2000), *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?*, The Hague, Kluwer Law International.

An-Na'im, A. A. (1990), *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*, Syracuse University Press.

Baderin, M. A. (2003), *International Human Rights and Islamic Law*, Oxford University Press, Oxford.

Baume, D. (2002) *Monitoring and Evaluating Teaching* available at http://www.brookes.ac.uk/services/ocsd/firstwords/fw4con.html last accessed 16 June 2009

Booth, J. & Booth A. (1997*) Enhancing Teaching Effectiveness in the Humanities and Social Sciences*. Sheffield, Universities' and Colleges' Staff Development Agency

Gibbs, G. & Habeshaw, T. (1992) *Preparing to Teach: An Introduction to Effective Teaching in HigherEducation*. Bristol, Technical and Educational Services Ltd.

Griffiths, S. (1999) *A Handbook for Teaching & Learning in Higher Education: Enhancing Academic Practice*. London: Routledge Falmer

Kamali, M. H. (2008), "Human Rights and the Shariah: Re-thinking the Hudud Penalties", Keynote Address delivered at the International Conference on 'Islam, the Application of Shariah and Human Rights', British Institute of International and Comparative Law, London, 5 June 2008, http://www.biicl.org/events/view/-/id/286/

Lublin, J. (2003) *Deep, Surface and Strategic Approaches to Learning*, available at http://www.ucd.ie/teaching/printableDocs/Good%20Practices%20in%20T&L

/deep%20surface&stragtic%20approaches%20to%20learning.pdf   last accessed 16   June 2009.

Morss, K. & Murray, R. (2005) *Teaching at University: A Guide for   Postgraduate   and Researchers*, London: Sage

Race, P. (2001) *Using Feedback to help Students Learn*, Higher Education   Academy Publication,   available   at http://www.heacademy.ac.uk/resources/detail/id432_using_feedback,   last accessed 14 June 2009

Race, P. (2003) *Facilitating Learning in Small Groups*, Higher Education   Academy Publication,   available   at http://www.heacademy.ac.uk/resources/detail/id476_facilitating_learning_i n_s   mall   groups, last accessed 14 June 2009

Richardson, J. T. E. (1994) 'Cultural Specificity of Approaches to Studying in Higher Education: A Literature Survey', *Higher Education* **27**: 449-468, 1994

Rust, C. (2001) Basic Assessment Issues and Terminology, Higher Education Academy   Publication, available   at http://www.heacademy.ac.uk/resources/detail/id436_basic_assessment_iss ues,   last accessed 14 June 2009

Shah, N. A. (2006), "Women's Human Rights in the Koran: An Interpretive Approach",   Human Rights Quarterly 28, pp. 868-903, The Johns Hopkins University   Press.

Shamim, F. (1996) 'Learner Resistance to Innovation in Classroom Methodology'   in H.   Coleman (Ed.) *Society and the Language   Classroom* (pp. 105-121). Cambridge: Cambridge University Press

Siddiqui, M. Z. (1993), *Hadith Literature: Its Origin, Development and Special Features*, Revised Ed., Cambridge: The Islamic Texts Society

Teferra, D. & Altbach, P. G. (2004) 'African Higher Education: Challenges for   the 21st Century', *Higher Education 47*: 21-50, 2004

Trigwell, K. et al. (1999) 'Relations Between Teachers' Approaches to   Teaching and Students' Approaches to Learning' *Higher Education* **37**:   57-70, 1999