

Islam's Multi-Pronged Approach in Combating Corruption

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Introduction

Corruption is a global phenomenon that permeates all human societies. There is hardly any society that is immune from this cankerworm, save that it is all a matter of degree. Every year, Transparency International and other organisations rate countries in their corruption index, prompting each country to sit up and better its profile. To this end, countries have entered into conventions against corruption at global and regional levels, to have legislation against corruption at national levels and regional levels. According to the World Economic Forum (2013), the cost of corruption equals more than 5 per cent of global GDP (about US\$2.6 trillion), and it adds up to about 10 per cent of the total cost of doing business globally. In 2007, the World Bank had estimated that about \$1 trillion per year was paid in bribes, while about \$40 billion per year was looted by corrupt political leaders. Ironically, this happens globally despite formidable religions like Christianity and Islam, loaded with moral teachings. For instance, Muslims constitute one-fifth of the world population, and fighting corruption in Islamic legal tradition is mandatory to the Muslims from the divine texts, yet it is endemic in their quarters.¹ Hence, this paper explored the position of Islam on corruption and its approach in combating it. In doing this, the article is divided into five sections. The article conceptualised corruption and its typologies and manifestations in parts two and three. This is followed by the Islamic perspective on corruption in part four. Part five provide suggestions on tackling corruption as drawn from the analysis.

¹ MevliyarEr, (2008) "Corruption from the Islamic Perspective: Some Recommendations for the MENA Region", *International Journal of Islamic and Middle Eastern Finance and Management*, Vol. 1 Iss: 1, pp.31 – 51.

Conceptualising Corruption

Corruption is difficult to define but easy to recognise. It is a phenomenon that is as old as human society. The word corruption is a derivation from the Latin word “*corruptus*” which means abandoned, decayed, spoiled, marred, perverted, contaminated and so on. ” The absence of an all-embracing definition made scholars to give it varying descriptions. Roger Scruton defines corruption from the political perspective as ‘using public office for private gain, whether financial or social, and without due regard for the public duties attached to the office in question.’² The above definition appears to limit corruption only within the public institutions, and has left many other indices of corruption outside its purview. This paper examined/analysed different indices of corruption within and outside public and private arena

Kalchheim looks at corruption from the public attitude towards punishing culprits and categorises it into black, grey and white corruption. Black corruption is any corrupt that both the elites and commoners concur in condemning it and would insist on having the culprit punished. Grey corruption on the other hand is one that only a fraction of the elites finds it condemnable; while white corruption is one that is tolerated by both the elites and the commoners.³ Obviously, in Nigerian context, looting of public funds may qualify as black corruption, thus deserving punishment. The practice of extorting ₦50 from motorists by law enforcement agents may not be seen as deserving punishment as some elites and commoners may come into their defence that the amount is meagre and at best a survival corruption. The act of favouritism in public employment which is a clear violation of federal character principle may fall under the grey corruption as defined above.

Transparency International considers corruption simply as ‘the abuse of entrusted power for private gain’. This definition appears more encompassing by focussing on individual unlawful gains irrespective of source or nature of the gain. In other words, the gain needs not be pecuniary but can take other forms like sexual favours or sex extortion. Furthermore, the definition did not insulate private sector from the circle of corruption. The downside of the definition is that it only looked at corruption by reference to a person entrusted with power but did not take account of the personal gains received through corrupt behaviours by people who

² Scruton, R., *The Palgrave Macmillan Dictionary of Political Thought*, New York: PALGRAVE MACMILLAN, 2007, 3rd Edition, p. 145.

³ Senior, I., *Corruption- the World's Big C: Cases, Causes, Consequences and Cures*, Westminster, the Institute of Economic Affairs, 2006, p 24

are not in power at all. In other words, a person who personally gains (award of high grades in an academic institution) through offering of sex has no 'entrusted power'. Her act is condemnable too, yet is spared from the web of corruption because of the absence of authority.

Other scholars avoided any definition, but rather describe it regard being had to context.⁴ Adam Graycar and Tim Prenzler quote Max Weber as identifying authority systems in societies by their nature and characteristics in order to appreciate how corruption operates. Max Weber classifies authority systems into Traditional, Patrimonial and Rational-Legal, otherwise known as Formal Organisation or Bureaucracy. For traditional and patrimonial societies, social stratification is visible between the rich and the poor, as between the blue-blooded and the subject. Such societies are characterised by exploitative behaviours and non-observance of rule of law.⁵ For instance, in traditional societies, hardly can one distinguished between personal property and state resources. Hence, there is practically no discussion of corruption because the system is set-up like that. Thus, nepotism, favouritism, cronyism, gift-giving, rent seeking, etc. are necessary elements of such systems. It is common in traditional system to sacrifice merit on the altar of nepotism, by conferring chieftaincy title on someone simply because he is blue-blooded or is offering gifts to the traditional head. The reason for this state of affairs according to Adam Graycar and Tim Prenzler is that such system of governance is 'without a scintilla of fairness...and all understand their place. The rich, well born and well placed all have a good life, while the poor have a miserable life and are exploited.'⁶ Traditional institutions in Nigeria by whatever name they are called, be it emirate, kingdom, dynasty, empire, satisfy this description. Ironically, they are considered part and parcel of government as they receive hand-out from the public purse.

On the other hand, rational-legal system is dispassionate and neutral; and is characterised by observance of set down rules agreed by members. Hence, it is absolutely independent of personal interest.⁷ In this type of social system, pursuit of personal interest would necessitate breaking the laid down rules, hence corruption will ensue.⁸ Therefore, in government

⁴Graycar, A., and Prenzler, T., *Understanding and Preventing Corruption*. Basingstoke: Palgrave Macmillan, 2013, p. 19.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid, p.20.

⁸ Ibid.

institutions or agencies, any attempt to compromise the rules for personal gain is necessarily unfair and unethical. For instance, employing the culture of nepotism in appointment to public office, or running a government office as if it is one's personal business, as where a President appoints his son or wife in key public office is tantamount to corruption. In 2016, the President of Equatorial Guinea, Teodoro Obiang Nguema appointed his son Teodorin Nguema Obiang as his Vice President.⁹ In the same year, Ugandan President, Yoweri Museveni appointed his wife as Minister.¹⁰ Therefore, the analysis in this article is predicated on the latter, i.e. modern society organised formally and bureaucratically. The article considers corruption as any act that undermines the established standard, or a deviation from expected conduct or deliberate bending of rules for personal advantage.

Manifestation and Typologies of Corruption

The United Nations Convention against Corruption¹¹ and its regional counterpart like the Africa Union Convention on Preventing and Combating Corruption¹² have identified many corrupt acts in both public and private sectors to include money-laundering, bribery of national and foreign public officials, embezzlement, misappropriation, trade in influence, abuse of functions, illicit enrichment, and so on. It is therefore, clear that corruption is multi-dimensional and knows no boundaries, as it is present in public and private sectors. It is also found in both endowed and poor countries, local and international companies, professional and religious groups. The endowed countries use Economic Hit Men (EHM) to perpetuate their corrupt dealings on the hapless underdeveloped countries through the instrumentality of international organisations.¹³ Added to the above list are other corrupt behaviours like fraud, self-dealing, conflict of interest, abuse of discretion, patronage (godfathering and 'mr.fixing'), nepotism, cronyism, pay to play and influence peddling.¹⁴

Corruption can be looked at from different perspectives. It can be viewed from the institutional point of view, such as judicial, legislative or executive corruption. It may be

⁹PM News, Nigeria (2016) Equatorial Guinea President Appoints Son as VP <https://www.pnewsnigeria.com/2016/06/24/equatorial-guinea-president-appoints-son-as-vp/> last visited 05/07/2017.

¹⁰Museveni names Cabinet, appoints wife to Education ministry <http://www.theeastafrican.co.ke/news/Museveni-expands-Cabinet--appoints-wife-to-Education-ministry/2558-3236160-e72j1b/index.html> last visited 05/07/2017.

¹¹ United Nations Office on Drugs and Crime, United Nations Convention against Corruption https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf last visited 05/07/2017.

¹²African Union Convention on Preventing and Combating Corruption <https://www.au.int/web/sites/default/files/treaties/7786-file-african-union-convention-preventing-combating-corruption.pdf> last visited 05/07/2017.

¹³ See Steven Hiatt, 'Global Empire: the Web of Control' in Steven Hiatt (ed) *A Game as Old as Empire: The Secret World of Economic Hit Men and the Web of Global Corruption*, San Francisco: Berrett-Koehler Publishers, Inc., 2007, pp. 13-29 at 24.

¹⁴Graycar, Adam and Prenzler, Tim, op. cit., p. 20.

measured on the basis of scale, such as mega/grand corruption, minor/petty corruption, quiet corruption among others. For the purpose of this article, we will classify it under three classes in terms of scale as follows:

1. Grand Corruption;
2. Petty Corruption; and
3. Quiet Corruption.

Even this classification is not a straightjacket, as features of one class may overlap with the other. Therefore, the fact that a certain behaviour is identified as petty or minor corruption does not make it any less devastating to the development of a state.

Grand Corruption

Grand corruption, or what the World Bank calls 'big-time corruption', is usually at the highest level of government.¹⁵ It involves mostly high ranking officials turning the state as a 'plaything' through squandering state resources or using the state to further their personal gains.¹⁶ Grand corruption takes two major forms: looting and state capture. Looting is a form of grand corruption which involves people occupying higher positions using the opportunity to misappropriate the commonwealth of the nation, and to improperly and dishonestly manipulate and control the institutions of power. State capture on the other hand, arises where people use their influence to have legislation formally developed and properly passed by the legislature to grant them benefits in a corrupt manner. It is common for a high ranking official to privatize state assets corruptly with formal legislation and turn around to purchase the privatized assets.¹⁷ It is also a common phenomenon for private persons, mostly companies, to influence legislators through 'lobbying' in return for very low rate of taxes via legislation in favour of private companies, etc.¹⁸ Lobbying takes many forms such as cash gift, providing campaign funding and donations.

Bribery can be small or large amount or no cash at all. Bribery, in particular, has acquired a plethora of names and is often white-washed and sugar-coated with beautiful appellations depending on cultural context. Words like kickbacks, sweetheart deals, baksheesh, payola,

¹⁵ World Bank, *Silent and Lethal: How Quiet Corruption Undermines Africa's Development* African Development Indicators 2010, p. 2

¹⁶ Graycar, Adam and Prenzler, Tim, *op. cit.*, p. 12.

¹⁷ *Ibid.*, p. 13.

¹⁸ *Ibid.*, P. 14.

secret commissions, incentive payments, perks, gratuities, fringe benefits, and ‘a drink for you’ are all too common English terms,¹⁹ so are terms like *alheri* and *albarkarofis*, common among the Hausa speaking communities.

Petty Corruption

Petty corruption involves relatively small amounts of money changing hands to obtain some favours from officers. This includes offering bribe to jump queue in public places like hospitals and filling stations; to have easy passage at check-points; to have criminal allegation dropped or have a favourable judgement. This form of corruption can be in cash or in kind, such as employment, sexual favours, holidays, etc. It is common to offer sex in return for good grades in educational institutions or in financial institutions, to retain good customers, just as it is also common to extort sex, particularly from students or hapless job seekers. Judges or court officials may collect money to give favourable bail conditions to an accused, or favour a litigant over the other. There are also reported cases of alteration of judgement to satisfy one of the litigants.²⁰

Quiet Corruption

Quiet corruption is recently identified as one of the types of corruption, otherwise tagged frontline provider misconduct’. It does not involve exchange of money, but occurs when public servants fail to deliver services or inputs that have been paid for by the government. For example, absentee teachers in public schools and absentee doctors in health centres.²¹ The World Bank describes “quiet corruption” to include:

Various types of malpractice of frontline providers (teachers, doctors, inspectors, and other government officials at the front lines of service provision) that do not involve monetary exchange. These behaviours include not only potentially observable deviations, such as absenteeism, but also hard to observe deviations from expected conduct, such as a lower level of effort than expected or the deliberate bending of rules for personal advantage. For example, education service delivery requires teachers to be present in school as well as to deliver classroom instruction required by the curriculum. Similarly, a building

¹⁹Ibid., p. 5.

²⁰ For more on Petty Corruption see Graycar, Adam and Prenzler, Tim, op. cit., pp. 12-13;

²¹ World Bank, *Silent and Lethal: How Quiet Corruption Undermines Africa’s Development African Development Indicators 2010*

inspector can turn up to inspect the structural integrity of a new shopping mall but choose to exert little effort in executing the task....²²

Quiet corruption does not receive much attention by the authority although its consequences are no less dangerous than grand and petty corruption. In fact, compared to grand and petty corruption, quiet corruption is more dangerous and ubiquitous, and its harmful consequences are more permeating for the poor.²³ The fact that it is more dangerous does not mean the other types should be treated with kid gloves. These types of corruption are inter-related and they create vicious circle in that the compromising behaviour of a senior officer influences the action of those in the lower cadre. For instance, a teacher may decide not to attend his class because of poor condition of his school, by claiming that the people who are supposed to fix the problem may have diverted the money meant for rehabilitating the school into their pockets. In situations like that the supervising authority may not have the gut or moral standing to question the teacher for absenting himself/herself from school or for low performance. The consequence is that the pupils will not get the needed attention, and may not be attended to or taught anything since the teachers are not forthcoming. The end-result will be production of half-baked pupils. Of course, being the future leaders, they will impart the little they receive to their own pupils later, or the little they learn in shaping the society, and the circle goes on. Little wonder that cases of collapsed buildings are all over the place, just as there are reported cases of medical negligence resulting in death in our hospitals. It is unimaginable how a society can develop when the future leaders cannot sit for national examinations without receiving 'expos' from their teachers.

Position of Islam on Corruption

In Islamic legal tradition, words like *fasād/ifsād* (mischief/ evil on earth), *bāṭil*(deception, vanity or falsehood) *rashwah* (bribery) *ithm* (sin), *suht* (illegal earnings), *ghulūl*, among others, are used variously in different context to signify corruption and bribery. Hence, anything that erode public trust, by whatever name it is called, is corruption. The term *ghulūl* according to al-Kafāwī refers to looting from public treasury (*baitul-māl*), misappropriating spoils of war (*ghanīmah*) and proceeds of *zakat*.²⁴ Other jurists extended corruption to include

²² Ibid, p.2

²³ Ibid

²⁴Manārat al-Islām, 'Al-Ghulūl' <http://www.islambeacon.com/m/الغلول> last visited 29/12/2017.

receiving gifts or gratification by public officers, embezzlement of public funds and seizing immovable properties of the governed for one's personal use.²⁵ *Rashwah* (bribery) refers to anything given in cash or kind to a judge or any person in authority to influence his decision in favour of the giver.²⁶

Generally, Muslim jurists are unanimous that corruption is a major sin and is prohibited on the strength of Qur'an and Sunnah.²⁷ Islam does not look at corruption sector-wise but it is action-focussed. Thus, any action that would lead to consuming any person's wealth unjustifiably irrespective of who the victim is, is corruption. Islam views corruption as *fasād* (evil on earth) on the strength of Q30:41 which reads: '*Corruption has appeared in the land and the sea on account of that which men's hands have wrought, that He may make them taste a part of that which they have done, so that they may return.*'

Unlawful personal gains resulting from compromising the established norms is corruption irrespective of the sector. Therefore, corruption can occur in public just as well as in private institutions. It is also a two-way traffic as it is perpetuated by high and low cadre officers. Hence, the three classes of corruption, viz: grand corruption, petty corruption and quiet corruption cannot have justification in Islam.

Islam adopts a multi-pronged approach in combating corruption, and these include:

- i. Moral Approach;
- ii. Legal Approach; and
- iii. Watchdog Approach.

Moral Approach

The first step taken is outright condemnation of any act of corruption and the act is likened to devouring one another's wealth in vanity. This implies signifies that people with conscience will avoid it willingly even though no sanction is attached. Q2:188 provides: "*And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of other people's property.*"

²⁵ ibid

²⁶ Al-Muntaqaahl-al-hadīth, '*Al-Ghulūwa al-Rashwah*' available at <http://www.ahlalhdeth.com/vb/showthread.php?t=278181> last visited 29/12/2017

²⁷ 'Arafa, M A., 'Corruption and Bribery in Islamic Law: Are Islamic Ideals Being Met in Practice?' *Annual Survey of International and Comparative Law*, 2012, vol. xviii, pp.171-242 at p. 202.

Furthermore, Q5:42 reads, “*They are fond of listening to falsehood, of devouring anything forbidden.*”

In another verse Allah SWT says:

‘And it is not attributable to a prophet that he should act unfaithfully; and he who acts unfaithfully shall bring that in respect of which he has acted unfaithfully on the day of resurrection; then shall every soul be paid back fully what it has earned, and they shall not be dealt with unjustly.’²⁸

Islam abhors any behaviour of illegal enrichment, stealthily taking public property, looting and embezzlement of public wealth by individuals, particularly those entrusted with the management of our commonwealth. The Prophet SAW emphatically warned Muslims against such corrupt behaviours when he said, whoever is assigned any job but conceals something out of the public wealth, be it big or small, will be made to repay on the Day of Resurrection.

It has been reported on the authority of ‘Adiy b. ‘Amīrata al-Kindi who said: I heard the Messenger of Allah (may peace be upon him) say: Whoso from you is appointed by us to a position of authority and he conceals from us a needle or something smaller than that, it would be misappropriation (public funds) and will (have to) produce it on the Day of Judgment”. The narrator says: A dark-complexioned man from the Anṣār stood up—I can visualise him still—and said: Messenger of Allah, take back from me your assignment. He said: What has happened to you? The man said: I have heard you say so and so. He said: I say that (even) now: Whoso from you is appointed by us to a position of authority, he should bring everything, big or small, and whatever he is given therefrom he should take, and he should restrain himself from taking that which is forbidden.²⁹

Again, when the Prophet Muhammad (PBUH) appointed Ibn Al-Latbiyya, in charge of *zakāt* collection to be received from Banū Sulaim, he came back and was asked to render his account. He said: This wealth is for you (i.e. for the public treasury) and this is a gift presented to me. The Prophet (PBUH) said: ‘You should have remained in your parents’ house until your gift came to you if you spoke the truth’. The Prophet then addressed us. He praised God

²⁸ Q3:161

²⁹ Muslim, H M, *Al-Musnad Saḥīḥ al-Mukhtaṣar* (‘Abdulbāqi, MF, commentary) DārIḥyā al-Turāth al-‘Arabi, Beirut, nd., Hadith no. 1833, vol. 3, p 1465.

and extolled Him, and afterwards said: 'I appoint a man from you to a responsible post sharing with the authority that God has entrusted to me, and he comes to me saying: This wealth is for you (i.e. for the public treasury) and this is a gift presented to me. Why did he not remain in the house of his father and his mother and his gift came to him, if he was truthful? By God, if any of you takes anything from the public funds without any justification, will meet his Lord carrying it on himself on the Day of Judgment. I will recognize any one of you meeting Allah and carrying a growling camel, or a cow bellowing or a goat bleating.' The Prophet then raised his hands so high that whiteness of his armpits could be seen. Then he said: 'O my Lord, I have conveyed your commandments.'³⁰

These narrations are significant in combating corruption today, as they did not only fight against corrupt enrichment but also frown at receiving gifts by a public officer. A community reading of the two narrations also shows that the practice in some organisations of allowing a receiver of gift to declare what is given to him and be allowed to take part of it may not have grounding in Islam. If declaration could cleanse the gift, the Prophet Muhammad PBUH would have allowed Ibn Al-Latbiyya to go with what was offered to him as gift.

Still as part of the moral approaches, Islam outlaws bribery and condemns the receiver and the giver. It also frowns at lobbying for position by warning the adherents that whoever lobbied for a position of authority will be left on his own by the Almighty Allah.

Public office is sacred duty that needs to be observed with due diligence. This points to the fact that the new entrant into the web of corruptions, i.e. 'quiet corruption' has since been outlawed in Islam, as Muslims are enjoined to establish justice by ensuring they give full measures.

'And give full measure when you measure, and weigh with a balance that is straight. That is good (advantageous) and better in the end'.³¹

This qur'anic provision goes beyond the literal meaning apparent in its wordings. Sheikh Muhammad Saleh ibn Uthaimin argues that the above verse is not limited to people using scale in measurement.³² According to him analogical deduction can be made to include many

³⁰ Ibid, Hadith No. 1832, vol. 3, p 1463.

³¹ Q17:35

³² Al-'Uthaimin, MS., *Tafsir Juz' 'Ammah*, Dar al Tharyā li al-Nashrwa al-Tawzī', Riyadh, 2002, p.94-95.

other acts. For instance, a husband demanding full and unqualified obedience from his wife while he is not performing his own side of the obligation falls within the meaning of *muṭaffifūn*, as he is mean in observing his duties yet demanding much from the wife.³³ One may include acts such as absenteeism and other observable deviations by frontline service providers such as teachers, engineers and medical personnel as *tatfif*.

Apart from condemning corruption, Islam enjoins its adherents to cultivate some good virtues and cautions them to shun their opposites such as trustworthiness (*amānah*) verses betrayal (*khiyānah*): *‘Indeed we offered the trust (amānah) to the heavens and the earth and the mountains, but they declined to bear it and feared it; man accepted it. Definitely he [has turned out to be] most iniquitous and ignorant.’*³⁴

In another chapter, *‘And if one of you entrusts another, let the one who is entrusted discharge his trust [faithfully] and [do so] with the fear of God, who is his Lord’*³⁵

In yet another chapter it reads, *‘O believers, do not betray God and the Messenger, and do not betray your trusts while you know [the consequences]’*³⁶

In the Sunnah of the Prophet it is recorded *“Whomsoever we appoint over an affair, we shall give him provision. What he takes after that is breach of trust.”* (Narrated by Abu Daud).

Other good virtues enjoined include honesty, sincerity, accountability (*mas’ūliyya*) and justice (*‘adālah*). All these go to shape one’s mind in avoiding anything capable of distorting the set down rules. There is no doubt that a person who internalises these social values is not likely to engage in corrupt practices.

Legal Approach

Knowing the human nature and its tendency to do the unlawful, Islam does not allow human being to be haunted by his conscience alone if he does any corrupt act. It, therefore, set some legal measures to ensure that only trustworthy people assume public offices. Indeed, seeking appointment to some key positions is not allowed in Islam. The Prophet Muhammad PBUH is

³³ Ibid.

³⁴ Q33:72

³⁵ Q2:283

³⁶ Q8:27

reported to have told ‘Abd al-Rahman ibn Samura that he shall not ask for a position of authority, for if he is granted such a request, he will be left alone without any assistance from Allah in discharging the responsibilities attendant thereon; Allah’s assistance comes where one is appointed without requesting for it.³⁷ In fact, even expressing of interest through lobbying is not allowed as the Prophet Muhammad PBUH had turned down requests of some people from Banū‘Umayyah. He emphatically stated that, by Allah we don’t appoint to position of authority anybody who requests or signifies interest in such positions.³⁸ To this end, one would commend the National Judicial Council of Nigeria for disqualifying anybody who lobbied for appointment as a judge as per the Rule 4 (II) (a) of the NJC Rules.³⁹

Another important strategy under Islamic system as a preventive measure is asset declaration by public officers at the time of their appointment. It is on record that the second caliph ‘Umar bn Khattāb (RA) had records of the assets of his appointees. He had also recovered assets from his appointees which were reasonably believed to have been acquired in suspicious way.⁴⁰ Indeed, in their appointment letter they were instructed not to ride on a high-breed Turkish horse, not to eat bread made of fine flour, not to wear thin and fine clothes.⁴¹ Muhammad Hashim Kamali cites examples of Muslim governors whose portions of assets were confiscated by ‘Umar bn Khattāb and these included Abū Hurayrah (Bahrain), ‘Amr bn Al-‘Ass (Egypt), Nafi‘ b ‘Amr (Makkah) Sa‘ad bn Abī Waqqas (Kufa) and Khalid bn Walīd (Sham).⁴² It is reported that ‘Umar bn Khattāb used to match his words with action. He removed one of his governors, ‘Iyād bn Ghanm for wearing expensive dress. Sa‘ad b Abī Waqqas had the gate of his mansion raised down on the orders of Caliph ‘Umar. He also removed Ya‘la bn Umayyah from being the governor of Yemen for dedicating a choice grazing place exclusive to his own cattle. In addition, to the removal, he was ordered to walk from Yemen to Madinah.⁴³

It is interesting to note that even where a public officer uses public money as capital to do business, the profit generated from the business cannot be legitimately taken by him. It is on

³⁷ Muslim, H M, op. cit, Hadith No 1652, vol. 3, p 1456.

³⁸ Ibid, Hadith No. 1733.

³⁹ National Judicial Council, Extant Revised NJC Guidelines & Procedural Rules for the Appointment of Judicial Officers of All Superior Courts of Record in Nigeria, 3rd November, 2014 available at <http://www.njcgov.org/Press/Judicialofficersappointment> last visited 28/12/2017

⁴⁰ Kamali, M.H., op. cit.

⁴¹ Understanding Islam ‘Umar bin Khattāb R’http://www.islam4theworld.net/Sahabah/umar_bin_khattab.htm last visited 29/12/2017

⁴² Kamali, M.H., op cit

⁴³ Understanding Islam, op. cit.

record, Abū Musa al-Ash‘arī, the governor of Basrah during the reign of ‘Umar bn Khattāb, had given some public funds for onward delivery to the public treasury through Abdullāh and Ubaydullāh, the two sons of Caliph ‘Umar who were on military expedition to Iraq. On their departure, Abū Musa said to them, “Here is some money which I was about to send to the Caliph. Maybe I can advance it to you to buy some goods in Iraq and sell them in Medina. Give the capital to the treasury and keep the profit.” They did as suggested to them, but Caliph ‘Umar confiscated both the capital and the profit and deposited them in the public treasury.⁴⁴ Therefore, if someone who had laboured to make profit out of the public funds is not allowed to enjoy it, the one who deposits government’s money in an interest yielding account deserves additional sanction for conferring unfair advantage unto himself.

All these examples suggest that public funds are to be expended with caution and that it is not allowed for a public officer to commandeer public resources for his personal use or use of his immediate family. It also points to the fact that a paramount authority may take any measure to ensure that public resources are not wasted by public servants. It is, therefore, not out of place to include preventive measures to block leakages in the system, as well as enforcement measures to deal with miscreants. To this end, the use of various payment platforms like the IPPIS, GIPMIS, TSA, etc. introduced by the Nigerian government is commendable as they are all meant to safeguard the public funds from being siphoned.

As for the enforcement measures, political heads have been empowered to punish perpetrators of corruption using the instrument of *ta‘azīr* (discretionary punishment). Any act condemned or declared unlawful in the Qur’an or Sunnah out for which no penalty is, however, prescribed can be criminalised and punished by *ta‘azīr*. *Ta‘azīr* gives one a wider latitude to prescribe penalties including death penalty, reprimand, threat, boycott, public disclosure, fines and seizure of property, imprisonment, caning, among others.⁴⁵ The devastating effect of some of these corrupt acts calls for stiffer penalty, but amazingly most governments appear to be treating the perpetrators with kid gloves. In Nigeria for instance, embezzlement and looting of public funds hardly attract more than ten years imprisonment. In fact, most of the former

⁴⁴Kamali, MH., ‘Bribery and Corruption from Sharia Perspective’ in Al-Fijawi, DA., *Economic Thoughts of Umar Ibn al-Khattab, IAIS Bulletin on Islam and Contemporary Issues*, issues 10 and 11, September-December 2012 available at https://www.academia.edu/8045898/Economic_Thoughts_of_Umar_Ibn_al-Khattab_IAIS_Bulletin_no.10_and_11. Last visited 23/12/2017

⁴⁵ El-Awa, M.S., *Punishment in Islamic Law* American Trust Publications, Plainfield, 2000, p. 101-106

senior government officials received punishment that is at best described as a slap-on-the-wrist. Some interest groups like Arewa Consultative Forum in 2012 advocated death penalty for treasury looters in Nigeria but it did not receive a warm welcome,⁴⁶ thus prompting the question whether our society is really interested in fighting corruption or it is a mere lip service. We are not aware of any instance where death penalty was applied in the history of Islam. Confiscation and removal from office appear to be the major tools used particularly by Caliph ‘Umar. Death penalty may, therefore, be too harsh a punishment for someone who abused his office. Notwithstanding that, such a person may be subjected to other punitive measures like naming and shaming, and incarceration.

Watchdog Approach

Islam enjoins its adherents to strive to establish justice, and mandates individuals and society at large not to allow injustice to thrive. Indeed, it is an offence to conceal injustice, “...but rather help one another in furthering righteousness and piety, and not help one another in furthering evil and aggression.”⁴⁷

Caliph ‘Umar was renowned for keeping watch over his ‘*ummāl* (governors) and used to receive information in writing on the conduct of his governors. If suspicion of impropriety, moral corruption or act incompatible with their position was made against them, sanction was exacted forthwith. It is reported that when Khālid bn Walīd came back from summer expedition with lots of riches, he made a gift of ten thousand *darāhim* to al-Ash‘ath b. Qays. A whistle blower sent a written information to the Caliph. Immediately, Caliph ‘Umar sent to Abu ‘Ubaydah to summon Khālid bn Walīd, removed his turban and tied him until he told him how he came about the money.⁴⁸ That if the money was from the spoils of war, then he has cheated; and if it was from his own personal money, then he was squanderer. In either case, he did not deserve to remain as governor. The Caliph then issued a special order thus: ‘Dismiss him from his post, in either case, and add his administrative area to your own.’⁴⁹ Abu ‘Ubaydah did as he was instructed and at the end of the day it was found to be from Khālid’s own personal wealth. Khālid remained suspended for a while until he went to meet the Caliph

⁴⁶Egbojiuba, M., ‘Corruption and Capital Punishment in Nigeria’, <http://www.allthingsnigeria.com/2012/corruption-and-capital-punishment-in-nigeria/> last visited 23/12/2017

⁴⁷ Q 5: 2

⁴⁸Juynboll, G.H.A., *The History of al-Ṭabarī (an annotated translation)*, the State University of New York Press, Albany, 1989 vol. xiii, p.107

⁴⁹ Ibid.

where he reasserted that the gift was from his own share of the spoils of war. After assessing Khālīd and was found faultless, Caliph 'Umar said, 'By God, Khālīd, you are a truly honourable man in my esteem, and you are dear to me; after today you will never have occasion to blame me for anything.' The Caliph then wrote to the province of Khālīd thus: 'I have not relieved Khālīd from his post because he has caused me displeasure or because of deceit on his part. But the people were captivated by illusions on account of him, so I was afraid that they would confer too much trust upon him and would consequently be tested. I wanted them to realize that it is God who is the creator of all things and I did not want them to be subject to an illusion.'⁵⁰ Another major lesson learnt is that it is not allowed for a public officer to favour his cronies by lavishing them with gifts from the public money. Even where the gift is from his own pocket he should be wary lest the public may think he is stealing their commonwealth.

In another development, upon receiving information about his governor of Baṣrah, al-Mughīrah b. Shu'bah who was suspected of illicit affairs with a certain woman and the people of Baṣrah were closely observing him. Then 'Umar sent Abu Mūsa al-Ash'ari to replace him as the new governor with a letter reading thus: 'Listen. A shocking rumour has reached me. I have sent Abu Mūsa to be governor. Hand all authority over to him. Hurry hither.'⁵¹ Although the required number of witnesses could not be produced to testify against the governor, the fact that the suspicion was strong led to loss of his governorship position.

The various examples above demonstrate that whistle blowing is legally sanctioned and it is mandatory on the public to expose any act of impropriety. Prophet Muhammad PBUH is reported to have said, "*Shall I not tell you who is the best of witnesses? The one who brings his testimony before being asked to do so, or tells his testimony before he is asked for it.*" (Narrated by Malik).⁵²

It is therefore not out of place to expose any act of corruption committed by public figures. Similarly, actions that may not count as corruption but considered unbecoming of a leader

⁵⁰ Ibid, p.108

⁵¹ Ibid, p. 112

⁵²Quoted in Malik, M and Nordin, M.M., 'Whistleblowing: A Shariah Imperative' 30th September 2012 <http://mpf.org.my/wp/?p=1073> last visited 30/12/2017.

may be reported to a political head, and the latter is duty bound to safeguard such public office from being tainted by unscrupulous officials.

We must be quick to distinguish between eavesdropping (*tajassus*) and whistle blowing. The former has to do with intruding into the private life of an individual and it is abhorred and condemned in strongest terms; while the latter has to do with exposing what a public officer does in relation to his duty. Perhaps what happened to al-Mughīrah b. Shu‘bah could have passed as eavesdropping but from the fact of the case it was obvious Abu Bakrah who reported the illicit relationship to the Caliph was not spying on Mughīrah. According Ṭabari, ‘what happened in actual fact between Abu Bakrah and al-Mughīrah b. Shu‘bah was that al-Mughīrah made it his custom to start conversations with Abu Bakrah, but the latter avoided him every time the former did so. At the time, both lived in al-Baṣrah; they were each other's neighbours, with a road separating their houses. Both used to spend time sitting behind their latticed windows opposite one another in their respective houses. Both lattices were fitted with peepholes, the one exactly opposite the other. One day, some people came together in Abu Bakrah's house for a chat at his lattice, when a (sudden) gust of wind opened the peephole. Abu Bakrah stood up in order to close it. Then the wind also opened the peephole of the lattice window opposite, he saw al-Mughīrah lying between the legs of a woman. He said to his visitors, "Come and look!" They got up and looked. Then Abu Bakrah said, "Bear witness!" "Who is she, anyway?" they asked. "Umm Jamīl, the daughter of al-Afqam," Abu Bakrah replied. Umm Jamil was one of the ‘Āmir b. Ṣa‘sa‘ah tribe; she was al-Mughīrah's mistress, making it her business to offer her services to governors and tribal nobles (*ashrāf*) as some other women did in those days. The men exclaimed, "We only saw buttocks, we do not know what she looks like." They kept staring when she stood up. When al-Mughīrah left the house to go to the Ṣalāt, Abu Bakrah stopped him and said, "You may not perform the prayer ritual with us." They then wrote a letter to the Caliph intimating him with what happened.⁵³ Although the allegation was not proved as only three witnesses testified to have seen him in the act, he remained removed from the office, and the three witnesses were punished for *qadhf* (false allegation).⁵⁴

⁵³ Ibid, pp.111-112.

⁵⁴ Ibid, p.114.

Conclusion

In the forgone attempt has been made to examine Islam's contribution in combating corruption. The article identified the Islam's multi-pronged approach and highlighted key contributions it provided to the world community in addressing the menace of corruption as it stands for zero tolerance to corruption. What is obvious is that Islam is at one with the international consensus that corruption must be fought head on. The article demonstrated that Islam focuses more on the action of an individual, and once it is adjudged as amounting to devouring someone else's resources illegally, it is corruption, whether in public or private sector. It also showed that offering and receiving gift by public officers is not allowed as it could lead to compromising the due process. Added to this, the use of public resources for personal gains was condemned. What remains to be added are the more general issues that naturally present themselves when one looks ahead to further prospects of fighting corruption. On the part of the government, it is imperative to appoint competent, credible, qualified and trustworthy people into sensitive public offices, and pay them decent wages and promptly. The government shall enforce the law against any violator, i.e. those involved in 'gratification' of our commonwealth should not be spared. The government shall enlighten people on the dangers of corruption, particularly the quiet corruption and its long-term consequences, that it is silent and lethal and capable of retarding the country's development. It must also strengthen the anti-graft agencies and name and shame perpetrators. As this fight cannot be done by government alone, individuals should adopt self-cleansing measures by having attitudinal change to public service. They must consider public property as a trust (*amānah*), and their appointments as trust (*amānah*). They should avoid lobbying for juicy positions. Above all, they should be God-conscious and remember the day of reckoning. To the society in general, it is imperative to inculcate sound ethical values of integrity, trustworthiness and God-consciousness. It is high time people who exhibited right values of integrity were rewarded and that our society must avoid glorifying and honouring people who have acquired ill-gotten wealth and chieftaincy titles; otherwise it will be guilty of reversing the standard of morality. The society must adopt whistleblowing measures by reporting acts of corruption.