

Viability of Socio-Economic Insurance Provisions for a Woman in Islam: Focus On *Mahr*¹ and *Nafaqah*²

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Abstract

History bears the fact that universally women and children are the most vulnerable members in the human society. Notwithstanding the role of the women folk in the establishment, nurture and development of the society, gender bias is incontestable whereby women are bedeviled with multi-farious social and economic travails. Islam took the bull by the horn to arrest this precarious situation by according women an esteem position in the scheme of things. Whereas a woman was considered as a mere chattel and source of sexual gratification for the man at her own expense, Islam conceives her as a dignified personality whose integrity must be safe-guarded by the masculine gender of superior or collateral status. This philosophy became entrenched primarily in the Islamic family structure whereby the law assigns the superintendent position to the male as a father, brother, uncle or anyone in similar category. Moreover, in the matrimonial setting, the husband is obligated to provide sustenance for the wife and the children. This paper therefore researches on the competence of this arrangement in providing socio-economic insurance for a woman as the major beneficiary of this welfare scheme in Islam. As a field and library research, the study involved interview, questionnaires and literary appraisal. Major findings indicated that where the principles of Islam are embraced wholesome, women were fully guaranteed of survival and protected from socio-economic menace. Apparently, violations of the Islamic principles on maintenance of women indulged some of them in unimaginable socio-economic immoralities. Hence, the paper concludes with some recommendations.

Keywords: dower, maintenance, woman, wife, husband, welfare

Introduction

Prior to Islam, women were held in miserable and contemptuous position. There was no account of any pre-Islamic religion or culture that accorded independent rights to women like their male counterparts; rather, the former were treated as chattels³. They had no independent status in the society but were often at the mercy and caprices of the men folk. They could neither own property nor inherit one belonging to their deceased relatives; yet they were themselves regarded as heritable entities. This degrading status of women and the malignity held against them notwithstanding, the women folk is one of the many institutions in traditional societies which greatly influenced achievement of developmental goals⁴. For instance, the place of women cannot be over-emphasized in accomplishing the clamour for the control of population; increasing the standard of literacy; high moral standard and discipline and the over-all success and stability of a nation. Thus, it is incontestable that the debasement of women is parallel to their roles in the total development of the society. In contradistinction to the contemptuous perception of women in many religions and cultures, by virtue of which they were denied legal rights as independent human beings, Islam makes a remarkable landmark through various *bona fide* provisions to esteem women and guarantee them rights in different dimensions. Such include rights to life, social security and economic independence among others.

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It is obvious that one major institution through which Islam sustains human existence and affords women the accomplishment of these rights is marriage. In Islam, one of the essential constituents of a valid marriage is *mahr* (dower) while the relationship is hopefully sustained through *nafaqah* (maintenance) among other things. Thus, *mahr* and *nafaqah* are considered inter-dependent and related; hence, they are chosen for this study. Both *mahr* and *nafaqah* involve transfer of property in one form or another from the husband to the wife for the benefit of the latter. Aside husband-wife relationship, maintenance is due to daughter, mother, sister and other relations of the same sex.

Considering hunger and poverty as the bane of socio-economic insecurity particularly among the female gender, this paper is concerned with a survey of the effectiveness of *mahr* and *nafaqah* in guaranteeing socio-economic protection of a woman. By this, it intends to explore the provisions of Islam on the subject, as well as examine its application in the Muslim homes with a view to determining viability of the provisions for socio-economic insurance of the woman. Invariably, this research study is focused on an ideal Muslim home where every member of the family is actually alive to his or her rights and responsibilities.

Islamic Legal Provisions on *Mahr* and *Nafaqah*

Mahr (dower) is the sum of money or other property which is paid by the husband or his agent to the wife in consideration of the marriage. The conception of dower in Islam is contrary to that of the European dowry or the African bride price. The European dowry was paid by the bride's father to his daughter and such virtually became the husband's property⁵ in as much as the English Common Law did not grant married women right to ownership not until late nineteenth century⁶. The African bride price on the other hand was paid by the groom to the father-in-law either in cash or kind; in the like of sale proceed. The object of these systems is that of "marriage by purchase"⁷. It is none-the-less worthy of mention that in the contemporary age the concept of the bride price in some African societies is being reviewed from that of sale proceed to a marriage token; yet, it is being paid to the bride's parents. Conversely, Islam imposed the obligation of *mahr* on the husband as a mark of respect for the wife. It is a symbolic expression of the groom's cognizance of the socio-economic responsibilities of marriage and his readiness to fulfill same⁸ while at the same time it legitimizes sexual cohabitation⁹. Moreover, the payment of *mahr* to the bride is an admission of her independence because she exclusively owns it upon its remittance to her and it instils her confidence in the husband. It is a fundamental feature of marriage in Islam so much that if none is fixed at the time of the contract, it renders the marriage irregular until the anomaly is rectified.

The right of the bride to *mahr* or *sadaq* is ordained in the Qur'an (Q. 4:4 and 9; 60:10) and the *Sunnah* (Prophetic tradition)¹⁰. It is mandatory that the dower must be specified at the time of the contract though its payment may be deferred if so required. It is not permissible for the wife to nullify the payment of *mahr*, though she could virtually reduce, remit or waive part of it to her husband (Q.4:4) after the marriage contract provided she is sane, intelligent and discernible of her action. *Mahr* is payable on anything that can be lawfully appropriated or on a valuable service. It is thus payable in cash or kind. The subject of *mahr* should be valuable, lawful and existent at the time of the marriage contract¹¹. It is not necessarily confined to tangible properties rather it could be money or any specified thing or right. Thus, proceeds from land or business, insurance policies, choses-in-action, movable and immovable properties, specified chattels which are capable of sale¹² etc can constitute valid *mahr*. Moreover, Al-Imam ash-Shafi'i contended that personal services rendered to the bride i.e. teaching her the Qur'an, a professional trade or skill, any lawful business, sponsorship of her education etc are valid substitutions for *mahr*¹³.

There is no maximum limit to the quantity or value of *mahr*. The amount is however dependent on the consensus of the parties or the guardians where applicable while the minimum is generally stipulated to be not less than a quarter of dinar¹⁴ or its equivalence. A quarter of dinar is being calculated to amount to 1.17 grammes of pure gold¹⁵, this being considered as a universal standard measurement that resists fluctuations. Going by the current financial trend in Nigeria, the sum of N9,036.60k is calculated¹⁶ as an equivalent of a quarter of dinar presently. This amount varies according to prevailing currency value at any given time. The general principle is that *mahr* should be paid according to circumstances with emphasis on moderation. Thus, the Prophet Muhammad (SAW) exhorted: "the best *sadaq* is that which most facile"¹⁷. Is therefore, it shall be fixed in proportion to the means of the husband on one hand and the status of the wife on the other. This presumes that some degree of compatibility in social status of the marriage partners (*Kafa'ah*) is desired.

Nafaqah is the provision of support to sustain life. In strict legal connotations, it is the provision of basic needs especially food, lodging and clothing (Q. 2: 233; 65: 6) to one's dependant to the exclusion of things of mere delight and enjoyment. None-the-less, maintenance may sometimes include other essential services (i.e. education and training) and cost of medical treatment which though attracts divergent opinion of the jurists¹⁸. The legal status of *nafaqah* is expounded in the Qur'an (Q. 4. 34; 65: 6-7). The divine injunctions are further corroborated by the Prophet Muhammad (SAW) in his traditions. For example, he enjoined: "the hand of a bestowed is the upper one, and spend first on those who are dependent on you: your mother and father, your sister and brother, then your nearest relatives in order"¹⁹. It is *wajib* (obligatory) to maintain one's wife(s) even if she is rich, child (ren) and possession(s) while it is *mandub* (recommended) to maintain one's poor parents and close relatives subject to economic sufficiency of the prospective sponsor²⁰. The jurists hold unanimous opinion that marriage and blood relationship are essential factors that induce maintenance.

It is incumbent upon the husband to provide maintenance for his wife regardless of her private means or status. The wife's right to maintenance is yet not curtailed by difference in faith or value. The husband is, under this obligation, required to provide the wife mainly with feeding, clothing and lodging. He is to provide her with the commonest food in the society or according to his means if he can afford rare and expensive food²¹. The quantity of food supply to the wife increases proportionally when she is in the state of pregnancy or lactation. In this regard the Qur'an asserts: "Let the man of means spend according to his means; and the man whose resources are restricted let him spend according to what Allah has given him... (Q.65: 7) and "The mothers shall give suck to their children ... but the father of the child shall bear the cost of the mother's food and clothing on equitable terms..." (Q.2: 233)

The husband is obliged to provide his wife with clothing according to the customary practices or twice a year, one for winter and the other for summer²². Furthermore, the husband is required by Islamic law to provide accommodation for the wife. She is to be lodged where the husband himself resides without causing her to suffer except she prefers and chooses otherwise²³. The wife's lodge must be adequate so as to ensure her privacy, comfort and independence. She has an exclusive right to her domicile without any interference or sharing with her husband's relation except on her agreement. The intent of this rule is to guarantee the welfare and security of the wife. Besides, the husband is to avail her with general care according to his means and life style of the wife. Thus, a well-to-do husband is to provide for his wife's personal attendants, if so required, either because of her status or infirmity²⁴. Maintenance in all cases is proportioned to the condition of the husband and the wife. Hence, the amount of maintenance depends on the financial position of the husband, status of the wife (beauty, nobility, education and wealth), degree of urbanization and cost of living.

The law provides that the right of receiving maintenance is due to the child (ren) and the impecunious relatives among the parents, step mother and other consanguine relations within the prohibited degrees²⁵. Maintenance of the child is obligatory on the father. He is bound to maintain his children regardless of sex. The scope of maintenance covers feeding, clothing, housing, education as well as other sundry expenses that will facilitate the mental and physical well-being of the child. Maintenance of a male child extends to the age of puberty and ability to earn his living by himself while that of a female child lasts until after consummation of her marriage²⁶ upon which her maintenance is devolved on the husband. Yet, should the marriage contract terminates either by divorce or death of the husband, maintenance of the woman falls back on her father, if alive, or her other male relations that have ability to bear the responsibility²⁷. Furthermore, maintenance is due to blood relations of prohibited degrees i.e. parents, sisters, nieces, aunts etc who are necessitous and are incapable of earning livelihood because of infancy, blindness, infirmity, idiocy and the like²⁸. The duty to maintain them falls due on the male descendants, collaterals and the step son, in case of a step mother, provided the sponsor possesses sufficient means. Invariably, it is apparent that a woman benefits maintenance rights in all stages of her life, be it as a wife, daughter, mother, sister, aunt or niece; either in obligatory capacity (*wajib*) or as a righteous act (*ihsan*).

Status of *Mahr* in Securing Socio-Economic Independence of a Woman

The Islamic law *ab initio* establishes that the payment of *mahr* is a sole contract between the couple except for a minor or a mentally deficient bride whose representative is authorized to contract the obligation on her behalf²⁹. Thus, as part of the reforms introduced by Islam to exalt a woman, *mahr* as a legal possession of the bride could itself form an economic base or be utilized as a seed money or capital to initiate a commercial venture.

Pertinently, the authorization of payment of *mahr* to the bride as an exclusive right is an admission of her economic independence because she owns it upon its remittance to her. Moreover, since *mahr* is a symbolic expression of the groom's love for the bride she is, by this offer, re-assured of her social security, marital identity and matrimonial care under the guardianship and authority of the husband. Acceptance of same by the wife reciprocates the love and her readiness to submit to the husband. Hence, the exclusive ownership of *mahr* by the bride is justified unlike what applies in the case of bride price which is often shared in the like of profit upon sale by her parents and other members of her family.

It is our considered opinion that where the *mahr* is appropriately paid on a valuable quantum it could provide economic base for an enterprising woman rather than she wallowing in abject poverty or absolutely dependent on others. Therefore, she can invest it and take it as an entrepreneurial, thus becoming a successful entrepreneur. For instance, a woman who receives a reasonable amount of dower can venture into small scale industry like soap making, palm oil processing, cassava processing (*gari*), cream making, cake baking, butter manufacturing, production of groundnut cake (*kulikuli*) and allied refreshments etc. Aside being profitable economic business, most of these ventures can be carried out successfully by a woman without jeopardizing her naturally prescribed matrimonial responsibilities. Furthermore, these businesses do not require very huge capital to initiate. Some of them might be floated with as little as ten thousand Naira only³⁰. This is by no means limiting the participation of women in economy to only the small scale ventures. Her entrepreneurship skill rather determines what she can go into as long as her femininity and primary gender roles are preserved.

Apparently, we observed that on the average many civil servants and responsible individuals contract their marriages on a *mahr* (otherwise commonly referred to as *sadaq*) of between ten and thirty thousand Naira³¹; yet, there are a number of others who pay far more than this depending on the financial position of the groom and social status of the bride³². None of these is culpable since *mahr* is prescribed to be paid on a lawful, valuable and affordable item with due consideration to the status of the parties concerned. In any case, any amount below the prescribed minimum quantum for *mahr* is unacceptable; hence such renders the marriage void³³. Moreover, it is note-worthy that since non-material items (i.e. providing the bride with sound education, professional training or trade) constitute a valid *mahr*, the parties are at liberty to opt for this substitute which invariably grants the wife a life-long socio-economic security. The objective of the law in this regard would only be accomplished if she is not made to live on her independent income.

It is discernible that Islam most profoundly protects the interest of the bride as well as guarantees her the right of economic independence through the provision of *mahr*. It is yet alarming that some marriage relationships exist nowadays among some Muslims without regard for the payment of *mahr* as required by law for a valid marriage contract. This assertion is further corroborated in suit KWS/SCA/CV/AP/IL/01/2001 between *Sanni Amari v. Suebat Ayinke* before the *Sharia* (sic) Court of Appeal, Ilorin, Nigeria whereby the respondent contested the payment of any *sadaq* to her by the appellant. She added that there was no *nikah* between the two of them. The appellant did confirm this submission. Similar argument was contained in suit KWS/SCA/CV/AP/IL/13/2001 between *Funmilayo Ajoke v. Taiye Ile Balogun Ballahi* in the same court.

Furthermore, given the prevailing economic fluctuations, the amount being paid for *mahr* in some cases is unrealistic. Reasons being adduced for this shortcoming include a misconstruction of the Prophetic exhortation that "the best *sadaq* is that which is most facile" as cited earlier. This hadith, we believe was only cited out of context without bearing in mind other conditions for a valid *mahr* i.e. valuability of the object of *mahr* to the bride. Hence, there were instances where the amounts being paid for *mahr* were as low as five hundred Naira (N500.00) or fifty Naira (N50.00) only in anticipation of divine rewards³⁴ on one hand or because of ignorance of the current equivalent of the minimum quantum at a particular time on the other. Besides, the groom was sometimes required to settle some customary sundry fees³⁵ to the bride's family. We consider the practice of paying any amount that is lower than the prescribed minimum, for whatever reason, as a violation of the Islamic law while the payment of sundry fees is a mere cultural heritage which should neither negate nor over-ride the legal provisions.

Dynamism of *Nafaqah* for Socio-Economic Insurance of a Woman

The maintenance of a woman in this case directly embraces her status as a wife, daughter or mother and by extension it might involve maintenance of a sister, aunt and similar other blood relations.

Bearing in mind that hunger and poverty are the bane of socio-economic insecurity of the society where women and children are the most vulnerable, the Islamic rules on *nafaqah* are primarily to insure a woman against these menace. It is a common Yoruba³⁶ adage that "*bi ebibakuroninuise, isebose*" meaning "if hunger is surmounted (from poverty), poverty is vanished". Hence, food, lodging and clothing are commonly upheld as basic needs for human sustenance³⁷. To that effect, the husband is obligated to provide food for the wife in the same way he feeds himself. Provision of food for the wife could be in cash or kind; that is to appropriate feeding allowance to the wife on an agreed schedule of time according to convenience of the husband³⁸ or providing raw food items to the wife according to her suitability and preference. The husband is also required to be responsible for all those items that will facilitate cooking the food including water, oil, firewood, kerosene or gas, condiments etc. Moreover, where housemaid is engaged payment of her honorarium is due on the husband³⁹. For a pregnant woman or a nursing mother, she receives additional cost of maintenance to improve her health status. The level of maintenance of the wife is generally dependent on the financial resources of the husband and social status of the wife regardless of her economic base. This rule justifies the Islamic law provision on *Kafa'ah* i.e. equality of the contracting parties in a marriage relationship.

Considering the fore-going, a woman is in a vantage position in respect of her sustenance by whatever means it is conceived. For a non-working class house wife, her maintenance is assured at all cost by the principle of *nafaqah*. For a working class woman, who receives her feeding allowance and yet has access to her independent source of income; it presupposes that she could live on one and keep a savings or make an investment on the other. If she obtains maintenance through kind, her feeding is guaranteed whereas her independent earning remains intact as her exclusive possession. This applies for instance in the case of a family whose head earns N37,000 only per month as a school teacher on salary GL 07 while the wife earns a stipend of N9,000 only as an auxiliary teacher⁴⁰.

On monthly basis, the man maintains the family by expending the sum of N15, 200 on feeding; N2,600 on accommodation; N2,500 on clothing the wife and N3,500 on miscellaneous, totaling N23,800. He has a balance of N13, 200 accordingly. The wife keeps her income on savings with a multi-purpose co-operative and thrift society. At the end of a given period she took a loan of N50, 000 to plan out for a commercial venture. Hence, she procured a deep freezer worth of N60, 700; the excess of N10, 700 having being augmented by the husband. In this scenario, it is obvious that the wife was able to invest on the proposed business venture because she primarily benefitted socio-economic insurance through the fulfillment of *nafaqah* obligation by the husband despite his meager income. The experience of the couple in this report is a show case of what is applicable in many Muslim homes where the husband is solely required to provide for the maintenance of the wife. The latter might though earn her income independently she is not obliged by law to expend on her maintenance except if, by her own volition, she opts to support the husband.

Other aspects of the wife's maintenance that are mandatory on the husband are accommodation and clothing. The Qur'an (Q.65:6) enjoins the husband to provide lodging for the wife where he dwells in accordance with his resources. In providing the dwelling, the stratum, privacy and comfort of the wife should be safe-guarded⁴¹. To accomplish this, he shall provide her a suitable housing either one own by himself or rented whereby he is responsible for paying the tenement rate. Should the wife own her house and she chooses to live therein on the approval of the husband she is entitled to her rent allowance⁴² unless she relinquishes it. Whichever of the options is adopted for her accommodation, the wife's socio-economic interest is protected at no cost to her. The husband is further obligated to expend on clothing his wife. The clothing includes dress, cosmetics and make up items. By this provision the law avails the wife some social security for protection of her integrity and preservation of her beauty at the expense of the husband's financial responsibility. The cloth shall be provided at least twice in a year or as it is customary in the society where the couple reside. This does not necessarily prevent the woman from independent procurement of additional clothing materials of her choice where she has the means of doing so without undermining her matrimonial integrity.

In as much as provisions of the basic needs are mandatory on the husband, it is not objected in law for a woman to support her husband in the maintenance cost by augmentation. Such a support should arise out of her free will but not by any mandate. She could expend on her needs other than those imposed on the husband or for supplementing the needs of her children. Pertinently, Islam approves that a woman could venture into an occupation to earn income provided her feminine nature and marital responsibility are jealously guarded. Aside the provision of food, lodging and clothing for the wife, the husband is enjoined to dispose him to the wife in good manners⁴³.

This all-embracing virtue includes expending on her health care and other essential services, luxuries and other pleasantries to facilitate happiness in the home⁴⁴. It is germane to observe that the imposition of *nafaqah* responsibility on the husband and discharge of same vested in him the right of *qawwamah* (protector, maintainer or manager). The Qur'an (4:34) asserts thus: "men are the maintainers of women because Allah has made one of them to excel the other and because they spend from their means ...". The term *qawwamah* is conceived in different perceptions by Qur'anic commentators and scholars⁴⁵. None-the-less, the consensus is that the husband is by this position assigned the leadership of the home whereby he has the duty of being the moral, economic and social protector of the wife and the offspring. The *qawwamah* is therefore a responsibility before it can become an honour, and a sacrifice before it can become a nobility. Hence, the *qawwamah* status of man in the family does not imply a loss of original equality of the woman with the man nor is it a factor to subdue her⁴⁶. The role of the husband should rather be like that of a leader in any setting or a ship captain for piloting the affairs of the home management in order not to run it adrift. Apparently, where he wittingly fails in his management responsibility he stands the chance of forfeiting his *qawwamah* rights thereby jeopardizing stability or sustainability of the family relationship.

It is significant to note that fulfillment of the maintenance responsibility by males (i.e. husband, father or kin) prevents the females (i.e. wife, daughter or kin) from poverty which otherwise has pushed some young women between the ages of 15 and 25 into sex work such as trafficking and prostitution. On the alternative, some of the women and girls who lacked rightful maintenance resort into housemaids, street hawkers, beggary, waitresses, bar girls, restaurant attendants etc. Apparently, female participants in these odd jobs outnumbered the males.

It is apposite to discover that in spite of the Islamic legislation on *nafaqah* to ensure adequate maintenance of the wife, there are yet many instances of lack of care by the husband. This is evident in the series of *khul'* cases⁴⁷ that are being entertained in several courts of law consequent upon lack of maintenance. The suits CA/K/87S/90 at the Court of Appeal, Kaduna, Nigeria involving *Hajia Husaina v. Alhaji Habibu Tsiriko*; CA/J/211s/89 at the Court of Appeal, Jos, Nigeria between *Huseina MuhammaduJika v. MuhammaduJika*; and CV/C/No 397/97 at the Area Court No. 2, Sabon Gari, Zaria, Nigeria between *Umma Munkaila v. Munkaila Umar* are pertinent examples that emanated from alleged lack of maintenance and cruelty of the concerned husbands. In each of these cases, the marriage contract was dissolved in favour of appellants/plaintiffs.

Furthermore, there exist many homes where the *nafaqah* rights are being shared on equal ratio or an agreed formula between the husband and the wife contrary to the rule of the Islamic law which entrusts the responsibility absolutely on the husband. Moreover, in contradiction of the law, some men fore-go their maintenance obligation as soon as divorce is instituted by or against the wife even if she is in the state of pregnancy or lactation. It is also not uncommon to find that some men venture into polygamy whereas they lack the resources to maintain the wives; hence, such men do not only abandon the women to fend for themselves they, many a time, coerce the wives to even cater for them in competition.

Similarly, the provision of Islamic law on the maintenance of the consanguine relations notwithstanding, the attitude of some Muslim parents towards the care and maintenance of their children and vice versa is contemptible. Some of these parents merely give birth to the children but careless for their welfare⁴⁸. Consequently, for lack of maintenance and education, they virtually turn to be delinquent and become public nuisance. The negligence of some other parents who though desire that their children acquire education but fail to give them necessary sponsorship is repulsive. This is an age-long practice among the Hausa-Fulani and Kanem-Borno people in Nigeria where the pupils who acquire Islamic education under many traditional '*ulama*' eventually turn out to be *almajirai*⁴⁹ due to lack of maintenance by their parents. Similar practice is nowadays being imbibed by some people among the Yoruba Muslims in Nigeria. Although, this reproachable act is more pronounced in male children than the female, the latter are not out rightly absolved from consequences of parental neglect.

Conclusion

Hunger and poverty had been postulated to be the bane of socio-economic insecurity in the human society. Women and children are discovered to be the most vulnerable of this problem. Where these menaces are adequately addressed, the socio-economic status of the vulnerable group would be enhanced.

Hence, the paper examined the tendencies of the Islamic provisions on *mahr* and *nafaqah* for ensuring the social identity and economic security of a woman as the major beneficiary through marital or consanguine relation.

Mahr (dower) and *nafaqah* (maintenance) are both institutionalized by law in Islam towards establishing a prosperous and stable home. Essentially, *mahr* paid to the wife by the husband entirely belongs to her. She is at liberty to utilize it on a reasonable and profitable cause. For instance, she may invest it on small scale industry, commerce, arts and crafts or agriculture depending on her entrepreneurship skill. *Nafaqah* is imposed on the husband being the family head through which his *qawwamah* right as a protector and manager of the home is applied. Thus, regardless the financial position of the wife, he is required to provide her with sustenance. If the woman is a pauper she is absolutely guaranteed sustenance through her maintenance by the husband; whereas if she earns her own independent income, she could save it as her possession or invest it on any economic venture. She is therefore opportuned to share equitably from the earnings of the husband, while the latter has no legitimate right to either confiscate her property or force her to share her earning in favour of maintenance. This nullifies the practice of the couple keeping joint account or forcing the wife to contribute a ratio to the cost of family maintenance.

The responsibility to maintain the children is vested on the father. Maintenance of the male child terminates upon attaining the age of puberty while that of a female lasts until her marriage is consummated. Yet, if the marriage is virtually terminated, her maintenance reverts to the father or other male relations. Maintenance of other female relations is foisted on the males who can afford to bear it without hardship. Apparently, the Islamic provisions on *mahr* and *nafaqah* guarantee the welfare and socio-economic security of a woman in all stages of her life so as not to constitute a nuisance in the society.

The welfare objective of the law notwithstanding, findings in this study indicate some violations by many people. Such include non-payment of dower, payment of insufficient dower, lack of adequate or nil maintenance, sharing of maintenance responsibilities etc. The breach of law in this regard induces multifarious gender based menaces which are actually avoidable on compliance with the rules. Thus, in order to effect aspiration of the law in favour of the socio-economic security of a woman, it is pertinent to recommend as follows:

- i. The prevailing economic reality should always be borne in mind as a factor to determine the payment of *mahr* and *nafaqah* at a given time.
- ii. Payment of moderate amount for dower enjoined by the Prophet Muhammad (SAW) should not be abused to the level of offering ridiculous amount as *sadaq*.
- iii. Customary sundry charges imposed on the groom by the bride's family should not in any way over-ride payment of adequate sum for *mahr*.
- iv. The bride should be enterprising or be guided to utilize the *mahr* judiciously to benefit her.
- v. There should be wide spread enlightenment of the public by the '*ulama*' on the minimum quantum payable for *sadaq* through all possible media and enforcement of same for marriage contract.
- vi. There should be adequate maintenance of the dependants to be provided by the sponsor according to his resources.
- vii. Considering the economic crunch, the husband might not be able to provide for absolute comfort of the family even where he so desires. Hence, the wife may have opportunity to engage in a work or public service with a view to earn some income. In that case we wish to recommend that she might divide her income into three: one-third for her savings/investment, one-third for expending on social and moral righteousness (i.e. taking care of her extended family, kin, charity and good will) and one-third for supporting the husband in his obligation of maintaining the family. This arrangement is more prosperous for her because it endures mutual love, compassion, and commitment to sustain the home on one hand and it affords the wife an avenue to seek the favour of Allah through the pleasure of the husband on the other. Besides, she still owns two-third of her income to ensure her socio-economic independence.
- viii. The Government or an approved agency (i.e. Islamic law courts, Council of '*Ulama*') should impose sanctions on the violators of the Islamic rules on *mahr* and *nafaqah* to sustain the family.

Notes and References

- It is an amount or a valuable object that is prescribed in Islamic law to be offered by the groom to the bride as a token of his love. It is termed as dower in English and interchangeably used as *sadaq*(nuptial gift), *'ajr* (reward), *faridah* (an obligation) or *nihla* (present) in other Islamic terminologies.
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- ©Uthman b. HasanaynBariy al-Ju©aliy al-Maliki: *Siraj 'us-SalikAshal 'ulMasalik*Vol. II. Beirut (Lebanon): Dar al-Fikr, 1402AH; p. 41
- It was the early Islamic currency which was in circulation during the life time of the Prophet Muhammad (SAW) and upon which he recommended payment of fiscal obligations in Islam i.e.zakat, diyah, mahr etc. Dinar is still in circulation in some Islamic countries. For details see <http://en.m.wikipedia.org/wiki/Dinar> accessed on 12thDecember, 2014
- Gold rate is \$1,267.89 per ounce. Retrieved from <http://www.goldrate24.com/gold> on 4th September, 2014
- See monthly publication of the Kwara State Sharia Court of Appeal, Ilorin on "Zakat, Dowry and Diyyat Calculation" for the month of Sha©ban, 1436AH/ May, 2015; this being the current edition that covers the research period.
- Muhammad b. Isma©il As-Sa©ani: *Subul'us-Salam, SharhBulugh al Maramimin Jami© 'Adilah al-Ahkam*. Vol. III. Cairo: Maktabah al-Imam, nd; p.248
- As-SayyidSabiq: *Fiqh 'us-Sunnah*Vol.II. Beirut (Lebanon): Dar al-Fikr, 1412AH/1992; p. 147
- Al-Hafiz b. Hijr al-©Asqalani: *Bulugh al-Marami min 'Adilat al-Ahkam*. Misr: Mustafa al-Babi al-HalbiwaAwladuhu, 1351AH; p.143
- Ambali: *The Practice of Muslim Family Law in Nigeria...*, p. 182
- ©Ali As-Sa©idi Al-©Adawi: *Hashiyat'ul-©Adawi*Vol.II. Lebanon: Dar al-Fikr; p.121
- F. H. Ruxton: *Maliki Law*. London: Luzac and Company, 1916; p.149
- ©Abd al ©Ati: *The Family Structure in Islam...*, p. 149
- Mohomed Ulla Ibn S. Jung: *The Muslim Law of Marriage*. New Delhi: KitabBhavan, 1990; p. 41
- Shihab 'ud-din ©Abdur-Rahman b. Muhammad b. ©Askar: *Irshad 'us-SalikilaAshraf al-Masalik fi Fiqh al Imam Malik*. Misr: ©AbdulHamid Ahmad Hanafi, 1951/1370AH; p.70
- Ibid*
- M. A. Abdur Rahim: *The Principles of Muhammadan Jurisprudence*. Lahore: The All-Pakistan Legal Decisions, 1958; p. 343
- Qadri: *Islamic Jurisprudence in the Modern World...*, p. 423
- ©Abdur-Rahman al-Jaza©iri: *Kitabul-Fiqh'alaMadhahib al Arba©* Vol. IV. Beirut (Lebanon): Dar Ihya al Turath al ©Arabi, nd; p. 96
- Interview with Mrs Fatimah Asejere, 42years, food seller at Oloje area, Ilorin on 15thMarch, 2015.
- Interview with Barrister AbdulRahmanAbdulMalik,62years, Law Unit, Kwara State University, Maleta on 10thMarch, 2015

For instance, SadiqWanka, a captain in the Nigerian Army paid the sum of N50,000 to his bride Zalfa'u Mahmud Muhammad (an undergraduate student) during their marriage ceremony in Yola as reported on Newline of the Nigeria Television Authority on Sunday, 11th January, 2015

Qadri: *Islamic Jurisprudence in the Modern World...*, p. 371

Interview with AlhajSalihAkanbi Muhammad, Chief Imam, Sobi Central Mosque, Ilorin on 18th March, 2015.

Ibid. For further reading see H. A. AbdulSalam: "Matrimonial Issues Among Yoruba Muslims of Nigeria". An unpublished Ph. D thesis submitted to the Department of Religions, University of Ilorin, 1996; p. 124

It is one of the three major ethnic groups in Nigeria; others being Hausa and Igbo. The Yoruba people presently dominate the South West zone of the country, yet, many of them still settle in other parts of Nigeria. There are also a good number of Yoruba speakers in the Republic of Benin. For further reading see Ajayi, J. F. A. and Akinloye, S. A: "Yorubaland in the Nineteenth Century" in ObaroIkime (ed.): *Groundwork of Nigerian History*. Ibadan: Heimann Education Books Plc. 1999; p.280ff

B. B. Wolman (ed.): *Dictionary of Behavioural Science*. Dublin: Litton Educational Publishing Inc., 1973; p. 101

Jung: *The Muslim Law of Marriage...*, p. 42

SalihAbdus-SamiAl 'Abi Al-Azhari: *Jawahir al-IkhlilSharhMukhtasar al- 'AlamatShaykh Khalil fi Madh-hab al-Imam Malik* Vol. I. Misr: 'Abbas b. Abd'us-Salam b. Shaqrunibil-Fahmayn, nd; pp. 402 – 403

Interview with Mr. AbdulFataiAja, 43years, a school teacher at Ndeji Primary School, Edu Local Government Area on 28th February, 2015.

'Abd al 'Ati: *The Family Structure in Islam...*, p. 150 Retrieved from <http://www.questionsonislam.com/node/12963> on 10th December, 2014

Abu Zakariya' Yahya b. Sharaf An-Nawawi: *Riyad 'us-Salihina min Kalam Sayyid al-Mursalina*. Beirut (Lebanon): Dar al-Fikr, nd; pp. 177 - 178

Ambali: *The Practice of Muslim Family Law in Nigeria*, p.184.

Dahlia Eissa: "Constructing the Notion of Male Superiority Over Women in Islam – The Influence of Sex and Gender Stereotyping in the Interpretation of the Qur'an and the Implications for a Modernist Exegesis of Rights". WLUML Occasional paper, 1999; p. 22ff

S. O. Muhammad: "Equality and Gender Rights: Islamic Law Perspectives". A paper presented at the Jurisprudence of Equality Programme held at the National Judicial Institute, Abuja, 2010; p. 37

For details see Sherifat Hussain: "An Examination of *Khuḥ* Cases in Ilorin Native/Area Courts" being a long essay submitted to the Department of Religions, University of Ilorin, 1988; p. 39ff

Interview with Mallam Tijani Yusuf, 50years, Social Welfare Officer I, Ilorin South Local Government Area on 2nd April, 2015.

It is a generic and plural form of the word *almajiri*(masc.) or *almajira*(fem.). The noun *almajiri* is a corrupted form of *al-muhajir* in Arabic which literally means an emigrant. In contemporary Nigerian society, the term is used as a nomenclature to describe the professional beggars. For details see Yahya Oyewole Imam: "The Situation of Almajiris in North-East Zone of Nigeria" being an unpublished research report submitted to UNICEF Zone D, Bauchi, December, 1998; pp. 20 - 60