A STUDY OF *NAFAQAH* (MAINTENANCE) APPLICATION AS AN ISLAMIC SOCIAL SECURITY SYSTEM IN NORTHERN NIGERIA

BY

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BEING A PhD DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD OF DEGREE OF DOCTOR OF PHILOSOPHY (ISLAMIC STUDIES), DEPARTMENT OF ARTS AND SOCIAL SCIENCE EDUCATION, ISLAMIC STUDIES SECTION, FACULTY OF EDUCATION, AHMADU BELLO UNIVERSITY, ZARIA

APRIL, 2014

DECLARATION

I declare that this work titled "A Study of Nafaqah (Maintenance) Application as an Islamic Social Security System in Northern Nigeria" has been carried out by me in the Department of Education, under the supervision of Dr. Abdulkadir Aliyu Ladan. The information derived from the literature has been duly acknowledged in the text and a list of reference provided. No section of this dissertation was presented at any University for another degree.

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CERTIFICATION

This dissertation entitled "A Study of Nafaqah (Maintenance) Application as an Islamic Social Security System in Northern Nigeria, by Hassan, Abubakar Kawu meets the regulations governing the Award of Doctor of Philosophy in Islamic Studies of Ahmadu Bello University, Zaria, and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

This work is dedicated to my late uncle Abdullahi Nma Yanma and my late Lecturer, Dr. Musa Muhammad Tukur, formerly of Ahmadu Bello University, Zaria. May Allah (S.W.T) have mercy upon them.

ACKNOWLEDGEMENT

To Allah belongs all praise, the Lord of the Universe and Master of the Day of Resurrection. He (Allah) alone we worship and He is our Nourisher and Cherisher. May his peace, benediction and blessings be upon the Prophet of Islam, Muhammad (S.A.W), his household, companions and all that follow his footsteps up to the day of reckoning. My unreserved gratitude is to Allah (S.W.T).

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GLOSSARY OF TERMS AND ABBREVIATIONS

This section contains operational definition of terms and abbreviations. Terms and abbreviations are explained in the manner they are used in this dissertation. They may assume different meaning in other contexts.

Bait al- Mal	Public treasury
Daman Ijtima'i	Social security
Dar al-Islam	Abode of Islam
Dar al-Harb	Abode of war
Dara'ib	General taxes imposed by Islamic state on its citizens to carryout welfare works
Darahim (Dirham Singular)	It is the money used especially during the time of the prophet SAW) and the companions.
Dhimmi	A non-Muslim citizen of the Islamic state
Dinar	Standard gold coin used in early Islamic states.
Fay'	Income from crown lands
Gha'ib	A person who is not present
Ghanimah	spoils of war
Al-Ghurm bil ghunm	liability is linked to gain.
Hadith	Sayings, actions and tacit approvals of the prophet (SAW).
Ihsan	Benevolence
Ijtihad	Exersion of ones ability in extracting laws from primary source-Qur'an and Sunnah .
Ikhtilaf	Divergence, Disagreement, differences of opinion
Imam	Leader, Head of State, Khalifah
Infaq	Expending in religious course
Islamic Education	It is the revealed and acquired branches of religious knowledge transmitted to the Muslims that develops them spiritually and

Jahiliyyah	intellectually in accordance with the teachings and values of Islam
Jarib	Period of ignorance
Jihad	Measure of about seven bushels. A bushel is a unit for measuring grain and fruit which is equivalent to 8 gallons in volume Struggling in the way of Allah (SWT) to make His Word the utmost
Jizya	Poll tax
Kaffara	Expiation
Khairat	Philanthropy
Khalifah	Head of state
Kharaj	Land tax
Mirath	Inheritance
Mudd	A measure of about 2 handfuls
Mukatab	An enfranchised slave
Munfaq alayhi	The maintained person
Munfiq	Spender or provider of Nafaqah
Mu`sir	The poor in difficulties
Nafaqah	Maintenance of the less previledged by provision of material support for their wellbeing which include food, shelter, clothing, education and medicare.
Nisab	The minimum wealth that attracts *Zakah*
Rural Community	Is a countryside community where there are no good road network, inadequate water and electricity supplies. Majority of inhabitants are farmers and fishermen.
Sadaqah	Voluntary alms
Social Security	Is an obligation of social and economic welfare and support by individuals, organizations and state to those who are incapable of providing same for themselves in order to ensure decent and adequate living standard.
Urban Community	

	Is a town or city having good road networks, adequate electricity and water supply with modern facilities? Majority of the inhabitants are industrial workers.
Ushr	One tenth of produce of land
Ushur	The revenue collected from proceeds out of trade and business carried out by the citizens of Islamic state irrespective of their religious leanings.
Western Education	It is the body of knowledge mostly transmitted in Nigerian formal educational system and recognized by the government as achieving national objectives. It is brought by Christian missionaries in 1842.
Zakah	Poor tax

ABBREVIATIONS

A.S	Alaihis-Salam (Peace be upon him)
DBS	Defined Benefits Scheme
DSS	Department for Social Security (in Britain)
DWP	Department for Works and Pension (in Britain)
HDI	Human Development Index
HDR	Human Development Report
ILO	International Labour Organisation
NHDR	Nigeria Human Development Report
NPC	National Population Commission
NPF	National Provident Fund
NSTIF	Nigeria Social Insurance Trust Fund
PAYG	Pay-As-You-Go Scheme. It was a social security scheme used in Nigeria for Nigerian working class employed by the government

	whereby they are paid the bulk of their retirement benefits on retirement.
PFA	Pension Fund Administrators
PFC	Pension Fund Custodians
R.A	Radiya Allahu Anhu (May Allah be pleased with him)
S.A.W	Salla llahu alayhi Wasallam (May peace and blessing of Allah be upon him)
SSA	Social Security Act
SSS	State Security Service
S.W.T	Subhanahu wata'ala (Glory be to him)
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Project
USSR	Union of Soviet Socialist Republics

TABLE OF TRANSLITERATION

The system of transliteration adopted is that of “encyclopedia of Islam” which runs as follows:

Arabic		Name	Transcription
ا	----------	alifun	---------- ’
ب	----------	bâ ’un	---------- b
ت	----------	tâ ’un	---------- t
ث	----------	thâ ’un	---------- th
ج	----------	jî mun	---------- j
ح	----------	hâ ’un	---------- ḥ
خ	----------	khâ ’un	---------- kh
د	----------	dâ lun	---------- d
ذ	----------	dhâ lun	---------- dh
ر	----------	râ ’un	---------- r
ز	----------	zaynun	---------- z
س	----------	sî nun	---------- s
ش	----------	shî nun	---------- sh
ص	----------	sâ dun	---------- s
ض	----------	dâ dun	---------- d
ط	----------	tâ ’un	---------- t
ظ	----------ٹ----	zâ ’un	---------- z
ع	----------	‘aynun	---------- ‘
غ	----------	ghaynun	---------- gh
ف	----------	fâ ’un	---------- f
ق	----------	qâ f’un	---------- q
ك	----------	kâ fun	---------- k
ل	----------	lâ mun	---------- l

م	----------	mî mun	----------	m
ن	----------	nû nun	----------	n
ھ	----------	hâ un	----------	h
و	----------	wâ wun	----------	w
ي	----------	yâ ’un	----------	y
	Short Vowels		**Long Vowel**	
أ	----------	a	آ ----------	â
إ	----------	i	إي ----------	î
أُ	----------	u	أو ----------	û

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ABSTRACT

This present study investigated the practice of Islamic Social Security System with special reference to *Nafaqah* (Maintenance) in some states of Northern Nigeria. A researcher designed questionnaire was administered to 1104 respondents randomly selected from rural and urban communities of Kano, Kaduna, Katsina, Niger and Sokoto states. Eight (8) null hypotheses and eight (8) research questions were analysed. 25 items were generated in the questionnaire using summative rating scale of 1 to 5 response scale. The test statistics chi square (X^2) was used to determine the level of significance at 5%. The result revealed that there is significant difference between the practice of *Nafaqah* among Rural Muslims and Urban Muslims. Findings also revealed that there exists significant difference between the practice of *Nafaqah* among those Muslims who acquired Western Education and those who acquired Islamic Education in the selected states of Northern Nigeria. Findings from the study also showed a significant difference between the practice of Muslims who acquired both Western and Islamic Education and those who acquired Islamic education in the selected States of Northern Nigeria. Results of the findings revealed that there is significant difference between the practice of *Nafaqah* among Muslims who acquired both Western and Islamic Education and those who acquired only Western Education in some States of Northern Nigeria. The research findings showed that there is a significant difference between the practice of urban Muslims who acquired Western Education and their counterparts that acquire Islamic Education in the selected States of Northern Nigeria. The research also revealed that there exists a significant difference between the practice of those urban Muslims who acquired both Western and Islamic Education and those Urban Muslims that acquired Islamic Education in the selected States of Northern Nigeria. The result of the findings revealed that there is significant difference in the practice of *Nafaqah* between the Rural Muslims that acquired both Western and Islamic Education, and their rural counterpart who only acquired Islamic Education in the selected States of Northern Nigeria. The results also revealed that there is significant difference between the practice of *Nafaqah* among the Rural Muslims that acquired both Islamic and Western Education and those Urban Muslims who acquired both Western and Islamic Education. Most of the Islamic Welfare institutions practice *Nafaqah* by way of feeding. Not much has been achieved by Islamic Welfare Institutions in the areas of clothing and shelter.

CHAPTER ONE:

INTRODUCTION

1.1 Background to the study

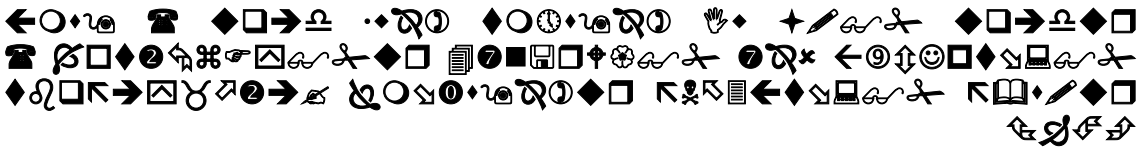
This is an introductory chapter that gives the appropriate background to the study. It expresses the problem of the study, generates pertinent questions, raises basic hypotheses, identifies the objectives of the study, provides basic assumptions, and expresses the significance of the study and the scope of the study.

Islam signifies complete submission to Allah's commandments. Allah (S.W.T.) is the Creator and the law-Giver. He has power over everything as He is the Creator of everything. For example Allah states in the Qur'an 3:102:



(سورة آل عمران ١٠٢)

That is Allah, your Lord! There is no god but He, the Creator of all things: then worship ye him: and He hath power to dispose of all affairs (Qur'an 6:102).



(سورة الأنعام ٧٠)

And He is Allah. There is no god but He. To Him be praise, at the first and at the last: for Him is the command, and to Him shall ye (all) be brought back (Qur'an 28:70).

Among the goals of all Islamic teachings and exhortations is the promotion of man's well being (*Falah*). In pursuance of *Falah,* Islam distinguishes itself from other systems by having its own unique philosophy of welfare which is comprehensive and consistent with its concept of human nature. The welfare function of the Islamic state was particularly stressed by the Prophet S.A.W. He said:

عن قتادة عن أبي المليح أن عبيدالله بن زياد عاد معقل بن يسار في مرضه فقال له معقل إنى محدثك بحديث لولا أنى في الموت لم أحدثك به ، سمعت رسول الله صلى الله عليه وسلم يقول: "ما من أمير يلي أمر المسلمين ثم لا يجهد لهم وينصح إلا لم يدخل معهم الجنة"

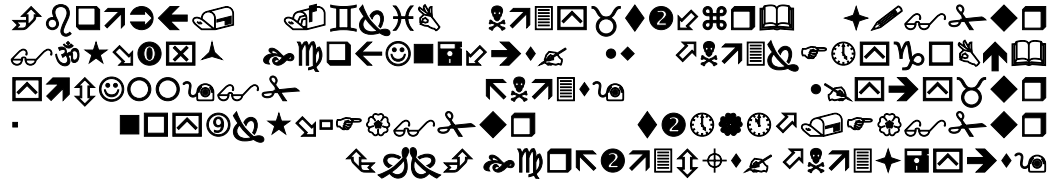
رواه مسلم

Any ruler who is responsible for the affairs of Muslims but does not strive sincerely for their well- being will not enter Paradise with them.

(Sahih Muslim 1: 383 Bab Istihqaq al-wali al-Ghashi lira`iyatihi al-nar).

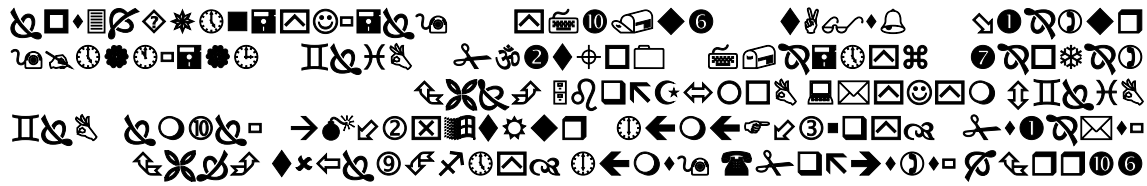
Man has been created from *maddah* (matter), but has been infused with a part of the *ruh* (spirit). The matter and the spirit constitute together the indivisible human self which is free but responsible before Allah (S.W.T.) for all its actions within the framework of Divine guidance. To achieve this, man is endowed with intelligence and capacity to differentiate between right and wrong and act on his own initiative. His mission is to fulfill his obligations as the vicegerent of Allah on earth.

Allah mentions in the Qur'an about human creation.



(سورة النحل ٧٨)

It is He (Allah) who brought you forth from the wombs of your mothers when ye knew nothing; and He gave you hearing and sight and intelligence and that ye may give thanks to Allah (Qur'an 16:78).



(سورة الحجر ٢٩-٢٨)

Behold! Thy Lord said to the angels: "I am about to create man, from sounding clay from mud moulded into shape; "When I have fashioned Him (in due proportion) and breathed into Him of My spirit, fall ye down in obeisance unto Him." (Qur'an 15:28-29).

In order to promote the wellbeing of the people, Imam al-Ghazali (1111, C.E.) classified the objectives of *Shariah* (Islamic law) into five in this form:

> مقصود الشرع من الخلق خمسة. وهو أن يحفظ عليهم دينهم ونفسهم وعقلهم ونسلهم ومالهم فكل ما يتضمن حفظ هذه الأصول الخمس فهو مصلحة, وكل ما يفوت هذه الأصول فهو مفسدة ودفعها مصلحة
>
> The very objective of *Shariah* is to promote the well-being of the people, which lies in safe-guarding their faith (din), their self (*nafs*), their intellect (‘*aql*) their posterity (*nasl*) and their wealth (mal). Whatever ensures the safeguard of these five serves public interest and is desirable, and whatever hurts them is against public interest and its removal is desirable (al-Ghazali, 1937:139-140)

Man’s faith in Allah assists him to provide right direction through injecting a meaning and purpose into life and transforming man’s behavioural pattern toward accountability to Allah (S.W.T).

Wealth is a trust from Allah (S.W.T), which has to be developed and used honestly and conscientiously for removing poverty, fulfilling the needs of all and promoting equitable distribution of income and wealth. It is used as a resource necessary for individuals to fulfil their obligations towards Allah (S.W.T) as well as themselves and others. The remaining goals of *Nafs* self (self), *Aql* (intellect) and *Nasl* (posterity) relate to human being himself, whose well-being is the primary objective of *Shariah.*

Nafs is honoured, dignified and respected as both the end and means of economic prosperity. ‘*Aql*’ is a distinguishing characteristic of a human being that needs to be enriched through revelation and reasoning. Posterity plays a vital role in shaping the human society to be better than what it was through responding successfully to the challenges of the moment. These ingredients of human well-being are interdependent and play the role of supporting each other. (Chapra, 2006:13-23).

It is the responsibility of a Muslim to work hard to earn a living. He is required to use his hands in what is suitable for him in production, farming, industry, commerce, grazing, hunting, and mining and of the needs of the society. The Prophet (S.A.W) Said:

عن أبي هريرة رضى الله عنه أن رسول الله صلى الله عليه وسلم قال
((والذى نفسي بيده لأن يأخد أحدكم حبله فيحتطب على ظهره خير له
من أن يأتي رجلا فيسأله أعطاه أو منعه
رواه البخاري

By Him in whose Hand my life is, it is better for anyone of you to take a rope and cut the wood (from the forest) and carry it over his back and sell it (as a means of earning his living) rather than to ask a person for something and that person may give him or not.

(Bukhari 2:1401 Bab al-Isti'faf anil-mas'alah)

However, out of this wealth acquired through lawful means by individuals or the society, there is an obligatory or voluntary share for those who are incapable of providing for themselves due to unforeseen problems of sudden sickness, death, disability, disease, unemployment, fire, flood, storm, domestic problems, drowning, accident related to transportation, old age and Financial loss, based on the teachings of Islam. The programme that provides for such Social welfare and economic well-being in the Islamic set-up is known as *Daman Ijtima'i* (Islamic Social Security) (Syed, 2009:1).

The instruction of the Qur'an to the Muslims to lend unto Allah a goodly loan; for whatever good deed you may offer up on your own behalf, they shall truly find it with God-yes better and richer in reward, expresses the beginning of educational process by which God was to command the Muslims to intervene in society on behalf of the poor, needy and helpless. Qur'an states:

…And loan to Allah a beautiful Loan. And whatever good ye send forth for your souls, Ye shall find it in Allah's presence-Yea, better and greater, in reward. (Qur'an 73:20).

Social Security has been a household name in modern western economic system and arrangements. Social Security in modern concept refers to a programme established by law to provide for the economic security and social welfare of the individual and his family (Husayn, 1989:66). The modern concept of Social Security assumes the shape of old-age pension Scheme, unemployment benefit, sickness benefit, death grant, disability allowance and family allowances. In whatever way a Muslim views Socio-economic welfare within a Social System, he must not lose sight of the fact that in a Muslim's day to day interaction and economic transaction, everything is permissible except if there is a proof of its prohibition from the Qur'an and *Hadith*.

Social Security is a modern secular concept the equivalence of which in Arabic is *Daman Ijtima'i* **ضمان إجتماعي**, included in the list of the feeders of Islamic Social Security is *Nafaqah*. *Nafaqah* is a subset of Islamic Social Security System signifying an obligation of material support by individuals or the state to ensure the economic wellbeing and social welfare of the needy and downtrodden.

The Qur'an uses it both in the sense of maintenance expenditures for the immediate family and for the relatives who may need to be supported due to lack of means on their part (the extended family), as well as in the sense of voluntary spending for members of the society in want (the human family). *Nafaqah* generally implies in the context of Qur'an as both compulsory and voluntary investment in the family and

society for general welfare purposes, which testifies one's commitment and sincerity through fulfillment of responsibility (Haq, 1996:175; ibn Badawy, 2009:393). Ibn Badawy (2009:393) described *Nafaqah* as all encompassing term that includes compulsory maintenance such as *Zakah*, family maintenance and others.

Looking back at the history of Social Security System, it is not difficult to discover that the human society has tried to provide economic protection to its needy citizens in some forms or the others. However, forms that Social Security system took in the course of its evolution in different communities reflects the stage of their economic development at that very time of history and the appropriateness of the device adopted (Hasan, 1984:1). The legal guarantees of the material requirements of the citizens in the name of Social Security, with which the West became acquainted in the beginning of the 20th century, were given to the *Muslims* through Islam exemplified by Prophet Muhammad (S.A.W) fourteen hundred years ago and is more comprehensive and self-sustaining than the system introduced in modern times (Hassan, 2008:21). For example in the Western Social Security system, the definition of 'needy' is rather vague, that is, if a person is unemployed, he can claim Social Security cover which at times, induces people to be idle loafers. In Islamic system, the hand that gives is better than the hand that receives. Therefore everybody is encouraged to give through hard work. In fact the receiver of, for example, *Zakah* (Poor due), is asked to struggle to work harder and be self-supporting (Manzoor, 2006:42). In the west, the Social Security system is mostly limited in scope of its benefits and is confined to a small portion of the society-industrial workers (Hassan, 2008:21). Islam laid great emphasis on service to humanity in general through a Social Security System sources such as *Nafaqah*.

The *Muslim Ummah* (community) is a community committed to providing Social Security to the less privileged especially those who volunteered to serve the

Islamic course and the community. The concept of Social Security in Islam is based upon the best principles of morality. The Qur'an puts forth moral, ethical, eschatological, personal and social reasons and arguments to convince the believer that social wants are next to personal wants and that their satisfaction has a very high ranking in one's utility or consumption and expenditure function (Haq, 1996:177).

It is based on the recognition of these explanations that an attempt is being made to examine the concept of Islamic Social Security with reference to *Nafaqah* (Maintenance) as observed in some states of Northern Nigeria.

1.2 Statement of the problem

It has earlier been observed that *Nafaqah* provides for the economic and social wellbeing of individuals in the *Ummah*. The extent to which such provision in Islam is put into practice in some states of Northern Nigeria is yet to be ascertained.

Northern Nigeria falls into the segment of Nigeria where majority of the inhabitants are Muslims. Most of the States in such geo-political zone practice *Shariah* in their law courts. Clamouring for the improvement of *Shariah* implementation was championed by these states between 1999 and 2002. It is however disheartening to see malnourished teenagers and children of primary school age roaming the streets of these States seeking for alms. In Islam it is an obligation of parents to nourish their male children up to the age of maturity and female children until they get them married. Therefore, the exhibition of abnormal situation in Islam by these children in the name of *Al-majiri* is a thing of concern. Also the old-aged who are expected to be reaping from the fruits of their toils are left helpless in need of their daily bread through begging. This melancholy is expressed in their faces. This clearly shows that there is problem in the

practice of *Nafaqah* among Muslims. Otherwise the society would not have been seeing people on daily increase in the street begging.

Bala (2006:61) lamented over the deplorable conditions of women and children in northern states of Kebbi, Zamfara, Kano and Katsina states and the unencouraging attitude of authorities to solve them. He lamented that there are many divorcees in the society who are left un-married with little or no assistance extended to them by the government. A father or husband who may not have estate would die or leave home for years leaving the wife or wives to look after the children. The wife or wives provide them with food, clothing and other basic necessities. These types of women and children hardly get assistance from the government. Such women and their children take to begging and consequently indulge themselves in prostitution and drug abuse.

The Nigeria Human Development Report (HDR) 2008/09 (HDR) published by United Nations Development Programme (UNDP) in December 2009 examined that 54.4% of the population live below the national poverty line. But this figure has been available for some years and is based on a 2004 survey. By reference to the international poverty line of $1.25 per day, the World Bank offers a higher estimate of 64.4% for 2007. Out of this, over 70% of the poor live in rural areas. The HDR laments that Nigeria has focused too narrowly on growth for its own sake rather than as means to improved human development (oneworld.net, 2010:1). The 2010 HDR of the United Nations examined that 64 percent of Nigeria's population live in abject poverty. This accounts for more than half of the population. The report puts Nigeria's Human Development index (HDI) at 0.423 (Ekoakete, 2010:1).

Old age is one of those factors that attract Social Security and *Nafaqah* (maintenance). The United Nations Population Division gave projected population of ageing in Africa, West Africa and Nigeria from 2005-2050 as follows:

TABLE1.1: Projected Population of Ageing in Africa, West Africa and Nigeria.

	Population 60+ (percent)			**Population 60+ (millions)**		
	2005	2025	2050	2005	2025	2050
Africa	**5.2**	6.4	10.0	47.4	85.8	192.9
W.Africa	**4.7**	5.5	9.0	12.0	21.8	51.6
Nigeria	**4.9**	6.0	9.9	6.4	11.5	25.5

Source: UN Population Division (2005)

At the moment in Nigeria, there is no Social Security policy in old age. The contributory pension scheme affects only those in the formal sector: Artisans, farmers, fishermen, commercial drivers and others like them are not included in any of the schemes. Kinsella and velkoff (2001:95) examined that Nigeria has the highest older people's population at present in Africa.

Based on the earlier UN Table presented (Table 1), it is estimated that by the year 2025, the population of Nigerians aged 60 and above will constitute 6 percent of the entire population of the country. In the wake of the apparent decline in the adequacy of material family support in recent times and the rising deprivation and poverty to which growing numbers of older people are exposed, there is need to explore other Social Security avenues in arriving at a workable decision that will serve as a solution to this Social Security problem in Nigeria.

1.3 Objectives of the study

Based on the title of the research, the following objectives are discernible;

1- Ascertaining whether differences exist in the practice of *Nafaqah* between the Urban Muslims and the Rural Muslims in the selected States of Northern Nigeria.

2- Confirming whether there is significant difference in the practice of *Nafaqah* between those Muslims who acquired Western Education and those of their counterparts who acquired Islamic Education in the selected States of Northern Nigeria

3- Verifying whether there is any significant difference in the practice of *Nafaqah* between those who acquired both Western and Islamic Education and those who only acquired Islamic Education in the selected States of Northern Nigeria.

4- Ascertaining whether there is significant difference in the practice of *Nafaqah* between those that acquired both Western and Islamic Education and those who acquired only Western Education in the selected States of Northern Nigeria.

5- Considering whether there is significant difference in the practice of *Nafaqah* between the Urban Muslims who acquired Western Education and those Urban Muslims who only acquired Islamic Education in the selected States of Northern Nigeria

6- Identifying whether there is significant difference in the practice of *Nafaqah* between Urban Muslims who have acquired both Western and Islamic

Education and those that have only acquired Islamic Education in selected State of Northern Nigeria.

7- Ascertaining whether there is significant difference in the practice of *Nafaqah* between Rural Muslims who acquired both Western and Islamic Education and those of their Rural counterparts who acquired only Islamic Education in selected States of Northern Nigeria

8- Considering whether there is significant difference in the practice of *Nafaqah* between a Rural Muslim who has acquired both Western and Islamic Education and those of their counterparts in urban areas in some states of Northern Nigeria.

1.4 Research Questions

The research questions for this study are identified as**:**

1- Is there any significant difference in the practice of *Nafaqah* between the urban and the rural Muslims in some states of Northern Nigeria?

2- Is there any significant difference in the practice of *Nafaqah* between those Muslims who acquired Western Education and those of their counterparts who acquired Islamic Education in some states of Northern Nigeria?

3- Is there any significant difference in the practice of *Nafaqah* between those who acquired both Western and Islamic Education and those who only acquired Islamic Education in some states of Northern Nigeria?

4- Is there any significant difference in the practice of Nafaqah between those who acquired both Western and Islamic Education and those who acquired only Western Education in some states of Northern Nigeria?

5- Is there any significant difference in the practice of Nafaqah between the urban Muslims who acquired Western Education and those urban Muslims who only acquired Islamic Education in some states of Northern Nigeria?

6- Is there any significant difference in the practice of Nafaqah between Urban Muslims who have acquired both Western and Islamic Education and those that have only acquired Islamic Education in the selected states of Northern Nigeria?

7- Is there any significant difference in the practice of Nafaqah between Rural Muslims who acquired both Western and Islamic Education and those of their Rural counterparts who acquired only Islamic Education in the selected States of Northern Nigeria?

8- Is there any significant difference in the practice of Nafaqah between Rural Muslims who have acquired both Western and Islamic Education and those of their counterparts in Urban areas in the selected States of Northern Nigeria?

1.5 Hypotheses

The null hypotheses for this research were analysed in this form:

Ho1: There is no significant difference in the practice of *Nafaqah* between the Urban Muslims and the Rural Muslims in the selected States of Northern Nigeria.

Ho2: There is no significant difference in the practice of *Nafaqah* between those Muslims who acquired Western Education and those who acquired Islamic Education in the selected States of Northern Nigeria.

Ho3: There is no significant difference in the practice of *Nafaqah* between those who acquired both Western and Islamic Education and those who only acquired Islamic Education in the selected States of Northern Nigeria.

Ho4: There is no significant difference in the practice of *Nafaqah* between those who acquired both Western and Islamic Education and those who acquired only Western Education in the selected States of Northern Nigeria.

Ho5: There is no significant difference in the practice of *Nafaqah* between the Urban Muslims who acquired Western Education and those Urban Muslims who only acquired Islamic Education in the selected States of Northern Nigeria.

Ho6: There is no significant difference in the practice of *Nafaqah* between Urban Muslims who have acquired both Western and Islamic Education and those that have only acquired Islamic Education in the selected States of Northern Nigeria.

Ho7: There is no significant difference in the practice of *Nafaqah* between Rural Muslims who acquired both Western and Islamic Education and those of their Rural counterparts who acquired only Islamic Education in the selected States of Northern Nigeria.

Ho8: There is no significant difference in the practice of *Nafaqah* between rural Muslims who have acquired both Western and Islamic Education and those of their counterparts in Urban areas in the selected States of Northern Nigeria.

1.6 Significance of the study

The pathetic butchering to death of the breadwinner of a family in Kano, the late Assistant Director of the State Security Service (SSS) Garba Bello alongside with his wife and three children in the early hours of Monday 13th September 2010 by his own eldest biological son, Bello Garba Bello because of fear of Social Security is also a point of reference. The holy Qur'an addresses parents not to kill children for fear of poverty (Q17:31). The case of Bello Garba Bello is a case of a child killing his father, mother and three siblings. Bello confessed the killing of his father in this form: ''I stabbed him after he died because I realised that life would be unbearable for the family

members after our father's death'' (Weekly Trust, Saturday 18th September 2010 P.2). In response to this killing, Muhammad (2010) commented:

> The family institution in all cultures of this country must immediately be the subject of great inquiry; that the death penalty for drugs dealing and trafficking must be reinstated; that our theoretical education system, which arms no one with any functional skills, must immediately be overhauled with all seriousness; that Social Security, as a form of ransom for the youth, is now more than ever imperative.

Therefore, the need to study the implication of negligence of this group becomes paramount.

Therefore, this study is significant in various respects. It will be a useful material to scholars interested in identifying ways through which economic security and social welfare could be ensured based on the teachings of Islam. Nigeria as a multi-religious nation stand to gain from this research because both *Muslim* and non-Muslim administrators in the country could as well exploit the results of the findings of this work to set up an effective welfare system in line with Islamic provisions the way Islamic banking system is being established for the benefit of all Nigerians.

The subjects of this work are also significant because they came from Northern Nigeria where the inhabitants are predominantly *Muslims*. Therefore findings from this study will suggest the need for improvement of this Islamic Social Security System of *Nafaqah* for the benefit of the *Muslims*. This study is important because it will explain how *Muslims* in some states of Northern Nigeria practice *Nafaqah* in line with provisions of Islam. It will also serve as a reference material for those willing to conduct a research in this or related area.

Findings and recommendations of this study will create enabling environment in fighting against crime and poverty. It is when the rich and the state hoard the limited

resources at their disposal that the commoners struggle in a deviant form to get their share.

The findings of this study would be of immense assistance to various bodies incharge of social security and philanthropic activities at the state and federal levels whether private or government. These bodies includes, Ministries of Religious Affairs and Poverty eradication, Ministries of Youths and Social Welfare, Jama'atu Nasril Islam, Islamic Education Trust, Supreme Council for Islamic Affairs, Jama'atu Izalatu bid'ah waiqamatus-sunnah and Federation of Muslim Women's Association of Nigeria. The findings would expose various ways *Nafaqah* could be applied to alleviate poverty among Muslims and non-Muslims in Nigeria.

Though Nigeria has enjoyed relative growth over the past years, poverty is still a major concern. Economic growth in Nigeria is constrained by inadequate infrastructure, electricity, incentives, policies and planning. This research would enable Nigerian economic planners to look towards Islamic Sector of Social Security System in relation to *Nafaqah* in order to ensure adequate planning for economic growth of the nation and social welfare of its citizens.

The nations judiciary also stands to gain from the findings of this study because of the exposition made by the research on the area of family law in Islam. The judiciary especially the Shariah courts could decide its position on *Nafaqah* application cases in Nigeria based on the results of the study.

1.7 Scope of the study

This study focused on Islamic Social Security System with special reference to *Nafaqah* as practiced in some states of Northern Nigeria. It also identified *Nafaqah* as a feeder of Islamic Social Security in these states and the administrative institutions of

Islamic Social Security system. The states include Bauchi, Sokoto, Niger, Katsina, Kaduna and Kano. The study was conducted in both rural and urban Muslim areas in selected Local Government areas of the selected states. The study was only restricted to those who come from either rural or urban communities and possess Islamic Education, Western Education and those with both Western and Islamic Education. The research identified how these variables (i.e Location and education) influence the application of Nafaqah in the selected states. Variables other than those indicated above, such as Muslims without both Western and Islamic Education and income, were not investigated.

The study involved Muslims (Male and Female) in five states of Northern Nigeria ealier mentioned and limited only to four Local Government areas in each state comprising two rural and two urban communities.

CHAPTER TWO

REVIEW OF THE RELATED LITERATURE

2.1 Introduction

This chapter reviewed the relevant and related literature to the research under the following headings: appraisal of literature reviewed, Nature and scope of Social Security System, Islamic Social Security System, objectives of Islamic Social Security System, the concept of *Nafaqah*, differences between *Nafaqah* and *Infaq*, *Nafaqah* as a

form of Islamic Social Security System. *Nafaqah* during the time of the Rightly Guided Khulafa, *Nafaqah* during the reign of Umar Ibn Abdul-Aziz, *Nafaqah* in the Sokoto Caliphate, Jurists opinion on *Nafaqah*, the modern concept of Social Security System, Social Security in Nigeria, and Northern Nigeria. All the related literature reviewed was appraised in order to pave way for new area relevant to this research.

2.2 Nature and Scope of Social Security System

Social Security is the social and economic welfare services provided to those who cannot provide same to themselves due to temporary or permanent disabilities. From time immemorial, human society has tried to provide economic support and protection to its needy citizens in some forms or the others. This type of economic support and social welfare to the less privileged members of the society such as the blind, the lame, the leper and those who through one accident or the other lost their limbs and other destitute are known and identified as Social Security. According to Hasan (1984:2), forms that Social Security system took in the course of their evolution in different communities reflect the stage of their economic development at that very time of history and the appropriateness of the device adopted. Therefore Social Security is as old as man because charity and care for others were enjoined on man by God throughout human history in one way or the other (Qur'an, 21:73; 19:55; 7:156; 19:31). Gusau (1991:38) gave an example of the Hindus who bestow lavish charities and gifts on the Brahmins, Yogis and ascetics and give huge endowments for hospitals and the sacred animals which are either maimed or diseased. In many African tribes, charity is one of the cherished norms and values. In African Traditional Religion, sacrifice is most of the time accompanied by charity to alleviate suffering or increase in richness. For example Ndakogboya Masquarade in Nupe and Egungun in Yoruba lands encourage people to offer charity or sacrifice to protect them against witches. Charity therefore

exists in most human societies although the methods of its dispensation differ. For instance, Hinduism helps mostly the high caste and the religious men. Although the term Social Security is of recent and modern origin, but its practice is as old as man.

Social Security System provides benefits for the aged, widows, and young children, the disabled and the unemployed. It also provides some form of medical care. Human life according to Hasan (1984:3) is full of contingencies under acute conditions requiring immediate relief for satisfying elementary want. What constitutes an elementary wants depends upon the social status of the individual, the stage of the economic development of the community of which he is a member and the accepted norms and conventions of that community. Thus, indigence is as much social malaise as it is an individual affliction. Perhaps this social problem is as old as the society itself.

Hasan (1984:3) opined that all social problems are symptoms of the existence of maladjustment in the society. Human society, whatever the stage of its civilization or economic advancement, has always tried to keep some sort of balance in the inequalities of incomes to maintain its own homoeostasis. Social Security System is a scheme meant to provide relief to the victims of social contingencies.

According to International Labour Organization (ILO) Social Security System is;

> a set of legal provisions creating a title to defined benefits for defined categories of persons, in defined contingencies including maternity (cash benefits), child maintenance, conditions requiring medical care, maintenance of community health (where combined with provisions for other contingencies), incapacity for work unemployment, old age, funeral and death of the breadwinner (ILO, 1949:9).

Based on this definition, Social Security system is identified as defined benefits given to certain categories of individuals to take care of their inabilities, abnormalities and needs.

Sir William Beveridge identified Social Security to denote security of an income, to take the place of earnings, when they are interrupted by unemployment, sickness or accident, to provide against lost of support through death of another person and to meet exceptional expenditures such as those concerned with birth or death (Reddin, 1987:1). Syed (2009:1) argued that sudden sicknesses, death, disability, disease, unemployment, fire, flood, storm, drowning, accidents related to transportation, and the financial loss caused by them have made Social Security a fundamental human need.

The contingencies, against which protection is provided under the Social Security System according to Hasan (1984:4), are in three categories of biological, economic and bio-economic. Biological contingencies include sickness, maternity, invalidity and possibly, occupational hazards. Their protections necessitate income security as well as medical services. Economic contingency is illustrated by unemployment. This however excludes unemployment of the idle rich or the idle poor or unemployables owing to physical or mental disability or those not able to secure employment for lack of requisite qualifications. Unemployment owing to inability to secure a job because of uncontrollable factors is also covered under a scheme to which the beneficiary is not a contributor. Another economic contingency included under Social Security Scheme is death of the breadwinner. A breadwinner is a person who supports his family with his earnings. The beneficiaries under such schemes include minor children, widows, aged parents and other unemployable dependants of the deceased, largeness of family, natural disability or old age backed by past savings. All these are other economic contingencies which call for Social Security protection.

A bio-economic contingency refers to a situation when a worker becomes too old to work although he is still alive and assumed to be too young to die. To assume a

person to be too young to die is not part of the Islamic teachings, as every soul must taste death whether young or old (Qur'an 21:35). However, for the remaining period of his life after retirement, one needs income security as well as health care. It might be seen that biological and economic contingencies are, at least theoretically avoidable but old age is unavoidable.

In the biological contingency category, the protection of the members necessitates income security as well as medical services. Purely economic contingencies require only income protection, unlike the biological ones which require medical relief in addition.

Ghifari (1979:1) enumerated three main techniques of providing Social Security as follows:

i. Social Insurance
ii. Public Assistance
iii. Public Services

i. Social Insurance

According to Ghifari (1979:1), social insurance consideration is usually financed through contributions made to special funds by employees and employers (in some cases governments). The benefits depend upon the individual's earnings or contributions as described in the statute establishing the system.

Beveridge (1942:1) defined social insurance as a plan of giving in return for contribution benefits up to the subsistence level, as of right and without means test so that individuals may build freely upon it.

It is a contributory scheme for the benefit of employees with subsidies from the employers and the state (ILO, 1942:84). In the west, the major part of the cost of Social

Insurance Benefits is met by the employers. The state often makes only a token contribution. When self employed persons are also covered, their contributions are generally one and-a-half times the rates paid by the wage employees.

ii. **Public Assistance**

According to Ghifari (1979:2), Public Assistance Programme provides cash services to the needy such as widows with children in order to meet their basic needs. Hasan (1984:7) refers to Public Assistance as social assistance. According to him, it is a scheme which provides benefits for persons of small means granted as of right in amounts sufficient to meet a minimum standard of need and financed from taxation.

Public Assistance programme of Social Security grants both in cash and medical benefits to the needy. The qualified persons are backed up by the law establishing Social Assistance programme as a Social Security programme (Hasan, 1984:11). The qualified persons are those in need of assistance and support to enable them meet minimum standard of living. It is a non-contributory scheme and it is conditional based on the means of the beneficiary (Hasan, 1984:7). This scheme is designed to guarantee the minimum standards of healthy and cultured living to those who cannot make it.

iii. Public Service

Under the public service scheme, cash payment or services are provided directly by the government to every member of the country, regardless of his economic need or his contribution to an insurance scheme (Ghifari, 1979:2). It connotes the services which are provided by the government to its citizens, either directly (through the public sector) or by financing private provision of services. It is based on the fact that certain services should be available to all, regardless of income. Such services include

education, electricity, environmental protection, fire services, public library and health care.

Hasan (1984:7) also identified allied schemes as a number of measures which may be considered to be Social Security measures such as friendly benefit scheme, which provides maintenance in cases in which a member is deprived of his livelihood by cause over which neither he nor the union has any control. In modern times, employer financed schemes are also undertaken for granting retired benefits, medical facilities, education, housing and community welfare of workers. Life insurance is also adopted to cater for old age, marriage of children, their education and invalidity caused by permanent disability. Due to the voluntary nature of the allied scheme, it has not been given serious consideration in Social Security planning. This is perhaps due to the trend it took from historical context

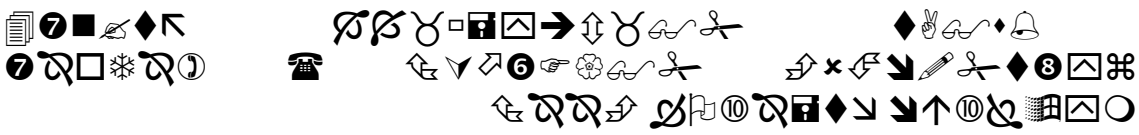
2.3 History of Social Security in Islam

Although the term 'Social Security' is of recent origin, its practice is as old as the creation of man. We find charity and care for others having been enjoined by Allah (S.W.T) in the Qur'an on man throughout Islamic history in one way or the other.

The history of Social Security in Islam could be traced back to the early history of the religion. Muslims all over the world believe that all the Prophets that came since the creation of Adam (A.S) the first man on earth up to the last Prophet Muhammad (S.A.W), came with Islam-submission to the will of Allah, the Creator. (Quran 16:36:3:19).

It is interesting to note that all the prophets sent by Allah SWT were mostly concerned about the Welfare of their people. For example when Prophet Yusuf (A.S) was absolved of all the blames by Aziz's wife, freed from imprisonment and was

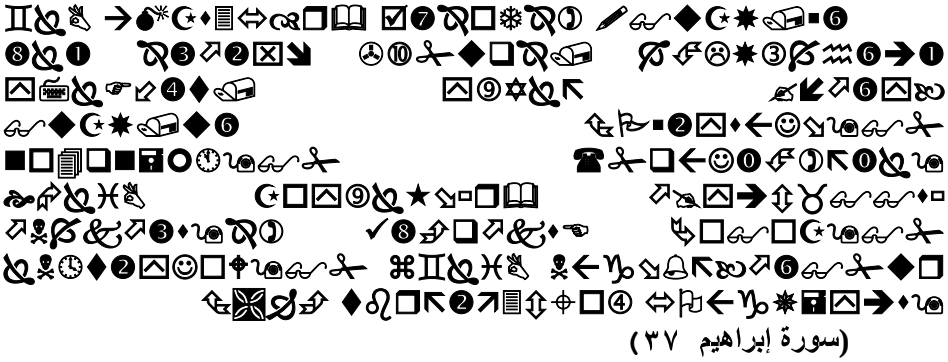
respected by the king of his time, he requested the king to set him over the store houses of the land. This happened after prophet Yusuf was given plenary authority by the king. He deliberately asked to be incharge because he understood the need for social security of the time better than anyone else. He said:



(سورة يوسف ٥٥)

(Yusuf) said: "Set me over the store-houses of the land: I will indeed guard them, As one that knows (Their importance)." (Q12:55).

Prophet Ibrahim (A.S) also prayed to Allah (S.W.T) to feed his people with fruits so that they may give thanks. He Said:



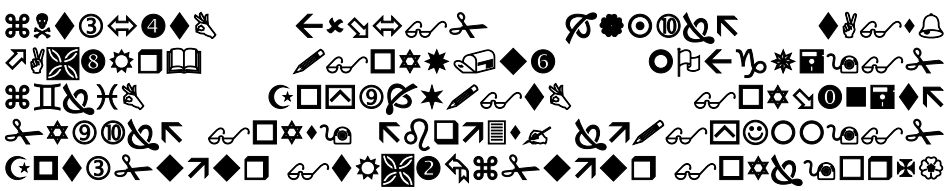
(سورة إبراهيم ٣٧)

O Our Lord! I have made some of My offspring to dwell In a valley without cultivation, by Thy sacred House; In order, O Our Lord, that They may establish regular prayer: so fill the hearts of some among men with love towards them, and feed them with fruits: so that They may give thanks.

(Qur'an 14:37)

Prophet Isah (A.S) also urged Allah (S.W.T) to provide social security to his people by sending a table set with food as a sign to them. The Qur'an addresses this in this form:

Said Jesus the son of Mary:



❁❁✵☼❐🕮◆❐ ✍□✡⍁🕭⍓⍐➏✍✂◆❐ ☎ ⍓📻⍟⍜⍋✍
⍒⍐⍐⍁⍐ ⧫✖✓⍜🕭⍐⍐🕒▪❷⍝✍✂ ➔❸⍐❷⍓⌘

(سورة المائده ١١٤)

> "O Allah our Lord! Send us from heaven a table set (with viands) that there may be for us for the first and the last of us a solemn festival and a sign from thee; and provide for our sustenance, for thou art the best sustainer (of our needs)
>
> (Qur'an 5:114).

These prophets (A.S) safe-guard whatever will destroy their people's properties, persons and their general welfare.

The Prophet (S.A.W) also gave a story on how three people were rescued because of their good works which include provision of food to the aged parents. In the story, it was related that among those three people, there was a man who beseeched Allah (S.W.T.) through the righteous deeds he exhibited to his old parents. He used to offer them their dinner before he gave same to his children and other members of his family. He came back one day and found that the parents had gone to sleep. He held the vessel of food in his hand refusing to give any member of his family including the children and waited their wakening at dawn and gave them their drink at that time. Allah (S.W.T.) accepted his supplication because of this action by facilitating the way for them for their rescue out of the cave (Bukhari,5: 2272; Khan, 1985:14)

The above *Hadith* signified that the three men who were trapped in the cave were rescued from the danger associated with them through the good deeds in the form of Social Security services they provided for the less privileged seeking for their reward from Allah (SWT).

Since all resources are gifts from Allah to all human beings and given the commitment of Islam to human brotherhood, social and economic justice, Islam emphasizes distributive justice and incorporates in its system a programme for redistribution of income and wealth so that everybody is guaranteed standard of living

that is humane and respectable and in harmony with the dignity of man inherent in his being the vicegerent of Allah (S.W.T) on earth. The Prophet S.A.W declared;

ليس المؤمن الذي يشبع وجاره جائع إلى جنبه

> He is not a true believer who eats his fill when his next-door neighbour is hungry (As-Sunan al Kubra lil-Bayhaqi 10:20160 Bab sahib al mal la yamna'al-Mudtarr).

Therefore the rich Muslims are enjoined by Islam to guarantee the basic needs of those who are not capable of providing same for themselves through Islamic Social Security System.

2.4 Concept of Social Security and its Scope in Islam

Both Muslim Jurists and researchers such as al-Shatibi (2003), Gusau (1991), Chapra (1979) and Husayn (1989) attempted to define Islamic Social Security System. The jurists, in general, described Islamic Social Security in terms of guaranteeing minimum standard of livelihood such as food, shelter, clothing, marriage allowance and education. Included among this list are specific contingencies mentioned in the Qur'an and *Sunnah*. For example Gusau (1991:40-41) explained that while al-Zuhri was preparing an instruction for Umar Ibn Abdul-Aziz, he wrote, with respect to *Zakah* – a very important feeder of Social Security in Islam, that there is a share in it for the ill, the handicapped and each needy person who cannot provide for himself; a share for the destitute until they can be removed from destitution; a share for those in prison, for those who beg and those who do not, a share for whoever is burdened by debt, provided such debt did not arise from disobedience to God, a share for every traveler who finds no family to help him on the road. Such travelers should be given food and shelter as well as feed for their transporting animals until they reach home.

Chaudhry (2003:616) explained that Social Security according to the jurists include;

> …those legal mechanisms primarily concerned to ensure the provision for the individual of a cash income adequate, when taken along with the benefits in kind provided by other social services to ensure for him a culturally acceptable minimum standard of living when the normal means of doing so fail.

Based on the above definition, Islamic Social Security Services are provided to ensure culturally acceptable minimum standard of living for the less priviledged. Karkarku (2009:49) said that Muslim scholars are unanimous that catering for the welfare of the people and relieving them of hardships is the basic objective of the *Shari'ah* legal system and the primary duty of any Muslim leadership. Al-Shatibi (2003:2, p.7) classified human needs into three hierarchical levels of *Daruriyyat* (Basic necessities), *Hajiyyat* (conveniences) and *Tahsiniyat* or *kamaliyyat* (Refinements). Islamic Social Security System mainly focused on the *Daruriyyat* (Basic necessities) which consist of all activities and things that are essential to enable an individual observe all the obligatory Islamic duties, secure healthcare, nutritious food, clothing, shelter, education, employment and have a family.

Among the Muslim researchers that paid great interest and attention to Islamic Social Security were Ghifari, (1979) Husayn (1989), and Chaudhry (2003). Those Muslims developed special interest in Islamic arts and sciences and made their humble and useful contributions through research works.

In his submission, Ghifari (1979:121) saw Islamic Social Security as:

> The fulfillment of the basic necessities of life of the citizens of the Islamic state, whether they are Muslims or non-Muslims. The arrangements made for this purpose, must be so complete as none of the individuals would remain deprived of his basic needs. These basic necessities include food, clothing, lodging and compulsory medical treatment.

In Islam, Social Security provision is not the responsibility of the government alone. It becomes the responsibility of government only where other arms of the society

such as family, close relatives, neighbourhood and the community have failed to provide due to resource constraint. Husayn (1989:66) opined that Social Security denotes "a programme established by law to provide for the economic security and social welfare of the individual and his family". As far as Muslims are concerned, the law that establishes Islamic Social Security is Islamic law in line with the teachings of the Qur'an and *Sunnah* which enjoined the believers in Islam to help the poor and the needy who are unable to fulfill their basic human needs.

Baalbak & Baalbak (2005:874) gave a dictionary translation of Social Security as Al-Kafalatu al-Ijtima'iyah (الكفالة الإجتماعية). Al-Fanjary (2000:1) gave Arabic equivalence as *Daman Ijtima'i.* In his submission, he made a distinction between *Daman Ijtima'i* (Social Security) and *Takaful Ijtima'i* (social solidarity/interdependence). He opined that Social Security is the responsibility of the leader and his government towards the citizens to provide them with a satisfactory life that covers at least their basic needs and supply whoever is in need with the sufficient support. While *Takaful Ijtima'y* (social solidarity/interdependence) is the responsibility of each person in the society to cooperate with people in need to ensure at least the minimum level of a dignified life with the basic human needs, regardless of religion or race.

Gusau (1991:41) refuted this idea and argued that Islamic Social Security responsibility becomes incumbent upon the Islamic Government only when other arms of the society such as family, close relatives, neighborhood and community have failed to provide the required basic necessities of life to an individual. Gusau (1991:43) therefore gave a compact definition of Islamic Social Security as:

> A set of scheme provided by the *Shari'ah* geared towards providing decent and adequate living standard with respect to food, clothing, shelter, medical facilities, education and all other basic human needs to

> every individual in the society incapable of providing same to himself through the various arms of the societies, notably, family, close relatives, neighbourhood, voluntary organizations and the state for any reason whatsoever that does not violate the *Shari'ah.*

This definition seems to be more satisfactory than the previous ones because it was able to explain Islamic Social Security as a set of scheme for the welfare of the incapable people in the society based on the provisions of the *Shari'ah*; and that the government and individuals in the society are basically responsible for the provision of such economic welfare. This definition broadens the base of Islamic Social Security to include all arms of the society. The definition therefore does not over burden the Islamic state alone rather it involves all the affected groups. It is therefore pertinent to advance here that Islamic Social Security is an obligation of social and economic welfare and support by individuals, organizations and State to those who are incapable of providing same to themselves to ensure decent and adequate living standard through the provision of basic human needs and necessities of life such as food, water, accommodation, clothing, education and medicare in line with the provisions of Islamic law (*Shari'ah*).

This definition is suitable in various respects. It admits the possibility of supplementary social assistance through individuals related in the definition to the eligible persons such as close relations, neighbours, voluntary affairs and assigns to them primary responsibility. The clause "basic human needs and necessities of life, admits contingencies such as debt burden, wayfarers, prisoners, refugees, widowhood, maternity, orphanhood, marriage requirement and other human needs. It also opens up room for addition to the list as the society advances and new needs arise.

The basic human needs according to the Qur'an and the *Sunnah* of the Prophet (S.A.W) include food, clothes and a house. On this point, Qur'an 20:118-119 explains:



•♦◆❒ ☙❒&❸✍▫ ☎✂→♦⍓☺⇳→♦✍ ♦♦ ⍓📠✵☼❒🕮◆❒
⇜⇝⇝🖋🖋 🗐🖎⍓♦⇳🖋♦✍
(سورة طه ١١٩-١١٨)

There is therein (enough provision) for thee not to go hungry nor to go naked nor to suffer from thirst, nor from the sun's heat.

Prophet Muhammad (S.A.W) has also said:

عَنْ عُثْمَانَ بْنِ عَفَّانَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَيْسَ لِابْنِ آدَمَ حَقٌّ فِي سِوَى هَذِهِ الْخِصَالِ بَيْتٌ يَسْكُنُهُ وَثَوْبٌ يُوَارِي عَوْرَتَهُ وَجِلْفُ الْخُبْزِ وَالْمَاءِ

The son of Adam has no better right than he would have a house wherein he may live, and a piece of cloth whereby he may hide his nakedness and a piece of bread and some water (Tirmidhi 4:2341 Bab minnah)

Every person living in the Islamic State is entitled to these basic necessities and needs of life. From the sources responsible such as *Zakah, Sadaqah, Nafaqah, Ushr* and others.

The inclusion of the clause 'in line with the Islamic law (*Shari'ah*)' negates all practices that are not in conformity with the Islamic principles and practices. It excludes from the Islamic Social Security list of those who have become bankrupt due to their illegal practices, extravagance and idle loafers. For example, Ibn Taymiyah in Sabiq (2003:370; 1987:357) argues in favour of the exclusion of those Muslims who are not good observers of Islamic worship as recipients of charity (*Zakah*). He said:

فمن لا يصلي من أهل الحاجات, لا يعطى شيئا حتى يتوب،
ويلتزم أداء الصلاة

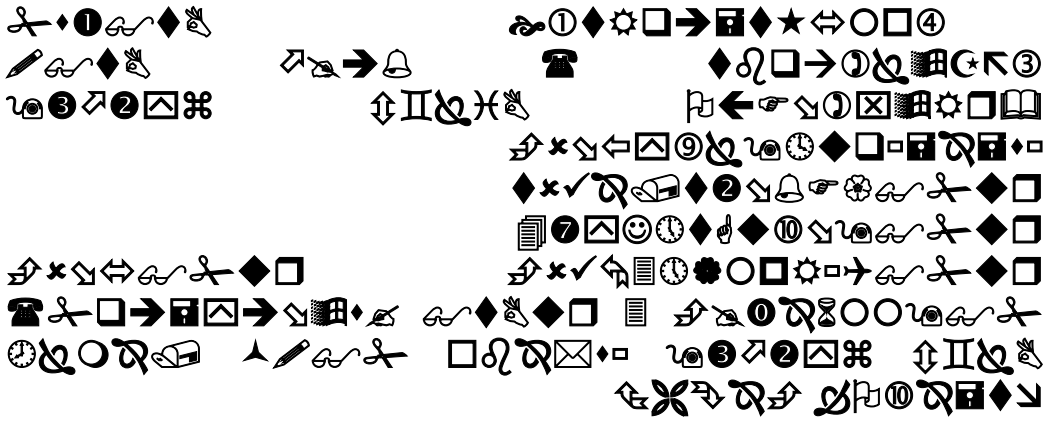
The needy that discards and neglects his *Salah* will not be given anything until he repents and offers *Salah* again.

Chaudhry (2003:1) observed that Social Security embraces in its fold social assistance, provision of basic necessities of life, social insurance against risks of hazards (such as sickness, old age, unemployment) and public maintenance. According to him, the concept of Islamic Social Security originates from the Qur'an and *Ahadith* which

enjoins upon the believers in Islam to help their poor and needy brothers in faith who are unable to fulfill their basic human needs.

The verses of the Qur'an that are related to this concept are hereby put under the following sub-headings:

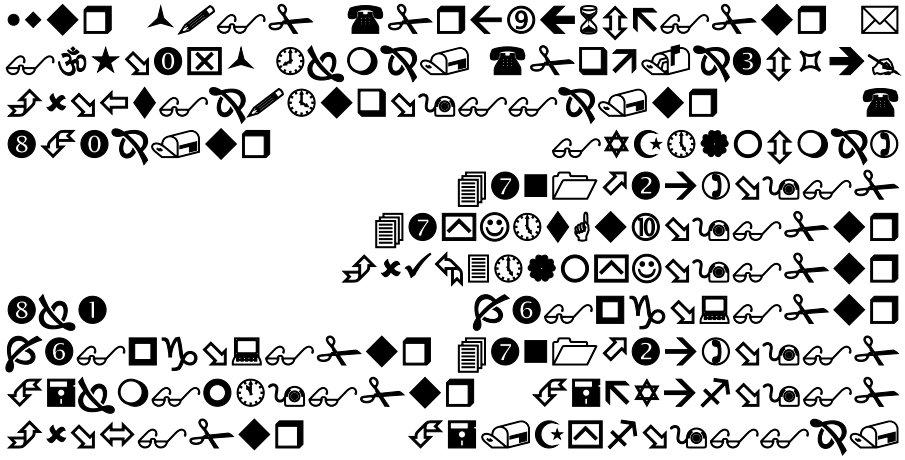
1- Infaq to the less-priviledge



(سورة البقرة ٢١٥)

> They ask Thee what they should spend (in charity). say: whatever ye spend that is good, is for parents and kindred and orphans and those In Want and for wayfarers. And whatever ye do that is good, -(Allah) knoweth it well (Qur'an 2:215).

This verse enjoins Muslims to spend in charity for the near relatives, orphans and those in need of assistance. The near relatives include parents, children, brothers, grandfathers and uncles.



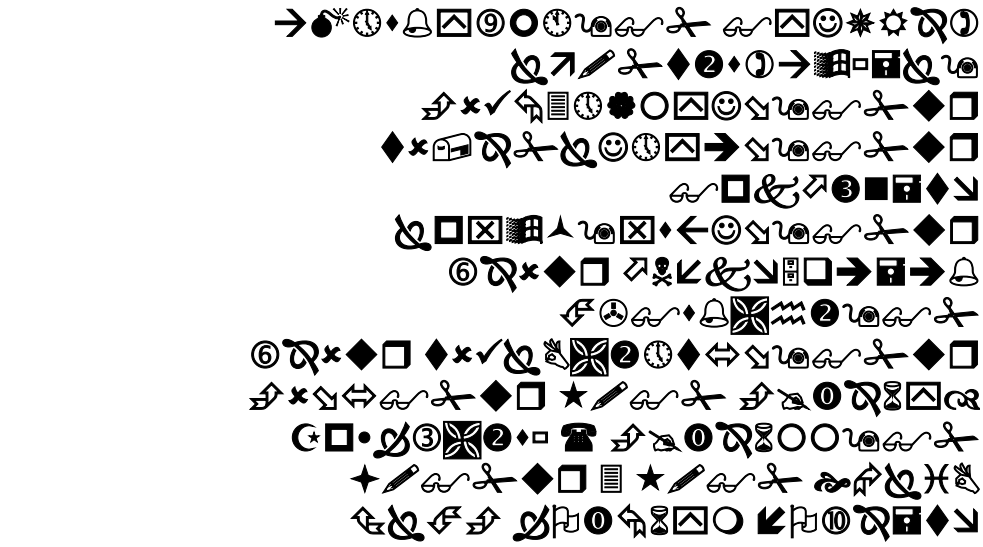


(سورة النساء ٣٦)

> Serve Allah, and join not any partners with Him; And do good-to parents, kinsfolk, orphans , those In need, neighbours who are of kin, neighbours who are strangers, the companion by your side, the way-farers (ye meet) and what your right hand possess: for Allah loveth not the arrogant, the vainglorious; (Qur'an 4:36)

This verse expresses the importance of generosity and kindness to those who cannot provide for themselves. This is an issue which Islamic Social Security System has come to address.

2- Zakah as a Social Security

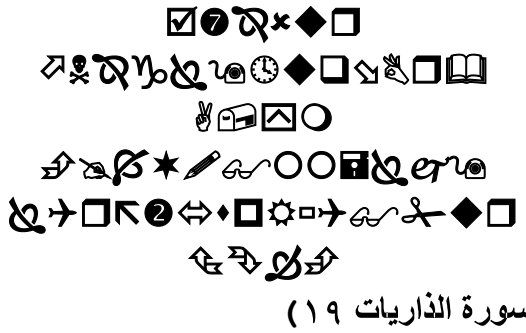


(سورة التوبة ٦٠)

> Alms are for the poor and the needy, and those employed to administer (the funds) for those whose hearts have been (recently) reconciled (to truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah, And Allah is full of knowledge and wisdom. (Qur'an 9:60).

This verse is basically addressing the eight categories of people eligible to receive *Zakah* (poor due). *Zakah* has been a very significant and viable source of Islamic Social Security System since the early period of the Prophet and the *Sahaba* (Companions).

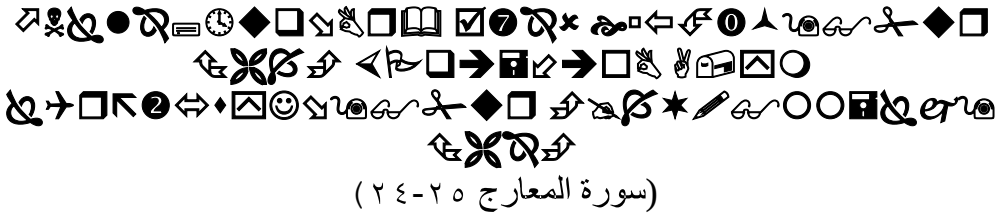
3- Voluntary Charity



(سورة الذاريات ١٩)

> And in their wealth, there is a due share for the beggar and the deprived (Qur'an 51:19)

This verse informs the rich Muslims to take cognizance of the less-priviledged in channeling their wealth as they have a right in the wealth.

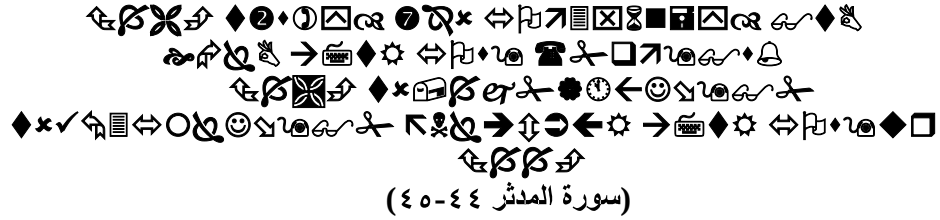


(سورة المعارج ٢٥-٢٤)

> *And those in whose wealth is a recognized right. For the (needy) who asks and him who is deprived (for some reason from asking).* (Qur'an 70:24-25)

This verse emphasizes that the sincere Muslims are those who engage in the act of charity- whether compulsory or voluntary charity, to the needy.

While referring to the guilty ones in the life to come, the Qur'an explained that they will ask each other: "what brought you to this hellfire? "They will answer: We were not of those who prayed, nor did we feed the needy (Qur'an 74:42-44).



(سورة المدثر ٤٢-٤٥)

42- What led you to hellfire"?

43- They will say: "We were not of those who prayed;

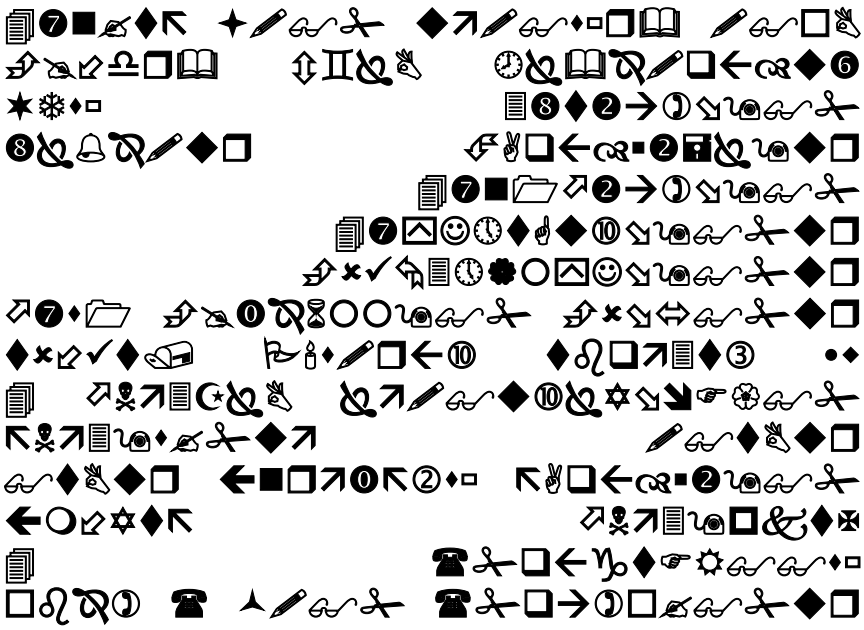
44- "Nor were we of those who fed the indigent

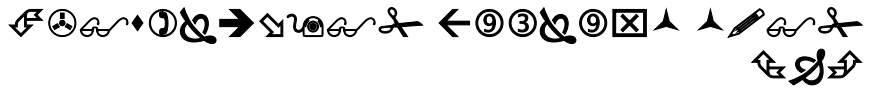
حدثنا زربي ، مؤذن هشام بن حسان ، قال : سمعت أنس بن مالك ، يقول : قال رسول الله صلى الله عليه وسلم : « أفضل الصدقة أن تشبع كبدا جائعا »

Anas reported that the Messenger of Allah said: The best charity is to satisfy a hungry belly. (Shu'ab al-Iman of *Baihaqi 3:3367 Faslu ma ja'a fi it'amu tta'am wasakil ma'a*).

This hadith emphasized on the best charity a man can offer to the less-previlledge which is satisfying a hungry man who came with an empty belly.

Fay' as a Social Security





سورة الحشر ٧

> What Allah has bestowed on His messenger (and taken away) from the people of the townships-belongs to Allah,-to His messenger and to kindred and orphans, the needy and the wayfarer in order that it may not (merely) make a circuit between the wealthy among you. So take what the messenger gives you, and refrain from what he prohibits you. And fear Allah; for Allah Is strict in purnishment (Qur'an, 59:7).

This verse explains the significance of Fay' as one of the institutions of Islamic Social Security System especially during war time. Fay' signifies the property received from the enemy's territory without actual fighting. It forms part of the revenue of the Islamic State.

4- Provision of Social Security by Government

عَنْ عَائِشَةَ رضي الله عنها أنَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : ...السُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَّ لَهُ.

Narrated by Aisha The Prophet (S.A.W) said:

"*The government is the guardian of anyone who has no other guardian".*

(Abu-Dawood: 848 ; Musnad Ahmad 6:25326).

This hadith explains the need for the government to assist the less previlledged just as a guardian assist his ward.

Al-Miqdam Al-Kindi reported that the messenger of Allah said:

عَنْ الْمِقْدَامِ الْكِنْدِيِّ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَا أَوْلَى بِكُلِّ مُؤْمِنٍ مِنْ نَفْسِهِ فَمَنْ تَرَكَ دَيْنًا أَوْ ضَيْعَةً فَإِلَيَّ وَمَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ وَأَنَا مَوْلَى مَنْ لَا مَوْلَى لَهُ أَرِثُ مَالَهُ وَأَفُكُّ عَانَهُ... ،

> I have a better right over the affairs of every believer than his own self; so whoever leaves behind a debt or children to support, it shall be our

charge; and whoever leaves property, it is for his heirs, and I am the heir of a person who has no heir- I inherit his property and pay his debt.

(Abu-Dawood 3:2902 Babu fi miras zawil arham).

This hadith expressed the responsibility of the government in supporting the less privilledged as a Social Security measure. This is established through payment of debt for the deceased if he/she has nobody to pay on his/her behalf. The government also takes care of the children the deceased left behind if there is nobody to take care of them. The government also inherit the property of the deceased that has no heir.

Abu-Hurairah also narrated the Prophet S.A.W) said:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ فَمَنْ مَاتَ وَعَلَيْهِ دَيْنٌ وَلَمْ يَتْرُكْ وَفَاءً فَعَلَيْنَا قَضَاؤُهُ وَمَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ

رواه البخاري

I have a better right over the affairs of the believers than their own selves, so whoever of them dies while being in debt and leaves nothing for its repayment, then we are to pay his debt on his behalf and whoever (among the believers) dies leaving some property, then that property is for his heir (Bukhari,17:6731 3836).

The hadith explained the need for government to discharge its responsibility of off-setting of any deceased that has no heir to pay back a debt he/she left or has no property that can pay off the debt. The hadith also explained that the property of the deceased is for his/her heir who inherits him/her.

حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَذَكَرَ أَحَادِيثَ مِنْهَا وَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ :أَنَا أَوْلَى النَّاسِ بِالْمُؤْمِنِينَ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ فَأَيُّكُمْ مَا تَرَكَ دَيْنًا أَوْ ضَيْعَةً فَادْعُونِي فَأَنَا وَلِيُّهُ وَأَيُّكُمْ مَا تَرَكَ مَالًا فَلْيُؤْثَرْ بِمَالِهِ عَصَبَتُهُ مَنْ كَانَ

It is reported from Abu Hurairah that the messenger of Allah said: I, according to the book of Allah, have better right, than all mankind, to the believers. So whoever amongst you dies in debt or leaves behind

destitute children, you should call me for help, for I am his guardian. And who amongst you leaves property, that is for his inheritor, whoever he is (Muslim, 5:4245 Bab man taraka malan faliwarasatihi).

The hadith also emphasized on the responsibility of the government to stand for destitute children to offset their basic demand of the necessities of life. It also gave account of the need by government to offset the debt left behind by a poor deceased. This hadith also inform muslims that whatever a deceased left behind is for whoever will inherit him base on the rule of Islamic law (*shariah*).

عن أبي هريرة رضي الله عنه قال, قال النبي صلى الله عليه وسلم:"أنا أولى بالمؤمنين من أنفسهم فمن مات وترك مالا فماله لموالى العصبة ومن ترك كلا أو ضياعًا فأنا وليه فلأدعى له

It was also narrated by Abu-Hurairah who said the Apostle of Allah (S.A.W) Said:

I have a better right over the affairs of every believer than their own selves, so whoever (among them) dies leaving some inheritance will be given to his *Asaba* (heirs) and whoever dies leaving a debt or dependents or destitute children, then I am their supporter (Bukhari, 6:6350 Babu kala Nabiyyu Salla Llahu Alayhi Wassallam).

The Prophet (S.A.W.) stressed the need for a government to provide Social Security in order to assist the poor and the less-priviledged. He expressed the fact that whoever leaves inheritance after his death, such wealth will be shared to the heirs. Whoever leaves dependants after death or destitute children, then he- the prophet (S.A.W.) i.e. government will support them by providing them maintenance.

5- Equation of Social Security provision with Jihad

حَدَّثَنَا يَحْيَى بْنُ قَزَعَةَ حَدَّثَنَا مَالِكٌ عَنْ ثَوْرِ بْنِ زَيْدٍ عَنْ أَبِي الْغَيْثِ عَنْ أَبِي هُرَيْرَةَ قَالَ :قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: السَّاعِي عَلَى الْأَرْمَلَةِ وَالْمِسْكِينِ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ أَوْ الْقَائِمِ اللَّيْلَ الصَّائِمِ النَّهَارَ

From Yahya ibn qaza'ata, from Malik, from Thawr ibn Zaid, from Abul ghaith from Abu Huraira (R.A.) who said the Prophet (S.A.W) Said ''the one who looks after a widow or a poor person is like a Mujahid (warrior) who fights for Allah's cause, or like him who performs prayer all the night and fast all the day. (Bukhari 13:5353 3836).

The hadith equated the provision of Social Security with Jihad by explaining that whoever looks after a widow or a poor person is like a worrior (mujahid)who foghts for Allah's cause. It also equated such a person with a person that performs prayers all night and fast all day.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ حَدَّثَنَا مَالِكٌ عَنْ ثَوْرِ بْنِ زَيْدٍ عَنْ أَبِي الْغَيْثِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ السَّاعِي عَلَى الْأَرْمَلَةِ وَالْمِسْكِينِ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ وَأَحْسِبُهُ قَالَ يَشُكُّ الْقَعْنَبِيُّ كَالْقَائِمِ لَا يَفْتُرُ وَكَالصَّائِمِ لَا يُفْطِرُ

Abu-Hurairah reported that the Messenger of Allah said: One who strives for the widows and the poor is like one who fights in the way of Allah. I (al-Qa' nabiyyu) assumed he (the Prophet) said: he shall be regarded as one who stands up (for prayer) without rest and as one who fasts without break.
(Bukhari, 15:6007, 3836, Bab fadlu al nafaqati alal `ahl).

Provision of Social Security to the widow and the poor in this hadith is also compared to striving in the way of Allah, standing all nights in prayers without break in reward.

7-Social Security responsibility of the Ummah

عَنِ ابْنِ عُمَرَ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ احْتَكَرَ طَعَامًا أَرْبَعِينَ لَيْلَةً فَقَدْ بَرِئَ مِنْ اللَّهِ تَعَالَى وَبَرِئَ اللَّهُ تَعَالَى مِنْهُ وَأَيُّمَا أَهْلُ عَرْصَةٍ أَصْبَحَ فِيهِمْ امْرُؤٌ جَائِعٌ فَقَدْ بَرِئَتْ مِنْهُمْ ذِمَّةُ اللَّهِ تَعَالَى

On the authority of ibn Umar (R.A.) that the prophet (S.A.W.) said: Whoever hoards food for forty nights is free from (the protection of) Allah the Exalted, and Allah is free from him. If

anyone spent a night in a town and he remained hungry till morning, the promise of God's protection for that town came to an end (Musnad Ahmad 4:4880).

The prophet (S.A.W.) in this hadith exposed the danger of hoarding food i.e. denying the poor from enjoying Social Security. Based on this hadith, whoever denies people food by hoarding it for forty nights, Allah (S.W.T.) will not protect such a person. God will not protect any community that knowingly leaves a person to spend a night without food.

8-Social Security as an individual's responsibility

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ بَيْنَمَا نَحْنُ فِي سَفَرٍ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذْ جَاءَ رَجُلٌ عَلَى رَاحِلَةٍ لَهُ قَالَ فَجَعَلَ يَصْرِفُ بَصَرَهُ يَمِينًا وَشِمَالًا فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ كَانَ مَعَهُ فَضْلُ ظَهْرٍ فَلْيَعُدْ بِهِ عَلَى مَنْ لَا ظَهْرَ لَهُ وَمَنْ كَانَ لَهُ فَضْلٌ مِنْ زَادٍ فَلْيَعُدْ بِهِ عَلَى مَنْ لَا زَادَ لَهُ قَالَ فَذَكَرَ مِنْ أَصْنَافِ الْمَالِ مَا ذَكَرَ حَتَّى رَأَيْنَا أَنَّهُ لَا حَقَّ لِأَحَدٍ مِنَّا فِي فَضْلٍ

On the authority of Abu Sa'id Khudri who said: while we were on a journey with the Prophet (S.A.W), a man came on his mount, looking sharply at both right and left, The Prophet (S.A.W) then said: whoever possesses extra mount (i.e. horses or camels) should give the surplus to those who do not have. And whoever possesses extra provision (of food) should give the surplus to those who do not have such provision. He (Abu Sa'id al-Khudri) said: then he mentioned the recipients of wealth until we feel that we do not have a right over any surplus.

In this hadith, the prophet (S.A.W.) emphasised on the need to extend Social Security services to others from surplus provision of an individual especially during journey. The prophet (S.A.W.) encourage those who have surplus or extra provision of either mount or food to give it to those who do not have. The prophet (S.A.W.) mentioned these until those who were with him felt that they do not have any right over any surplus.

(Sabiq, 2003:383;Muslim 5:4614 Babu Istihjabul mu'asat bifudulil mal).

Ali (R.A) is reported to have said;

Allah has made it obligatory on the rich to meet the economic needs of the poor up to the extent of their absolute necessities. If they are hungry or naked or in financial hardship, it is because the rich are not doing their duty. God will question them about it on the Day of judgment (Sabiq, 2003:383-384).

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَيُّمَا مُسْلِمٍ كَسَا مُسْلِمًا ثَوْبًا عَلَى عُرْيٍ كَسَاهُ اللَّهُ مِنْ خُضْرِ الْجَنَّةِ وَأَيُّمَا مُسْلِمٍ أَطْعَمَ مُسْلِمًا عَلَى جُوعٍ أَطْعَمَهُ اللَّهُ مِنْ ثِمَارِ الْجَنَّةِ وَأَيُّمَا مُسْلِمٍ سَقَى مُسْلِمًا عَلَى ظَمَإٍ سَقَاهُ اللَّهُ مِنْ الرَّحِيقِ الْمَخْتُومِ

Abu-Sa'id al-Khudri also narrated that the Prophet (S.A.W) said:

> If any Muslim clothes a Muslim when he is naked, Allah will clothe him with some green garments of paradise, if any Muslim feeds a Muslim when he is hungry, Allah will feed him with some of the fruits of the paradise; and if any Muslim gives a Muslim drink when he is thirsty, Allah will give him some of the pure wine which is sealed to drink (Sunan Abu-Dawood 2:1684 Babu fi fadli sakil ma'i).

This hadith enphasised on the merits of Social Security to the poor in the hereafter. The prophet (S.A.W.) narrated in this hadith that Allah (S.W.T.) will cloth a muslim that clothes his brother with special garment of paradise. Allah (S.W.T.) will also feed with some fruits of paradise whoever feeds his hungry brother. Allah (S.W.T.) will give a sealed pure one of paradise to whoever gives a thirsty brother water to drink in this world.

عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَطْعِمُوا الْجَائِعَ وَعُودُوا الْمَرِيضَ وَفُكُّوا الْعَانِي

Narrated by Abu-Musa al-Ash'ari who said that the Prophet (S.A.W) Said:

"Feed the hungry, visit the sick and set free the captives".

(Bukhari, 13:5373 3836, Kitabul `at`imah).

The prophet (S.A.W.) enjoined, in this hadith, the believers to carryout Social Security Services of feeding the hungry person, visiting the sick and freeing the captives. These moral conducts are meritorious and rewarding acts.

Islam has placed a high degree of compassion and commiseration on Social Security so much so that there would be no one left uncared for in the Islamic society.

The legal guarantee of the material requirements of the citizens in the name of Social Security, with which the West became acquainted only in the beginning of 20th century, were given to the Muslims through Islam and exemplified by Prophet Muhammad (S.A.W) over fourteen hundred years ago. It is more comprehensive and self-sustained when compared to modern times (Syed, 2009:4; Hassan, 2008:21). This could be deduced in the fact that the definition of the needy in western system of Social Security is rather vague because, if a person is unemployed, he can claim Social Security cover which at times, induces a person to be lazy and indolent. In Islamic system, it is promulgated that the hand that gives is better than the hand that receives. Therefore everybody is encouraged to give through hard work. Umar ibn Al-khattab (R.A.) sanctioned a beggar who had received enough maintenance and continued to beg by a stroke of cane and given out to the animals of sadaqah the surplus the beggar has kept in his bag (Al-Gazali 1982: 196: Gusau 1991: 85). In fact the receiver is encouraged to struggle to work harder and be self supporting (Manzoor, 2006:42).

عن حكيم بن حزام رضي الله عنه، عن النبي صلى الله عليه وسلم قال: (اليد العليا خير من اليد السفلى، وابدأ بمن تعول، وخير الصدقة عن ظهر غنى، ومن يستعف يعفه الله ومن يستغن يغنه الله).

> Narrated Hakim bin Hizam (R.A): The Prophet (S.A.W) Said: The Upper hand is better than the lower hand (ie he who gives in charity is better than him who takes it). One should start giving first to his dependents. And the best object of charity is that which is given by a wealthy person (from the money which is left after his expenses). And whoever abstains from asking others for some financial help, Allah will give him and save him from asking from others, and whosoever is satisfied with what Allah has given him, Allah will make him self-sufficient (Bukhari 3:1427 Babu al-Tib lil Jum'ah)

عن عبد الله بن عمر رضي الله عنهما: أن رسول الله صلى الله عليه وسلم قال، وهو على المنبر، وذكر الصدقة والتعفف والمسألة: ((اليد العليا خير من اليد السفلى فاليد العليا هى

المنفقة، واليد السفلى هى السائلة))

Narrated Abdullahi bin Umar (R.A), Allah's Messenger (S.A.W) while on the pulpit said about charity and to abstain from asking others for some financial help, and begging others, saying: "The Upper hand is better than the lower hand. The upper hand is that of the giver and the lower hand is that of the begger (Bukhari,3:1429 Babu al-Tib lil Jum'ah).

In most of the countries where Social Security is practiced, especially the developing countries, the system is confined only to the small portion of the society i.e. the industrial workers. Islamic Social Security laid down great stress to service to humanity in general regardless of whether the beneficiary of such scheme is a contributory member or not. It is the concern of the Islamic Social Security to fulfill the basic needs of everyone who is unable to meet his/her needs. The Qur'an explains:



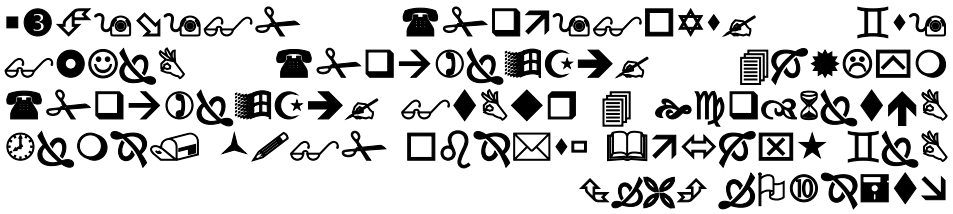
(سورة البقرة ١٧٧)

It is not righteousness that you turn your faces towards east or West; but it is righteous to believe in Allah and the Last Day and the Angels and the Book and the Messenger; to spend of your substance out of love for Him for your kin for orphans, for needy, for the wayfarer, for those who ask and for the ransom of slaves; to be steadfast in prayer and practice regular charity; to fulfill the contract of which you have made; and to be firm and patient in pain (or suffering) and adversity and throughout all

periods of panic. Such are the people of truth, the Allah fearing (Qur'an 2:177).

This verse attaches great significance to offering material assistance to the needy and the poor. Islam is so mindful about the economically depressed individuals in the society that it encourages and calls upon every earning member of the community to give charity as a form of Islamic Social Security.

Islamic Social Security provides for the sustenance and comfort of its citizens and everyone is responsible for the sustenance and welfare of the other. It is divine in character and based entirely on the Qur'an and *Sunnah*. It is a system aimed at accomplishing the high standard of morality expressed under the term 'righteousness' i.e. *Birru.* For example, the Qur'an states:



(سورة آل عمران ٩٢)

By no means shall you attain righteousness unless you give (freely) of that which you love; and whatever you give, surely Allah knows it well. (Qur'an 3:92).

Islamic Social Security System embraces in its fold provision of benefits to persons suffering from economic hardship emanating from old age, sickness, unemployment, widowhood and physical disability whether permanent or temporal.

It is believed in the system that all wealth and possessions are Allah's. Man only represents the community in how to invest and spend it. According to al-Qardawy (1995:156), the right of possession is restricted by some rules: first money should be earned legally, and second, it should be spent reasonably. Third, it should be offered to the community in case it needs it because the individual's possession of money is not

absolute, rather it is restricted by Allah's limit and the community interest. According to him, it is permissible to take a person's possession in favour of the common interests but this person should be well compensated for what is taken from him. The Islamic Social Security System looks at what the rich can offer to the community in terms of need out of the surplus wealth Allah has blessed them with.

Chaudhry (2003:4) opined that in the early seventh century at al-Madinah, the responsibility of assisting the poor and the destitute was carried out by the Islamic State. The Prophet of Islam, Muhammad (S.A.W) instituted the policy of providing economic assistance to the needy and the poor from the state treasury in spite of the meager resources available at that time and pressure due to constant wars. The Prophet (S.A.W.) utilized the limited revenue of the state collected from *Zakah*, *Khums* and *Fay'* to meet the needs of the poor, orphans, widows, the disabled, debtors, slaves, prisoners of war and those who were unemployed. According to him, this process was followed by his immediate successor, Abu-Bakr (632-634 C.E) who continued to assist the poor and the needy. Khan (1998:47) buttressed this assertion when he explained that *Khalifah* Abu-Bakr gave ten *Darahim* as a stipend to each adult in Madina whether he was a free person or a slave during the first year of his reign. Abu-Bakr (R.A) increased this to twenty *Darahim* to each person in the second year of his administration when the income appreciated. He gave the same status to a slave as that of a free person because in human needs all were equal.

A Public Treasury (*Baitul-Mal*) was for the first time established by the Prophet (S.A.W) in the form of a common fund for the benefit of the general public. A house was however purchased for the purpose during Abu-Bakr's time. After the death of Abu-Bakr (R.A), and when Umar (R.A) became the *Khalifah*, he checked the Baitul-Mal in the presence of Abdur-Rahman and Uthman bn Affan (R.A), he found only one

dirham in it. He exclaimed, 'May Allah bless Abu-Bakr, how terribly he suffered for us' (Khan, 1998:47; Najeebabadi, 2000:272). A remarkable success was however recorded during the time of Umar bn al-Khattab the second successor (634-644 CE) because the scheme of Islamic Social Security for all was established on permanent footing as the state had expanded to include in its fold many rich countries like Iraq, Syria and Egypt and its revenue had substantially increased.

In 20 A.H, Umar (R.A) established a department for the purpose of holding population census at regular intervals called *Diwan*. Based on this census, annual pensions were fixed for the widows, orphans, disabled, sick, old people, widows of the Prophet (S.A.W), survivors of the battle of Badr, all others who had been in the forefront of the struggle for Islam and early *Muhajirun* and *Ansar*. Umar (R.A) fixed the allowance of 5,000 *darahim* per annum for anyone who had fought in the Battle of Badr, and for all others whose Islam was of the same degree as those who had fought at Badr. Those of the *Sahaba* (companions of the Prophet (S.A.W)) who had migrated to Abyssinia or fought at the Battle of *Uhud* were given 4,000 *Darahim* per annum. The children of those who had fought at the Battle received 1,000 *Darahim,* but Hasan and Husayn, received the same amount of allowance as their father because of their close relation with the Prophet (S.A.W) (i.e. 5000 *Darahim).*Everyone who had migrated before the conquest of Makkah was given an annual allowance of 3,000 *Darahim* and those who embraced Islam at the conquest of Makkah were given 2,000 *Darahim* each. Young children of the *Muhajirun* and *Ansar* also received some amount. Wives of the Prophet (S.A.W) were paid 12000 *Darahim* each. *Khalifah* Umar also established a special department for maintenance of record of pension. Pension and allowances were paid to all deserving persons and even the destitute and needy among the non-Muslims in the state (Dhimmi) received financial assistance. In fact both the children of the Dhimmis

and their old people were given monetary assistance from the treasury during Umar bin al-Khattab (R.A)'s time (Chaundhry, 2003:4; al-Mawardi, 1996:284-285).

According to Khan (1998:99), those Muslims who participated in the treaty of Hudaybiyah received 4000 *Darahim* each. Those Muslims who accepted Islam after the treaty of *Hudaybiyah* received 3000 *Darahim.* Those who fought in Syria or Iraq received 2000 *Darahim* each and those who took part in the battles after these received 1000 Darahim each. An ordinary soldier who fought during the time of Umar (R.A) received 500 to 600 *Darahim.*

Al-Mawardi (1996:284-286) also corroborated this view and explained that when the list of the people had been drawn up in the *Diwan* registers according to the proximity of their relationship to the Messenger of Allah, may peace and blessings of Allah be upon him, he granted proportionately more to those who had embraced Islam earlier than others and in accordance with their proximity in lineage to the Messenger of Allah (S.A.W). According to him, Umar bin al-Khattab (R.A) granted 5,000 *Darahim* annually to each person who had been at *Badr* from among the first set of *Muhajirun*; among them were Ali bn Abi Talib, Uthman bn Affan, Talha bn Ubaydullah, az-Zubayr bn Awwam and Abdar-Rahman bn Awf (R.A). Umar also awarded 5,000 to himself together with others such as al-Abbas Ibn Abd al-Muttalib and al-Hasan and Husayn (R.A) by virtue of their rank in the eyes of the Messenger of Allah (S.A.W). He gave preference to al-Abbas by granting him 7,000 *Darahim*. Those who participated in the Battle of Badr among the *Ansar* were given 4,000 *Darahim*. He gave 3,000 *Darahim* to those who had made Hijrah before the conquest. Those who became Muslims after the conquest were granted 2,000 *Darahim*. Umar Ibn Abi Salamah al-Makhzumi was given 4,000 *Darahim* because his mother Umm Salamah was a wife of the Prophet (S.A.W).

To the people of Yemen, the Qays in Syria, and Iraq, he granted to each man an amount varying between two thousand, one thousand, five hundred and three hundred *Darahim*.

*S*yed (2009:6) posited that expenses of nursing and breeding of the newborn were paid from the treasury, and parents were given allowance for the newborn child. One hundred (100) *Darahim* was given per child which was increased later on. For unclaimed children a stipend of 100 *Darahim* was fixed. Perhaps 'Unclaimed children' according to Syed (2009:6) may signify those children who lost their parents and had no one to take care of them.

Based on this fact, al-Mawardi (1996:285-286) explained that Umar bin al-Khattab had not granted anything for a child until he had been weaned. He (R.A) continued on this practice until one night when he heard a mother discouraging her child from breast feeding; the child was crying, and he asked her about it, to which she replied: Umar does not grant anything to a child until he has been weaned. I am discouraging him from breast feeding, so that he will be granted his share. "Then Umar said: "O woe to Umar- how many mistakes he makes without knowing it?" Then he gave orders to his herald to announce: "Do not hurry to wean your children. We will grant a portion to every child in Islam. Since then Umar gave 100 *Darahim* to newborn babies and also 200 if they grow older, and increased this if they had reached puberty.

Hitti (1970:172) submitted that all the revenues of the state were deposited in the public treasury during Umar's time. He said:

> …and whatever remained after the payment of the common expense of administration and wayfarer had to be divided among the Muslims. In order to accomplish the distribution a census became necessary, the first census recorded in history for the distribution of state revenue.

Ali (1974:103-104) asserted that Umar (R.A) introduced the system of old age pension. Quoting W. Muir he said; "the pension system of Umar is a spectacle probably without parallel in the world". Umar (R.A) granted allowances for the weak and the disabled, from the public treasury, after meeting the expenditure of general administration and welfare, the surplus money was distributed among the Muslims based on three principles namely, the relationship with the Prophet (S.A.W), priority of conversion to Islam and Military service to Islam. On the basis of these principles, every Muslim male or female was to receive the amount of pension or stipend. To this effect a register was maintained where everybody had share including slaves, women, newborn children and dependants of the Muslims.

Gusau (1991:179) presented a table of Umar's (R.A) pension register in this form:

Umar's Pension Register

Category of people	**Dirham**
The Prophet's wives	12,000
The Prophet's Uncle and grandsons	5,000
The Badrites	5,000
The Uhudites	4,000
Migrants to Abyssinia	4,000
Migrants of the Pre-Makkan Conquest	3,000
The son's of the Badrites_____	2,000
Converts at the conquests of Makkah____	2,000
The children of all Emigrants and Helpers__	2,000
Muslims in Syria and Iraq_____	2,000
Those who fought in Qadisiyah_____	2,000
Those who conquered Ubulla_____	2,000
Those who took oath at Hudaybiyyah_____	2,000
Makkans (not Muhajirs)_____	600 to 700

Yemenites_____	700
Mudar and Rabia_____	200 to 300
Women_____	200 to 500
All others_____	250
Newly born babies_____	100
Converted Persian landlords_____	2,000
Unclaimed children_____	100

The sources of revenue according to Ali (1974) were generally derived from the *Jizya*, (poll tax) *Zakah*, (poor tax) *Kharaj*, (land tax), *Ghanimah* (spoils of war), *Fay'* (income from crown lands) and one tenth of the produce taken from big estates and a commercial tax imposed on foreign non-Muslim Merchants (*Ushr*). Umar also collected *Zakah* on horses which were exempted during the time of the Prophet (S.A.W) and Abu-Bakr (R.A).

While commenting on the state revenues al-Marzouqi (2005:312-313) opined that during the reign of the third Caliph Uthman bn Affan (R.A), the Islamic State became very rich that he authorized people to distribute their monetary tax in their own way instead of the government collecting from them to distribute to the less priviledged. Only the tax on animals and agriculture was collected. The Umayyad Caliph, Umar bin Abdul-Aziz (717-720 C.E) used financial surplus of *Zakah* (ie the amount after the Social Security benefits had been paid), in settling debts of people until all debts were covered. The Caliph after this, asked the treasurer to buy slaves and set them free with the balance.

2.5 Sources of Islamic Social Security System

Islamic Social Security system is funded through various sources. Prominent among such sources during the early times of Islam, include *Zakah* (Poor due) , *Jizya*

(Poll tax), *al-Kharaj* (Land tax), *Fay* (Income from crown lands), *Ghanimah* (Spoils of war), *Ushr* (one tenth of the produce of land), Ushur (commercial tax imposed upon citizens and foreign non-Muslim Merchants), *Waqf* (Endowment), *Mirath* (Inheritance), *Nafaqah* (Maintenance), *Infaq*(Spending in the way of Allah) and *Sadaqah* (Voluntary alms). It is important to examine briefly some of the sources of the Islamic Social Security System. They are as follows:

2.5 (a). Zakah (Poor due)

Al-Shadhili (d.939A.H:97) saw Zakah as a specific amount of wealth, taken from a specific wealth when it reaches specific amount in a specific time and given to specific people. It is a contribution by the well-off to the needy (Manzoor, 2006:40). It is a compulsory levy on those who are rich and have minimum requirement of wealth that makes payment of Zakah obligatory (*Nisab*) (Zulfiqar,2011:64). It becomes an obligation on wealth which is susceptible to growth either of itself or by the work which is done with it (al-Mawardi, 1996:168).

Zakah is derived from the root word *Zaka'* which means growth and purification. It also signifies blessedness (*Barakah*). The technical meaning of the word is the part of the wealth which is ordained on the rich to spend for the poor and payment for such part (Hasan, 1984:11). Al- Jaza'iri (2001:47) identified the wisdom behind legislating Zakah to be purification of human soul from the vices of stinginess, greed, covetousness and lustfulness, comforting the poor and limiting inflation of wealth among the wealthy.

Zakah, according to Manzoor (2006:40-41) is a form of devotion and social obligation. Principally, *Zakah* fund is intended to serve as insurance for the poor, the aged, the disabled and the less fortunate members of the society.

Zakah, unlike voluntary charity represents the claim of the poor or less priviledged people on a citizen's wealth, which is automatically encashed annually. In fact it is the right of the needy to get this little share from those who are rich. Zakah is among the sources of Islamic Social Security. Islam detest to see in a community a person who cannot guarantee for himself sufficiuent means of sustenance, clothe to cover his body and a house to accommodate him, to be left alone without such provisions. These neccesities of life should cover whoever lives in the Islamic state. A Muslim is expected to provide these and other needs based on his struggle and effort. If he cannot provide for such needs, then the people should be responsible and stand for him to provide such needs. He should not be left as a prey to hunger, nudity and begging. (al-Tayyar 1430 A.H; 4-5).

The rich is expected to disburse a rate of 2.5% of his wealth on savings and property annually to the needy. *Zakah* is one of the pillars of Islam, therefore any rich Muslim that refuses to pay *Zakah* is a *Fasiq* (violator of the faith). While the one who doubts its legitimacy is a *Kafir* (a non believer). The Islamic state can realize the payment of Zakah through its own collectors (*Amilun*). The state has a right to impose penalty in case of default. The state may even wage a war against willful defaulters, going on the tradition of *khalifah* Abu-Bakr (R.A). Abu-Bakr swore by Allah to fight whoever makes a distinction between *Salah* (Prayers) and *Zakah* (Poor due) and he fought those who refused to pay *Zakah* after the death of the Prophet (S.A.W). It was narrated by Abu-Hurairah (R.A) who said:

لَمَّا تُوُفِّيَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَكَانَ أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ وَكَفَرَ مَنْ كَفَرَ مِنْ الْعَرَبِ فَقَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ كَيْفَ تُقَاتِلُ النَّاسَ وَقَدْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ

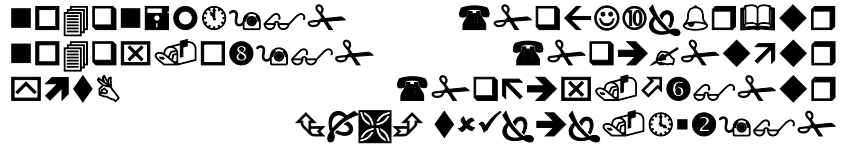
وَسَلَّمَ أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلَهَ إِلَّا اللَّهُ فَمَنْ قَالَهَا فَقَدْ عَصَمَ مِنِّي مَالَهُ وَنَفْسَهُ إِلَّا بِحَقِّهِ وَحِسَابُهُ عَلَى اللَّهِ فَقَالَ وَاللَّهِ لَأُقَاتِلَنَّ مَنْ فَرَّقَ بَيْنَ الصَّلَاةِ وَالزَّكَاةِ فَإِنَّ الزَّكَاةَ حَقُّ الْمَالِ وَاللَّهِ لَوْ مَنَعُونِي عَنَاقًا كَانُوا يُؤَدُّونَهَا إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَقَاتَلْتُهُمْ عَلَى مَنْعِهَا

قَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ فَوَاللَّهِ مَا هُوَ إِلَّا أَنْ قَدْ شَرَحَ اللَّهُ صَدْرَ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُ فَعَرَفْتُ أَنَّهُ الْحَقُّ

When Allah's Apostle died and Abu-Bakr became the Caliph, some Arabs renegade (reverted to disbelief) Abu-Bakr decided to declare war against them, 'Umar said to Abu-Bakr, 'How can you fight these people although Allah's Apostle Said, 'I have been ordered (by Allah) to fight the people till they say: "None has the right to be worshipped but Allah, and whoever said it then he will save his life and property from me except on trespassing of law (rights and conditions for which he will be punished justly), and his accounts will be with Allah: Abu-Bakr said, "By Allah! I will fight those who differentiate between the prayer and the *Zakah* as *Zakah* is compulsory right to be taken from the property (according to Allah's order). By Allah if they refuse to pay me even a she-kid which they used to pay at the time of Allah's Apostle, I would fight with them for holding it" Then Umar Said, "By Allah, it was nothing but Allah opened Abu-Bakr's chest towards the decision (to fight) and I came to know that his decision was right.(Bukhari, 2:1335 Babu wujubul zakah).

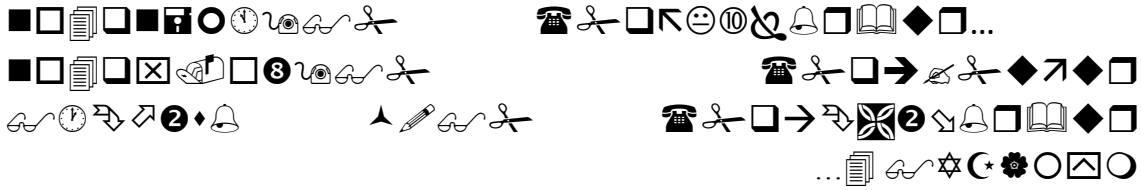
Zakah is one of the most important sources of Social Security System in Islam and the prime source of revenue for the early Islamic state (Hasan, 1984:25; Mannan, 1986:245).

Zakah is ordained in both the Qur'an and *Hadith* of the Prophet (S.A.W). Al-Qur'an states:



(سورة البقرة ٤٣)

And be steadfast in Prayer Practice regular charity and bow down your heads with those who bow down. (Qur'an 2:43).



(سورة المزمل ٢٠)

…And establish regular Prayer and give regular charity and loan to God a beautiful loan… (Qur'an73:20).

Also when Allah (S.W.T) was stating the attributes of Muttaqun (i.e. the pious believers of Islamic faith), He said:

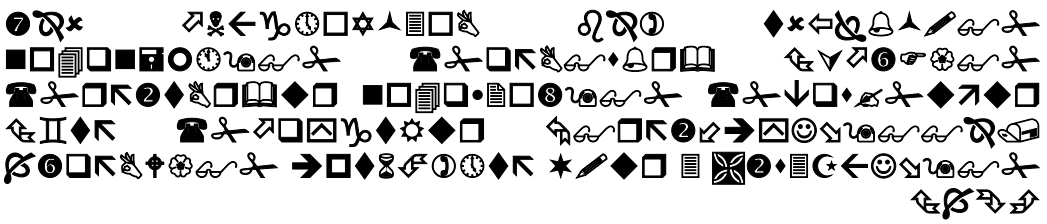


سورة البقرة ٣)

)

Who *believe In the Unseen, are steadfast In prayer, and spend out of what we have provided for them;* (Qur'an 2:3)

Allah also describes the attributes of good leaders as*:*



(سورة الحج ٤١)

(They are) those who, if we establish them In the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: with Allah rests the end (and decision) of (all) affairs (Qur'an 22:41).

There are also many *Ahadith* signifying compulsory nature of *Zakah* and its importance.

عن أبي أيوب رضي الله عنه: أن رجلا قال للنبي صلى الله عليه وسلم: أخبرني بعمل يدخلنى الجنة. قالوا: ماله ماله. قال النبى صلى الله عليه وسلم (أرب ماله، تعبد الله ولا تشرك به شيئا. وتقيم الصلاة، وتؤتي الزكاة، وتصل الرحم)

Abu-Ayyub narrated that a man said to the Prophet (S.A.W):
"Tell me of such a deed as will make me enter Paradise. "The people said: "What is the matter with him? What is the matter with him? "The Prophet (S.A.W) Said, "He has something to ask (what he needs greatly). The Prophet (S.A.W) Said: (In order to enter paradise) you should worship Allah and do not ascribe any partners to Him, offer Prayer perfectly, pay the *Zakah* and keep good relations with your kith and kin."

(Bukhari 2:1332 Babu wujubu al-zakah)

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بُنِيَ الْإِسْلَامُ عَلَى خَمْسٍ شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَإِقَامِ الصَّلَاةِ وَإِيتَاءِ الزَّكَاةِ وَالْحَجِّ وَصَوْمِ رَمَضَانَ

Ibn Umar (R.A) narrated that Allah's Apostle said: Islam is based on the following five principles;

1- To testify that none has the right to be worshipped but Allah and Muhammad (S.A.W) is Allah's Apostle
2- To offer the (compulsory congregational) prayers dutifully and perfectly.
3- To pay *Zakah* (ie obligatory charity)
4- To perform Hajj (Pilgrimage to Makkah)
5- To observe fast during the month of *Ramadan*. (Bukhari 1:7).

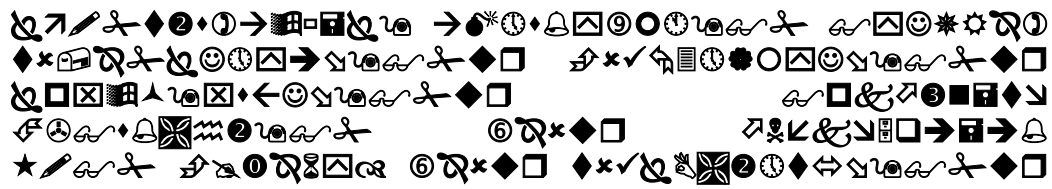
When the Prophet (S.A.W) sent Muadh to Yemen he said

إِنَّكَ تَأْتِي قَوْمًا أَهْلَ كِتَابٍ فَادْعُهُمْ إِلَى شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ فَإِنْ هُمْ أَطَاعُوكَ لِذَلِكَ فَأَعْلِمْهُمْ أَنَّ اللَّهَ عَزَّ وَجَلَّ افْتَرَضَ عَلَيْهِمْ خَمْسَ صَلَوَاتٍ فِي كُلِّ يَوْمٍ وَلَيْلَةٍ فَإِنْ أَطَاعُوا لِذَلِكَ فَأَعْلِمْهُمْ أَنَّ اللَّهَ عَزَّ وَجَلَّ افْتَرَضَ عَلَيْهِمْ صَدَقَةً فِي أَمْوَالِهِمْ تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ وَتُرَدُّ فِي فُقَرَائِهِمْ.

> You will be meeting a people of the book. Invite them to testify that none has the right to be worshipped but Allah (S.W.T) and I am Allah's Apostle, and if they obey you to do so, then teach them that Allah (S.W.T) has enjoined on them five prayers in every day and night (in twenty four hours), and if they obey you to do so, then teach them that Allah (S.W.T) has made it obligatory for them to pay the *Zakah* from their property and it is to be taken from the wealthy among them and given to the poor. (Bukari 2:478, Bab wujub al-Zakat; Musnad Ahmad,3:2071).

Therefore *Zakah* is taken from the wealthy among the Muslims and given to the poor.

There are eight categories of people that can receive *Zakah*. They are clearly mentioned in the Qur'an as follows:



(سورة التوبة ٦٠)

> Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those In bondage and In debt; In the cause of Allah. and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom(Qur'an 9:60).

It is due to this reason that *Zakah* is not used for any other project than giving it out to the eligible recipients mentioned in the Qur'an according to some scholars. This is to create room for Social Security System for the less privileged. *Zakah* aims at freeing the poor from want. For example Sabiq (2003:361) opined that *Zakah* should not be given to a Muslim in order to go and perform pilgrimage. Isma'il (1997:200-201) in examining the phrase; "and for the cause of Allah" said it connotes two meanings specific and general: The specific meaning was that *Zakah* should be given to the Muslim army and for their related needs such as acquisition of fire arms, while the general meaning includes all charitable and virtuous acts. According to him, based on the first opinion, it is not appropriate to construct a mosque, or a school or a hospital with *Zakah* funds. The second opinion sees nothing wrong in using such funds for any charitable engagements. The first opinion was preferred because, according to him, it is the consensus of majority of Muslim scholars. He said:

وبناء المساجد والمدارس والمقابر ونحوها,إنما يتم من صدقة التطوع لا من الزكاة المفروضة. إذ هى مختصة بالأصناف الثمانية الواردة فى الأية

> Mosques, schools, graveyards are constructed from funds received from the voluntary charity and not from obligatory *Zakah* funds. *Zakah* is specifically assigned to eight recipients mentioned in the verse (i.e Quran 9:60).

Aboki (2009:2) and Hasan (1984:12) gave a broad categorization of *Zakah* as two- *Zakatul fitr* and *Zakatul mal*. Accordingly, *Zakatul fitr* is the *Zakah* which the Muslim faithfuls pay after breaking of fast at the end of the lunar month of *Ramadan*. It

is four handful of wheat, barley, maize, rice or any staple food worthy of *Zakah* of the community for old and young, male or female including those under ones guardianship. The second i.e *Zakatul mal* is the *Zakah* of wealth which is sub-divided into three, namely *Zakah* on money or all kinds of *Mal* (wealth)which has the capacity to grow such as gold and silver and cash, *Zakah* on animal and *Zakah* on crop or farm produce.

According to Hasan (1984:12), the term *Mal* is a general term and connotes all that has the following characteristics

a) Complete ownership (excluding *Waqf* (Endowment) and illegitimate *Mal*)
b) Capacity to grow i.e. commercial items (*Nama')*
c) Reaching the *Nisab*
d) Surplus over basic needs
e) Freedom from debt
f) Lapse of one year

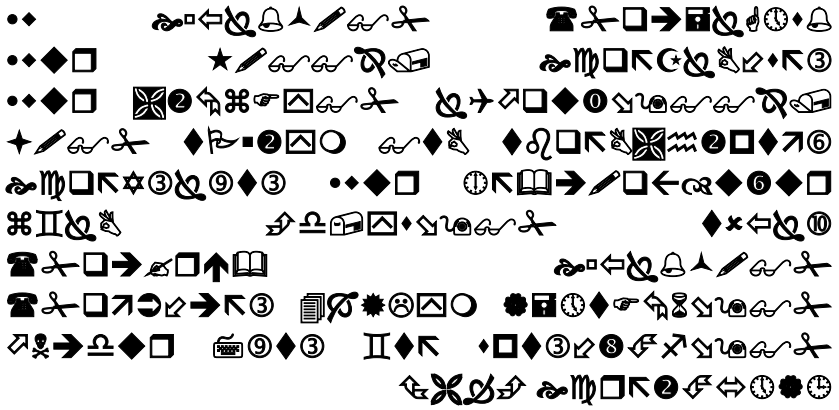
Zakah is only levied on a sane, free, and matured Muslim who is capacitated.The guardian of a capacitated insane Muslim or a capacitated minor Muslim pays on their behalf from their wealth. *Zakah* is not assessed on profits but on wealth unlike income tax of secular state. It is levied on the total wealth once the *Nisab* is met. *Zakah* is a flat-rate levy. Though no income tax is payable in case of loss by the secular law, *Zakah* would still be payable on profit earning working capital (Hasan,1984:13).

2.5 (b)- *Jizya*

This is regarded as an annual tax levied on every adult, male non-Muslim citizen – *Dhimmis* –who live under the Islamic state. This tax is imposed on non-Muslims of the Islamic states in return for the guarantee extended to them by the state for the protection of their lives, properties, religious right and for their exemption from military

services. The welfare of the people is the basic consideration behind the imposition of *Jizya* upon non Muslims. (al-Marzouqi, 2005:313; Mannan, 1986:246).

Jizya is payable after the expiry of one year period. The word '*jizya*' is derived from Jazaa (he personalized, compensated). It is taken from the non-Muslims as a compensation paid in return for their being guaranteed safe-passage in which case it is taken with gentleness from them (al-Mawardi.1996:207). The basis of *jizya* is contained in The Qur'an 9; 29:



(سورة التوبة ٢٩)

> *Fight against those who believe not in Allah, nor in the last Day, nor forbid that which has been forbidden by Allah and His messenger (Muhammad SAW)and those who acknowledge not the religion of the truth (i.e. Islam) among the people of the scripture (Jews and Christians),until they pay the Jizya with willing submission, and felt themselves subdued.*

Payment of *Jizya* assures the *Dhimmis* that they be left in peace and they be protected, assuring them of their domestic security and their defence from outside attack (Al-Mawardi, 1996:208).

It is the duty of the Muslim leader to impose *Jizya*. Mannan (1986:247) identified that the yearly rate for the rich is forty-eight *Darahim*,(four *Darahim* per month), for the middle class half the sum, and for the poor who can earn their living, one-fourth of this sum. The above is based on the precedence of *Khalifah* Umar, Uthman and Ali, the

other companions having approved of their action. Children of the *dhimmis*, women, and the insane and old people are exempted from *Jizya* payment. Also exempted is a hermaphrodite of dubious status. Al Marzouqi (2005; 314-315) stated nine conditions that exempted the non- Muslims from payment of *jizya* to Islamic state;

1- Womanhood and Childhood.
2- Handicap, blindness and old age.
3- Needy and madness.
4- Day labourers, servant or wageworkers i.e. *al-ajir* or *al –asif*.
5- Chronic illness.
6- Religious people who keep themselves free for prayer and worship i.e reverend fathers, pastors, cloisters, and oratoris.
7- Non Muslim voluntarily participating in military service for protecting the country.
8- Slavery
9- A plowman, sower, peasant, planter or a farmer who keeps himself free for such a job.

Al-Marzouqi (2005:315) opined that nowadays *al-jizya* is not applicable anymore because all of the non-Muslim citizens are on the same standing, sharing with their Muslim brothers in protecting their countries by rendering military service. However, *al-jizya* serves a source of revenue of the Islamic state for many centuries in the past, and the state service Social Security System with it. In the early socio economic set-up of Islam, the position of jizyah was possibly the best choice because it is consistent with the principles of natural justice.

2.5 (C) -AL-KHARAJ

Al-Kharaj is the tax levied on agricultural lands owned by those conquered in an Islamic state. The Islamic state imposes this tax on lands mainly conquered by the force of arms, irrespective of whether the owner is a minor or an adult free or slave, Muslims or non Muslims (Mannan, 1986:248; al-Marzouqi, 2005:315).

There are two methods of collecting *Kharaj*; *Muqasamah* (proportional *Kharaj*) and *Wazifa* (fixed *Kharaj*). *Muqasamah* pertains to a portion of the produce like one-half or one third of the same. The *Kharaj* may be charged as a percentage of the produce where as *Wazifa* is a specific charge on the land at so much of natural produce or money per unit area of the land. *Muqasamah* is generally collected on one single crop while *Wazifa* becomes due on the expiry of one year. *Muqasamah* is to be collected after the crop is hervested. (Mannan, 1986:248; Azmi, 2004:97).

The *wazifa* was employed by Khalifah Umar bn al-Khattab (R.A) in the conqured territories on the recommendations of his two companions Uthman and Hudhayfah (R.A) who were sent to survey the conquered land. Based on these recommendations, Umar (R.A) imposed different rates to be collected annually at a fixed basis from every land fit for cultivation and accessible to water, whether cultivated or not. Since this rate was imposed on land regardless of whether they are cultivated or not, it guaranteed a fixed amount of revenue from the land tax (Azmi, 2004:98).

Kharaj was charged based on the tax bearing capacity of the land which include fertility of land, type of crop, system of irrigation and distance from the market place. The administrators of the *Kharaj* should take into consideration these factors in assessing the amount of the taxes on piece of land (Al-Mawardi, 1996:215; Azmi, 2004:98).

On the rates of *Kharaj* and methods of its collection, there is no clear verse in the Quran or traditions of the Prophet (S.A.W) explaining this. The leader therefore can decide what is best for his community. He should however take into consideration just appraisal of the lands, neither over charging the tax payers nor damaging the system.

Recommendation of rates should be based on the rate of labour and capital involved in the cultivation of the crops.

2.5 (D) - Fay'

The literal meaning of '*fay*' is 'return of a thing. It is an Islamic terminology having legal connotation denoting property received from the enemy without actual fighting. It is a State revenue termed Amwal *al-Masalih* i.e, the revenue of Public Welfare. (Azmi, 2004:73, al-Marzouqi,2005:317).

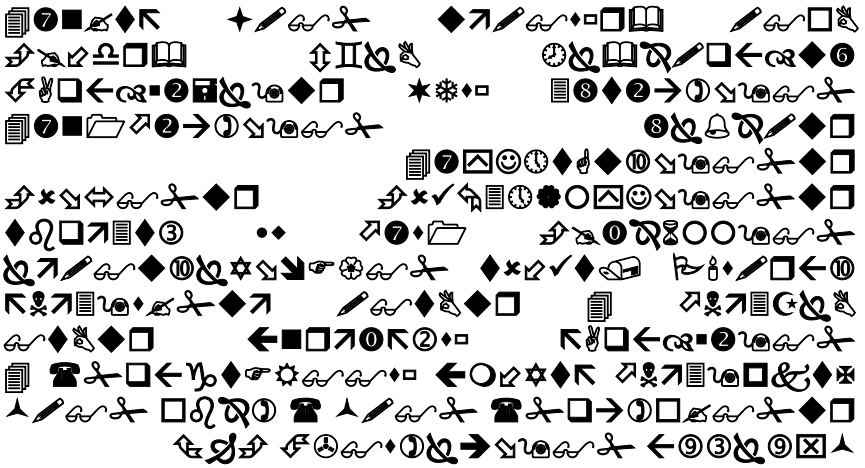
Revenue from *fay*' lands constitute the main component of state income. During the time of Prophet Muhammad (S.A.W), he made the lands of fadak and Banu Nadir *fay'* lands as they fell to Islamic rule without fighting. After the death of the Prophet (S.A.W), the Byzantine provinces of Egypt, Palestine, Syria and Sassanid lands of Iraq and Persia were subjugated to Muslim power either forcibly (*Anwah*) or by peace treaty (*Sulh*).

The jurists share differences of opinion over the status of forcibly conquered lands whether they will be distributed or left in the hands of their owners. *Imam* Malik (RA) is of the view that the land should not be distributed and should be made a trust for the common good of Muslims. *Imam* Shafi'i (RA) shared different opinion asserting that if the land is taken forcibly, it should be regarded as booty and should be distributed among those who fought for it.

Imam Abu Hanifah and his disciple Abu Yusuf asserted that the ruler has a discretionary power either to distribute it among the fighters as war booty or return it to its owner and levy *Kharaj* tax as a permanent source of income for general Muslims. However, records show that only the land of Khaybar has been partially distributed among the fighters. The conquered lands beyond the Arabian Penisula were in the main

left undistributed in the hands of their owners such as the lands of Iraq, Syria and Egypt (Azmi, 2004:73-74).

The Qur'an explains *fay'* as a source of revenue;



(سورة الحشر ٧)

What Allah gave as booty (fay') to his messenger (Muhammad (S.A.W) from the people of the township-it is for Allah, and his messenger (Muhammad S.A.W), the orphans, the needy and the wayfarer, in order that it may not become a fortune used by the rich among you. And whatsoever the messenger (Muhammad S.A.W) give you, take it, and whatsoever he forbids you, abstain (from it).and fear Allah, verily, Allah is severe in punishment. (Qur'an 59:7).

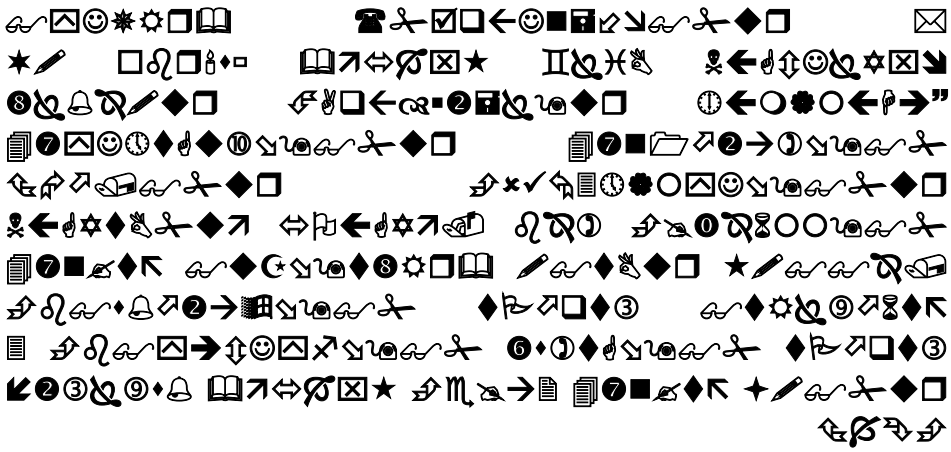
Also from the view point of Islamic fiscal principles, the ownership of the unclaimed lands that do not belong to anyone remains the property of the state. A tradition of the Prophet (S.A.W) reported by Abu-Ubayd states;

> All dead and unclaimed lands in the first place belong to Allah and His Messenger, after that they belong to you (Ibn Salam, 1975:286).

2.5 (e) - ***Ghanimah***

Ghanimah is the war booty. It is the property which Muslims seize from the enemy. It is the property taken by force from the infidels during war. This constitutes one of the main sources of revenue of the early Islamic state before the advent of Islam. The victorious army or tribal chiefs used to keep the entire booty obtained in a war. But Islam gradually brought about a change in the

mental outlook of the Muslim army to take four out of five of the entire proceeds keeping one-fifth of the spoils for the benefits of the state.



(سورة الأنفال ٤١)

And know that out of all the booty that ye may acquire (in war), a fifth share is assigned to Allah,- and to the Messenger, and to near relatives, orphans, the needy, and the wayfarer,- if ye do believe In Allah and In the Revelation we sent down to Our servant on the Day of Testing,- the Day of the meeting of the two forces. For Allah hath power over all things. (Qur'an:8:41)

Therefore one fifth of the *Ghanimah* is available for the state to distribute to the special beneficiaries clearly mentioned in the Qur'an above.

Azmi (2004:59) asserted that in the early Madinan period of the Prophet (S.A.W), when other sources of revenue did not materialize, the *khums* (one fifth) received helped the state to discharge its Social Security needs. Although the *khums* received during the Prophet's time was meager in quantity, it had much bearing on relieving the burden of the state, and thus supporting it to perform various functions of Social and economic interest. It also assists individual combatants to ease their financial burdens.

After the death of the Prophet (S.A.W) the great conquest of Byzantine and Sassanid provinces made the companions to witness large quantities of *Ghanimah* in the

hands of the Muslim Army. One fifth of such *Ghanimah* was transferred to the central treasury.This immense proceeds of *Ghanimah* enriched the *Bayt al-Mal* (public treasury) considerably. After the conquest of Bahrain, five hundred thousand *Darahiim* were transferred to *Bayt al-Mal* as *khumus*. The magnitude of the wealth in the *Bait al-Mal* during *Khalifa* Umar's regime made him initiate various welfare schemes including Islamic Social Security System of pension schemes and monthly grants (Azmi, 2004:60). In the case of immovable property such as land captured during the war, there is difference of opinions among the Muslim jurists on their treatment. The most prominent among the views is that the discretion lies with the *Imam* (the leader of the Muslim community). He either distributes it among the Muslim fighters as was in the case of lands of Khaybar (a Jewish township near Madinah) conquered by the Muslims during the Prophet's time, or made the land a permanent source of income of the state through *Waqf* (endowment) as was in the case of lands of Fadak and Banu-Nadir (a Jewish tribe) which were left at the discretion of the Prophet (S.A.W). The same policy was pursued by *Khalifah* Umar (R.A). He left the conquered lands undivided and made it a permanent source of income of the state (Azmi,2004).

2.5 (f) - *Ushr*

Ushr signifies one tenth (1/10). It is the taxation charged on the produce of the landed property of the Muslims at the rate of ten percent (10%) if it is cultivated and nourished through natural rainfall in an Islamic state. Where it is cultivated through irrigation, it would be at the rate of 20% according to Doi (1984, 390), 5% according to al-Marzouqi (2005:316), and 7.5% if watered, sometimes naturally by rain and others by irrigation. According to Abu al-Hasan Ali al-Maliki al-Shadhili (857-939A.H:103) 10% should be charged for the products cultivated through rain. While *nisf-ushr* (5%) should be charged for irrigated products. This last view is mostly accepted by the Maliki

School of Law. Perhaps Doi (1984) mistook 1/20 for 20% because 1/20 is equivalent to 5% which is half of 1/10. This amount was paid to *Bayt al-Mal* which was meant for the welfare and needs of individuals as well as the *Ummah* (Muslim community) as a whole. The Qur'anic injunction on this is in Qur'an *6:141*



(سورة الأنعام ١٤١)

And render the dues that are proper on the day of harvest.

2.5 (g) -Ushur

Ushur comprised of the revenue collected from the proceeds out of trade and business carried out by all the citizens of the Islamic state irrespective of their religious beliefs (Doi, 1984)

al-Marzouqi (2005:316) examined that a non-Muslim citizen (Dhimmi) pays 5% and a foreign trader moving his trade to the Islamic state pays 10% or treated as his country deals with the citizens of Islamic state. His objects of trade are not confiscated even if his own state does so with a citizen of the Islamic country because Islamic state regarded this as an act of injustice. *Ushur* is an annual tax imposed on transported trades.

Other sources of Islamic Social Security System include *sadaqah* or *infaq fi sabilillah* (voluntary charity), *Waqf* (endowment), *Kira al-Ard* (rent on land), *Al-Amwal al-fadilah* (income from the Islamic state owned natural resources), *Mirath* or *Wirathah* (inheritance) *Daraib* (general taxes imposed by Islamic states on the citizens to carry

out welfare works incase of emergency and *Nafaqah* or *Nafaqat-al Wajibah* (obligatory maintenance).

Nafaqah as it affects northern Nigerian Muslims will be the point of discussion after examining the objectives of Social Security System in Islam.

2.6 Objectives of Islamic Social Security System.

The *Shari'ah* (Islamic law) has made it an obligation on the Muslim state and its citizens to provide Social Security for all citizens with one disability or the other that prevents them from gaining lawful employment. This affects Muslims and non Muslims. The Islamic way of life, being goal-oriented is inconceivable without an organized community governed in accordance with the tenets of Islam. However, the authority exercised by the State is not absolute. It is a trust from Allah (S.W.T) that is to be excercised in accordance with the terms of the trust as laid down by the shari'ah as a democratic and a welfare oriented state (Chapra,1979:6). Among such functions and authorities of the Islamic state to its citizens is the provision of Social Security to citizens of the state who cannot provide same for themselves due to their disabilities, deformities, accidents e.t.c. In Islam right from the beginning, fulfillment of the basic needs of everyone who is unable to meet his/her needs is conceived to be the concern of the state (Chapra, 1979:10; Syed, 2009:2). Islam lays great stress on service to humanity in general and in particular to the weak and the oppressed ones. From the early life of Prophet Muhammad (S.A.W), much emphasis was laid on the support of the cause of the weak such as the orphans, needy, wayfarers, slaves and loss through accident or death. Instruments such as *Zakah, Ushr, Sadaqat, Khairat* (generosity), *Mirath* and other taxes that were mentioned earlier in this work were used for distribution of wealth and avoidance of its concentration in a few hands or groups (Qur'an,89:17-18:57:11)

Gusau (1991:46-79), Ghifari (1979:50-54) and Hassan (2010:10) identified main objectives of an Islamic Social Security System. These are spiritual upliftment of the society, uprooting poverty (poverty alleviation), provision of adequate standard of living, replacing earnings, augmenting earnings, provision of compensation, efficiency with minimal disincentive, wider circulation of wealth, ensuring social justice and serving as a protective mechanism against criminal temptation.

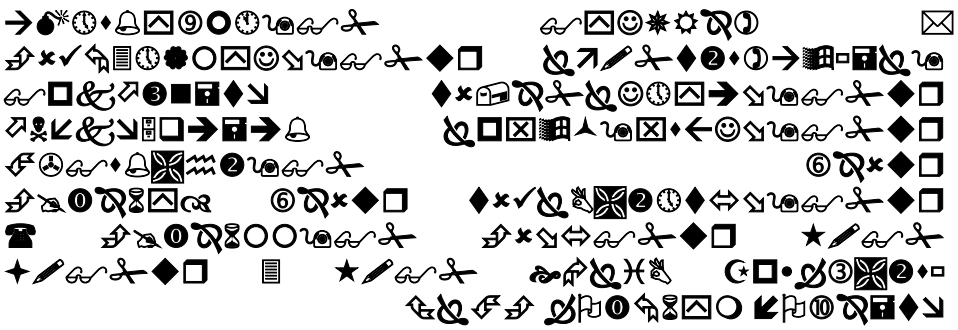
2.6 (A) Spiritual Upliftment Of The Donor.

Islamic Social Security aims at fulfilling the basic needs of the recipient so that he/she can survive with dignity to enable him strive for moral excellence and spiritual upliftment. The Islamic Social Security institution and feeders are set to sow seeds of kindness, sympathy and benevolence in the hearts of the donors and love and friendship in the hearts of the recipients. The donor purifies his heart from gross materialism through excessive love of wealth, greed and miserliness (Qur'an, 64:16, 92:18-21; 9:103). The Prophet (S.A.W) also encouraged Muslims to purify their souls from greed, niggardliness and excessive love of wealth. He (S.A.W) encouraged *Qana'ah* (contentment) among Muslims. Also the recipients of Islamic Social Security purify their souls from hatred, jealousy, and other evils associated with frustrated needs.

2.6 (B) Uprooting poverty (poverty alleviation).

Gusau (1991:50) identified two types of poverty: ie Poverty of an able bodied who neither has the work to do nor necessary capital; and poverty of those who are not capable of doing any work due to their age, physical deformity, mental sickness and other kinds of problems that render them totally incapable of working. Based on the commandments of the Qur'an, the precedence of the Prophet (S.A.W) and the practice of *Khulafa' al-Rashidun* (rightly guided successors of the Prophet (S.A.W), it is evident

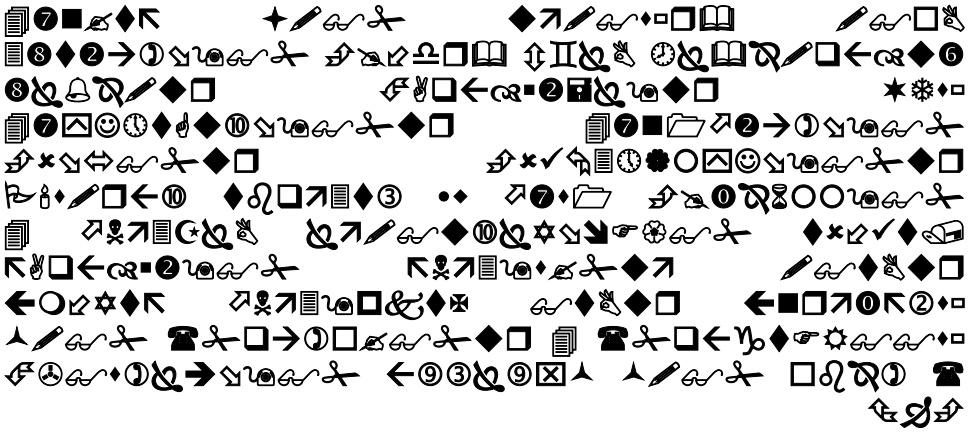
that Islamic Social Security is aimed at alleviating all types of poverty. For example Qur'an 9:60 did not specify any lower or upper limit to what may be given to a recipient of Social Security. The Qur'an states:



(سورة التبة ٦٠)

> Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and In debt; In the cause of Allah. And for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom.

It only specifies the recipients of *Zakah*. Also when Allah (S.W.T) bestowed on His Messenger (S.A.W) the riches of the Banu-Nadir, He specifically mentioned that the wealth be given to the poverty groups so that it may not make a circuit between the rich alone. Allah (S.W.T) Says:



(سورة الحشر ٧)

> What Allah has bestowed on His Messenger (and taken away) from the people of the township-belongs to Allah-to His Messenger and to kindred and orphans, the needy and the wayfarer; in order that it may not merely make a circuit between the wealthy among You. So take what the

> Messenger gives you, and refrain from what he prohibits you. And fear Allah; for Allah is strict in punishment (Qur'an 59:7).

In keeping with the above verse, the Prophet (S.A.W) distributed the wealth of Banu-Nadir to the poor emigrants and to two poor Ansar's only (ibn-Kathir,2000:9;546 and 548). During *Khalifa* Umar's time, stipend was given to every Muslim; male and female young and old including newborn babies (Khan, 1998:99-100). It was narrated that Umar (R.A) did not only make people get their share of social-security but he also ensured that people had enough food. Bilal bn *Rabah* once came to Umar (R.A) and Said: 'O *Amir al-Mu'minin*, by Allah, the commanders of your army in Syria do not eat anything but the flesh of fowls and fine bread, but the common folk of the Muslim do not eat such things. Upon hearing this, Umar (R.A) made an investigation into the matter and concluded that each Man is provided with the food he likes in addition to their stipends every month (as-Sallabi, 2007:73-74).

> Umar (R.A) was reported to have said: I shall give alms to the poor again and again till each one of them comes to possess at-least one hundred camels'
>
> (Ibn Salam, 1975:Tr 563 and 1780).

By implication, the above narration of Umar's (R.A) thought signified that, a poor recipient can be rich because 100 camels is several times the *Nisab* (ie 5 camels) which is used as an indices of richness .

By way of alleviating poverty, the *Ansars* offered to take the *Muhajirun* as partners in share-cropping arrangement which the Prophet (S.A.W) gladly agreed.

Abu Hurairah reported:

> The Ansar said to the Prophet (S.A.W).

"distribute the date palm trees between us and our migrant brothers: He replied, No'. The Ansar said (to the emigrants) "look after the trees (water and watch them) and share the fruits with us. The emigrants Said: We listen and obey."

(Fath al-Bari, V.5 P.8)

Once a man came to the Prophet (S.A.W) seeking for financial assistance. The Prophet (S.A.W) did not give him charity, instead he alleviated his poverty by asking him to sell his house-hold furniture and the amount realized was utilized to purchase an axe for him. The Prophet (S.A.W) provided handle for the axe and instructed the man to go and cut wood and sell for his living instead of begging. Through this means, the man became self-sufficient. The *Hadith* runs as follows:

عن أنس بن مالك رضى الله عنه: أن رجلا من الأنصار أتى النبى صلى الله عليه وسلم فقال: أما فى بيتك شىء؟ قال: بلى. حلس نلبس بعضه ونبسط بعضه, وقعب نشرب فيه الماء. قال: ائتنى بهما فأخذهما رسول الله صلى الله عليه وسلم وقال: من يشترى هذين؟ قال رجل: أنا أخذ هما بدر هم. قال: من يزيد على درهم؟ مرتين او ثلاثا. قال رجل: أنا اخذهما بدرهمين: فأعطاهما إياه, وأخذ الدرهمين, وأعطاهما الأنصارى, وقال: اشتر بأحدهما طعاما وانبذه إلى أهلك. واشتر لأخر قدوما فأتنى به. فشد فيه رسول الله صلى الله عليه وسلم عودا بيده ثم قال له: اذهب فاحتطب وبع... ولا أريتك خمسة عشر يوما

It was narrated by Anas bn Malik (R.A) that a man from the Ansar came to the Prophet (S.A.W) asking for financial assistance. The Prophet (S.A.W) Said: "Isn't there anything in your house? The man said: "Yes a piece of cloth one part is worn and the other is spread and a big vessel in which we drink. He (the Prophet S.A.W) Said: Bring them to me. The man brought them. The Messenger of Allah (S.A.W) took them and announced "who will buy these?" A man said: "I would take then for one Dirham". He said twice or thrice: who gives more than this? A man said: I would take them for two *Darahim*.

So, the Prophet (S.A.W) gave them to him and took the two *Darahim* and then gave them to the Ansari and said: "Buy food with one dirham for your family and buy an axe-head with the other and bring it to me. Then the Messenger of Allah (S.A.W) put a wood into it by himself and said to the man, "go and get wood and sell, I must not see you for fifteen days".

So, the man went, collected woods and sold them. When he came back, he earned ten *Darahim,* so he bought a cloth with some of them, and spent some in buying food. Then the messenger of Allah (S.A.W) Said:

> This is better for you than the begging that comes as a scar on your face on the Day of judgement…

(Abu-Dawud, 1:1641 Babu Ma Tajuzu fihi al-Mas'alah)

As earlier mentioned, Umar (R.A) during his time extended the services of the Islamic Social Security System to the citizens of the Islamic State including babies. The amount given ranged from 100-12,000 *Darahim* regardless of the citizens faith (Gusau, 1991; Al-Mawardi, 1996; Khan, 1998). Therefore Islamic Social Security System aims at availing opportunity for the lawful earning for able-bodied poor and alleviating poverty for those with permanent disability.

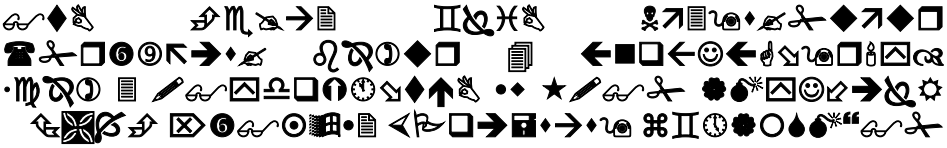
2.6 (C) Provision of adequate standard of living

The Qur'an legislate adequate provision of standard of living on earth. The Qur'an indicates the potential abundance of Allah's bounties to man which are sufficient to provide him (man) with adequate means of livelihood from cradle to the grave. For example Qur'an 7:10, 14:34, 15:20, 62:10 have explained:



(سورة الأعراف ١٠)

> It is We who have placed you with authority on earth, and provided you therein with means for the fulfillment of your life, small are the thanks that you give. (Qur'an 7:10).



(سورة إبراهيم ٣٤)

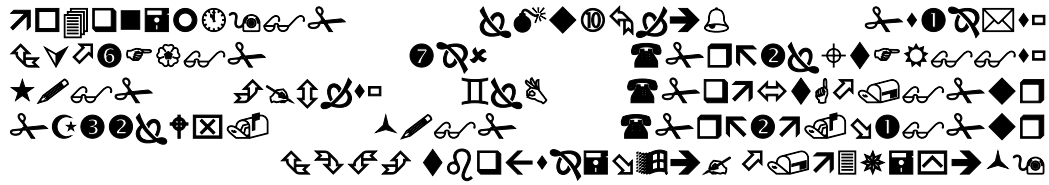
> And He giveth you of all that ye ask for. But if ye count the favours of Allah, never will you be able to number them. Verily, man is given up to injustice and ingratitude (Qur'an 14:34)

And



(سورة الحجر ٢٠)

And we have provided therein means of subsistence-for you and for those for whose sustenance you are not responsible (Qur'an 15:20).



(سورة الجمعة ١٠)

And when the prayer is finished, then may you disperse through the land, and seek of the bounty of Allah: and celebrate the praises of Allah often (and without stint): that ye may prosper (Qur'an 62:10).

Though the Qur'an neither state that every country will have sufficient nor specify any amount but it assures mankind that there is enough provision on earth for man's livelihood.

Both the *Sunnah* and precedents of the learned jurists identified with the fact that the Islamic State should provide adequate living standard when the need arises. The provision should be sufficient enough to satisfy the need. For example Abu Maryam Azid relates that he said to Mu'awiyyah: I heard the Prophet (S.A.W) Say:

من ولاه الله عز وجل شيئا من أمر المسلمين, فاحتجب دون حاجتهم وخالتهم وفقرهم, احتجب الله عنه دون حاجته وخلته وفقره. يوم القيامة, قال فجعل رجلا على عوائع الناس.
رواه أبو داود.

If Allah places anyone in authority over the Muslims and he puts up a barrier between himself and their needs and objects and poverty, Allah will put up a barrier between Himself and his needs and objects and poverty on the Day of judgement. So (Mu'awiyyah) appointed a man to keep a check on the needs of people. (Abu Dawud: 3:2950 Babu fi ma Yalzumu al imamu min amri al-ra'iyyah).

Gusau (1991:59) opined that provision should be adequate because when *Qabisa* requested for financial assistance from the Prophet, the Prophet (S.A.W) explained to him that it is unlawful to beg except for three categories of people:

a- For a man who accepts to be guarantor on someone else's behalf (and has no money to pay). It is lawful for such a man to beg until such a time that he gets the required amount. He should stop begging immediately after that.

b- For a man who suffers calamity and loses his property until he is able to stand on his own feet.

c- For a man who is suffering from poverty and three people from his community attest to his condition, until he is able to stand on his feet

According to Gusau (1991) in each of the categories, the Prophet (S.A.W) mentioned the necessity of having enough before begging should stop. This therefore signifies adequacy.

The precedence of the rightly guided khulafa and comments of the learned jurists such as Ata' (d.737 C.E), al-Zuhri (d.741 C.E), al-Ghazali (d.1111 C.E), Ibn Qudamah (d. 1223 C.E) and Mawdudi (d. 1979 C.E), point to provision of adequate living standard and minimum standard of living as an objective of Islamic Social Security (Gusau, 1991:60-63).

2.6 (D) Replacing earnings

There are many factors that can make someone unable to earn his livelihood temporarily or permanently. Among the temporary factors are unemployment, widowhood, sickness, maternity, childbirth, pursuing of studies, travelling and similar factors. The permanent factors include permanent disabilities such as blindness, severe

mental maladjustment, persistent illness, old age, crippleness and other similar factors (Gusau 1991:64). These factors sometimes lead to poverty and want. The Islamic Social Security framework instituted in Qur'an 9:60 provides for this with respect to *Zakah* or at least, he becomes someone else's liability as enshrined by the *Shariah* (Islamic law), with respect to near relatives, neighbours, community and state in that order. The *Sunnah*, precedents of the rightly guided *Khulafah* and the juristic opinions emphasised on this goal (ie replacing earnings) as the objective of Islamic Social Security. For example Abu-Hurairah (R.A) reported that, the Messenger of Allah (S.A.W) Said:

الساعى على الأرملة والمسكين كالمجاهد فى سبيل الله او القائم الليل الصائم النهار

> One who strives for the widows and the poor is like one who fights in the way of Allah or like a person who prays all the night and fasts during the day (Bukhari, 13: 5353 3836).

Also those who lost their source of income among the old and young were urged to be supported by the Prophet (S.A.W): He Said:

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ نَفَّسَ عَنْ مُؤْمِنٍ كُرْبَةً مِنْ كُرَبِ الدُّنْيَا نَفَّسَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرَبِ يَوْمِ الْقِيَامَةِ وَمَنْ يَسَّرَ عَلَى مُعْسِرٍ يَسَّرَ اللَّهُ عَلَيْهِ فِي الدُّنْيَا وَالْآخِرَةِ ...

> He who alleviates the distress of believer, his own distress will be alleviated by God on the day of judgement and he who offers assistance to the financially distressed will be assisted by God in this world and the world hereafter.
>
> (Muslim, 4:38 Babu fadlu al-ijtima'i ala tilawati al-Qur'an)

Umar (R.A) allotted the state revenue to the people as much as will meet their need. Umar bn Abdul-Aziz advanced stipends to students and those men engaged in academic pursuit. The jurists such as Shafi'i, Abu *Zahra*, al-Ghazali and others emphasised on the need to relieve citizens of Islamic state from hardship through provision of Social Security to those who are temporarily or permanently disabled (Gusau, 1991:66).

2.6 (E) Augmenting earning

Islamic Social Security programme is established not only to replace earnings but also to augment earnings. It makes provision for supporting people whose income have fallen below the level that is considered to be the minimum poverty line in the Islamic set-up. It is carried out through contributory and non-contributory basis. The Prophet (S.A.W) once received a huge amount of 80,000 *Darahim* from Bahrain and he immediately disbursed it and augmented the income of the Companions. Abu-Bakr (R.A) also practiced the same thing during his reign. Umar (R.A) gave a generous pension in accordance with certain criteria, earlier discussed. The Jurists such as *Imam* Malik, Shafi'i, Ibn Hambal, al-*Karki* and *Dhraf*, shared the view that Islamic Social Security is aimed at augmenting earnings to ensure adequate provision of basic necessities of life. (Gusau, 1991:69-72)

2.6 (F) Provision of Compensation

Islamic Social Security is aimed at providing compensation for victims of natural disasters and catastrophes such as fire, flood, theft, robbery, industrial accidents, and economic depression or lost incurred through guarantorship or huge court fines. Retirement of a person who rendered meritorious service to the state is included in this section (Gusau, 1991:72-73).

The Qur'an recognises the problem of natural disasters and calamities. For instance Qur'an 2:155 states





(سورة البقرة ١٥٥)

> Be sure we shall test you with something of fear and hunger, some loss in goods or lives or the Fruits (of your toil), but give glad tidings to those who patiently persevere,

In Qur'an 68:19-33 Allah (S.W.T) gave the story of the people of the garden (*Ashabal-Jannah*) who were tried with tribulations and fire ravaged their garden after the fruit had been gathered and it became like a dark, desolate spot because of the fire incident. They turn to Allah (S.W.T) in repentance.

With regards to humanity, induced disasters such as maiming and killing, the Qur'an set the law of Qisas (retaliations) and *Diyyah* (indemnity) as punishment for the culprits. (Qur'an 42: 39 and 2:178). Other contingencies are prescribed by *Zakah* and *Sadaqah* (compulsory and voluntary charity).

The Prophet (S.A.W) said to Qabisah when he came seeking assistance from him:

> Wait until *Sadaqah* (alms) are brought to us and we will give you from that.
>
> (Abu Dawud: 1397; Muslim, 5:1730; Ibn Hiban 14:3465; Ibn Khuzaimah, 8:2170).

The Prophet (S.A.W) then proceeded to explain three conditions under which a person can legally ask for aid, namely, the person who incurred liability due to reconciliation of two disputing parties, one struck by disaster that had wiped out his wealth and one who is hit by poverty (*Muslim*, Abu *Dawud*, *Nasa'i*, al-Qaradawy, 1985:120).

The Prophet (S.A.W) also entitled the rich to compensation having incurred debt. Ata' b. Yasar reported that the Apostle of Allah (S.A.W) Said:

> *Zakah* is not valid for (payment to) the rich excepting five persons: the ghazi who fights in Allah's cause; the collector of

Zakah, ie who collects *Zakah* and deposits it in treasury; the indebted; he who buys *Zakah* property in exchange for his own; and the person whose neighbour is needy.

(Muwatta: 535,,Ibn Majah: 1841, Bab man tahillu lahu al-sadaqah).

The Prophet (S.A.W) encouraged Muslims to come to the aid of the distressed people that they can recorporate to alleviate their distress in several *Ahadith*. Also the rightly guided *Khulafa* did their best in addressing the issue of disaster and other related issues. Umar (R.A) even advanced allowances to the Christians and a Jew for their up keep (Husayn, 1989:69).

Umar bn Abdul-Aziz assigns a town crier to announce everyday so that people who were under debt burden or wanted to get married, but do not have the means, may come to the Islamic state so that they could be financed. Both Umar, Uthman and Ali (R.A) maintained permanent registers for pensions and compensations (Gusau, 1991:78).

2.6 (G) Efficiency with minimal disincentive

According to Gusau (1991:78) it is the principle of Islamic Social Security to exercise caution in order not to experience disincentive effect. To avoid inefficiency, laziness and sloth, Islam discourages begging and encourages work. In this regard the Prophet (S.A.W) Said:

لا تحل الصدقة لغني ولا لذى مرة (أى قوة) سوى.

Charity is neither *halal* for the rich nor for the able-bodied.

(Musnad Ahmad: 2:1636, Bab man yu`ti minas sadaqati wahdul gina)

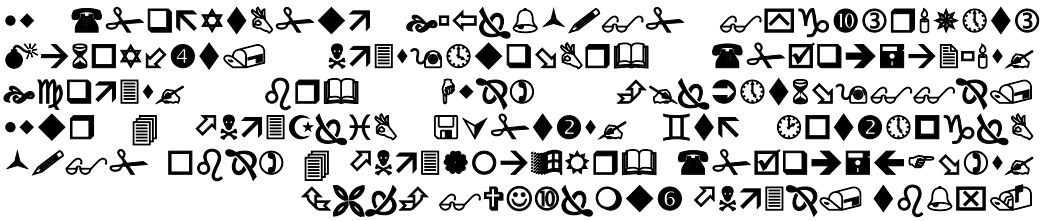
The Prophet (S.A.W) emphasised the dignity of work and labour. He said:

لَأَنْ يَأْخُذَ أَحَدُكُمْ حَبْلَهُ فَيَأْتِيَ بِحُزْمَةِ الْحَطَبِ عَلَى ظَهْرِهِ فَيَبِيعَهَا فَيَكُفَّ اللَّهُ بِهَا وَجْهَهُ خَيْرٌ لَهُ مِنْ أَنْ يَسْأَلَ النَّاسَ أَعْطَوْهُ أَوْ مَنَعُوهُ

It is better that a person should take a rope and bring a bundle of wood on his back to sell so that Allah may preserve his honour, than that he should beg from people, (regardless of) whether they give to him or refuse him.

(Bukhari 3:1471 Babu al-tibu al-jum'ah).

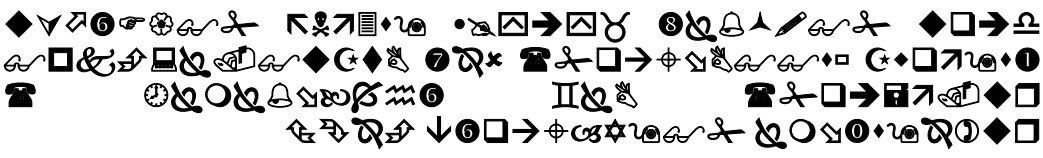
The Prophet (S.A.W) said to the Muslims that the previous Prophets (A.S) had engaged in some form of manual labour. For example, Prophet Dawud (A.S) was a carpenter and made armour, Adam (A.S) was a farmer, Nuhu (A.S) was a carpenter, Idris (A.S) was a tailor, Musa (A.S) was a shepherd and the Prophet himself (S.A.W) was a shepherd and a trader. The exhortations from the Qur'an also encouraged and induced Muslims to work for their earnings and livelihood. For example Qur'an 4:29 states:



(سورة النساء ٢٩)

O you who believe, eat not up your property among yourselves in vanities, but let there be amongst you traffic and trade by mutual good will: Nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful (Qur'an 4:29).

The Qur'an also states:



(سورة الملك ١٥)

It is He who has made the earth manageable for you, so traverse ye through its tracts And enjoy of the sustenance which He furnishes; but unto Him is th resurrection (Qur'an 67:15).

Work is described as a wise attempt which a man makes alone or in group for producing a commodity or paying any service (Qardawi, 2007:67).

According to Gusau (1991:83), mere unemployment is not a sufficient ground for one to benefit from the share of Social Security and that the Prophet (S.A.W) and the rightly guided *khulafa'u* continued to encourage people to work throughout their lives. He explained that the Islamic government of the Sokoto *Calliphate* under Muhammad Bello, undertook to teach unskilled persons various occupations. Once Umar bn al-Khattab met a beggar and ordered that he be given something from *Bait al-Mal*. Soon after, he heard him again begging and he asked if he had not been given what he said he should be given. Umar was told that the man was given. Then Umar checked in the man's bag and found pieces of bread in it. Umar confiscated the bread and threw it to the animals of *Sadaqah* saying: "You are not a beggar but a merchant". He then stroke him with his cane. This is one of the legal checks Islam instituted against idle loafers and professional beggars. One has to prove not only his own poverty but also that of his close relatives (Ghazali, 1982:196; Gusau, 1991:84-85).

2.6 (H) Wider circulation of wealth

One of the objectives of Islamic Social Security System is ensuring wider circulation of wealth. Wealth should have a wider circulation among the different parts of society and it should not be concentrated in a few hands. Individuals may eat from the cake including those who are unable to provide for themselves. Islam encouraged people to work for personal economic development and to assist the poor. When the Qur'an explains the objective of Social Security System through distributive justice it states:



(سورة الحشر ٧)

---In order that it may not (merely) make a circuit between the wealthy among you…(Qur'an 59:7).

Islamic Social Security System ensures that wealth circulates in the whole community rather than among the rich only and hence prevents the rich from getting richer and the poor getting poorer (Ghifari, 1979:50; Syed, 2009:2)

It is one of the principles of Islamic advocacy for the plight of the poor that it is a moral responsibility of the Muslims of every generation, of all geographical regions to work tirelessly for the establishment of a just and humane society. This could be realized through fighting for the rights of the poor and the less-priviledged members of the community (Karkarku, 2009:51). The objective of the Islamic Social Security is to empower the poor to get rich.

Islamic Social Security System prohibits concentration of wealth in the hands of few and advocates its access to the poor. In fact the Qur'an condemns those who concentrate wealth in their hands and do not spend it on the poor and destitute in the following term:



(سورة التوبة ٣٥-٣٤)

> …And there are those who bury gold and silver and spend it not in the way of Allah: announce unto them a most grievous penalty. On the Day when heat will be produced out of that (wealth) in the fire of Hell, and with it will be branded their foreheads, their flanks, and their backs—"This is the (treasure) which ye buried for yourselves: taste ye then, the (treasure) ye buried (Qur'an 9:34-35).

2.6 (I) Ensuring Social Justice.

According to Ghifari (1979:54) it is the objective of Islamic Social Security system to ensure social justice on the basis of two principal pillars.

a- Everyone pays according to his ability.

b-Everyone is paid according to his need.

According to Ghifari (1979:54-56), Islamic state should oblige every rich of the community to contribute for the Social Security of the poor and the invalid according to his ability. The giver (ie the rich) will not be asked to give as much as can render him poor or deprived of even the basic necessities of life. It is the responsibility of the Islamic state to take away the surplus of the rich for the benefit of the poor and the needy whenever the need arises. This serves as the social insurance of the poor. It is also the responsibility of the Islamic state to pay every citizen from *Bait al-mal* (the public treasury) according to his need and work. In Islamic Social Security System, the poor has the right to beg to meet his basic necessities of life and he should not be denied. The Qur'an explains:

وأما السائل فلا تنهر

(سورة الضحى ١٠)

Therefore, the beggar drive not away (Qur'an 93:10)

It is also the responsibility of the privileged (i.e. the rich) to pay their due rights which Allah (SWT) prescribed in their wealth.



(سورة الذاريات ١٩)

And in their wealth and possessions (was remembered) the right of the (needy) him who asked, and him who (for some reasons) was prevented (from asking)

(Qur'an 51:19).

2.6 (J) Providing Protective Mechanism against criminal temptation

Hassan, (2010:10) examined that Islamic Social Security System is aimed at providing protective mechanism against criminal temptation because of its legal guarantee of the material requirements of the less-priviledged citizens of the Muslim community. Islam is so mindful about the economically depressed individuals in the society that it encourages and calls upon every earning member of the community to give charity. In a *Hadith* narrated by Abu-Sa'id al-Khudri (R.A); the Prophet (S.A.W) Said:

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَيُّمَا مُسْلِمٍ كَسَا مُسْلِمًا ثَوْبًا عَلَى عُرْيٍ كَسَاهُ اللَّهُ مِنْ خُضْرِ الْجَنَّةِ وَأَيُّمَا مُسْلِمٍ أَطْعَمَ مُسْلِمًا عَلَى جُوعٍ أَطْعَمَهُ اللَّهُ مِنْ ثِمَارِ الْجَنَّةِ وَأَيُّمَا مُسْلِمٍ سَقَى مُسْلِمًا عَلَى ظَمَإٍ سَقَاهُ اللَّهُ مِنْ الرَّحِيقِ الْمَخْتُومِ

> If any Muslim clothes a Muslim when he is naked, Allah will clothe him with some of the green garments of Paradise; if any Muslim feeds a Muslim who is hungry, Allah will feed him with some of the fruits of Paradise; And if any Muslim gives a Muslim drink when thirsty, Allah will give him some of the pure wine which is sealed to drink. (Abu-Dawud 2:1684 Babu fi fadli saka al-ma'i).

The objectives of the Islamic Social Security; satisfaction of the basic needs to people especially the poor and the needy and human resource development and growth with stability and equity, according to Hassan (2010:10), translates an Islamic state into a peaceful and progressive state where members are responsible. The show of sympathy and concern to the less priviledged serves as protective mechanisms against crime and criminal temptation. The extension of support to the poor and needy makes them develop a sense of belonging and patriotism, contentment and hope that culminates into crime free society whose less-priviledged citizens are willing to stand in protection of the donor at ease or in adversity. Azmi (2004:124) also corroborated this view when he mentioned:

> Indeed the distribution of *Zakah* in the same locality will ease the envy of the poor at the wealth of the rich and create a sense of social responsibility and accountability among the rich towards the needy of the area.

No doubt *Zakah* is the most viable source of Social Security in an Islamic state. Its collection and disbursement ensures a sense of social responsibility and accountability among the rich towards the needy. This reduces envy and hatred of the poor against the wealth of the rich.

2.7 The Concept of *Nafaqah* (Maintenance)

According to Al-Misri (1405A.H:358), *Nafaqah* linguistically signifies ‘death’, expensive nature of trade or money, ‘reduction’, ‘finishing’ spending, ending, expensive but demanded. *Nafaqah* (نفقة) literary means also ‘expense’, ‘cost’, ‘outlay’, ‘expenditure’, ‘disbursement’, ‘cost of living’, ‘maintenance’, ‘support’, ‘money spent’. It is also used to connote ‘alimony’ of a divorced woman. (Cowan, 1974:987-988; Baalbaki & Baalbaki, 2005:1185). According to al-Fawzan (2001:448), *Nafaqah* literary signifies dirham (i.e. money) and its type among the currencies

Al-Misri (1405A.H:358), contended that in Islam it refers to the money spent in the cause of Allah (SWT), through feeding and engaging in charitable acts. Its plural is *Nifaq* or *Nafaqat*.

Abu Habib Sa'adi (n.d: 358) identified *Nafaqah* as derived from al-Infaq and it technically connotes *al-ta'am* (food), *kiswah* (clothing), and *al-sukna* (shelter). It refers to money, provision and treasure which is spent in solving the needs of livelihood. It entails an obligation from the husband for his wife from his wealth for feeding, clothing, accommodation, nursing and so on.

Muslim scholars gave various technical definitions of the term *Nafaqah*. Al-Fawzan (2001:448) explained that in *Shari'ah, Nafaqah* implied 'sufficient provision of feeding, clothing, and accommodation and the rest to dependants'. *Nafaqah* in the Islamic *Shariah* is defined by Khilafah (2011:1) as:

> An obligation of material support for the wife and children. This is a gendered entity in Islamic marriage, as long as the marriage has been consummated. When the marriage is consummated, the husband becomes responsible for providing his wife and children born of marriage with food, clothing and shelter regardless of the wife's own resources.

This definition explained the need for a husband to provide material support only to wife(ves) and children as long as the marriage has been consummated. Such support should be in the form of food, clothing and shelter. This definition is defective because *Nafaqah* is not only an obligatory duty to wives and children. It includes benefits extended to other close relatives such as parents, brothers and Uncles.

Al-Dahak observed in Qurtubi (1999:162) that *Nafaqah* (at inception) used to be an offer presented to achieve closeness to Allah the Most high based on ones ability, until such a time when revelations came on obligatory charities (Fara'id al-Sadaqat) and abrogations (Al-Nasikhat).

According to Navaid (2010:117), *Nafaqah* is:

i- Unconditional obligation of providing for ones nearest relatives, e.g wife and children, and

ii- Conditional obligation of providing for other needy relatives if one can afford it.

The unconditional obligation includes all necessary provisions of life extended to wife/wives, children and parents to ensure their well-being. While conditional obligation is such provisions extended to other needy relatives as long as a person can afford it. Tahawi in Navaid (2010:117) observed that the obligation of *Nafaqah* in respect of the needy relatives is in accord with the formula of *al-ghurm bil -ghunm* (ie a lose is due to a benefit), and is in addition to the similar obligation regarding one's wife/wives, children, slaves and animals. The legal principle of *al-ghurm bil-ghunm* according to Al-Marzouqi (2005:303) entails one's duty ensures a man to receive a compensatory balancing right. This signifies that a needy person's inheritors according to their priority of entitlement to his estate are liable to maintain him according to their capacity ie wealth. For example, supposing that the needy person is rich instead of being poor, then, if he dies, his inheritors will benefit from his legacy, in conformity with the priority prescribed by the law for each of them. Consequently, on the other hand, they should maintain him when he is poor. Although it is Imam Ahmad Ibn Hambal's school that held this view others held divergent view. For example the Maliki school held the strictest view over the obligation of *Nafaqah* asserting that it is only obligatory upon the ascendants to his descendants (i.e. father to son, descendant to their poor ascendants and husband to his wife. Therefore according to the school, *Nafaqah* for a grandfather, grandmother, Son's son, brother, aunts and uncles is not an obligation (al-Askari, d.732 A.H; 250). The Shafi'i school corroborated this view. However, they

extended the meaning of *Walid* (parents) to include all the ascendants however high and the meaning of *Awlad* (chidren) to include all the descendants however low. The Hanafi school held that every *Mahram* (i.e. those relatives and blood relations forbidden for a Muslim to marry) should attract obligatory *Nafaqah.* Therefore relatives such as Sons, daughters, parents, brothers, sisters, uncles, aunts are included. Those excluded, for example are Uncle's Son over their Uncle's Son (Isma'il, 1997: 168-169).

Navaid (2010:117)'s definition, confined *Nafaqah* to only relatives. Whereas *Nafaqah* extends to other members of the society who are suffering from poverty, wayfarers, new converts and others.

Doi (1984:204) also gave a sub-definition when he stated:

> Maintenance (Al-*Nafaqah*) is the right of one's wife and children to get food, clothing and a residence, some other essential services and medicine, even if a wife happens to be a rich lady.

This definition seems to confine *Nafaqah* to only an obligation of material support of food, clothing and shelter from a husband to the wife. *Nafaqah* goes beyond this in its meaning.

Ghaly (2008: 195) gave the technical meaning of *Nafaqah* as follows:

> *Nafaqah*, generally translated as maintenance, signifies, in the juristic sense, all those things essential to the support of life, such as food, clothes, lodging, toilet requisite and excludes luxuries like the hair-dye, kohl, lipstick and similar articles of comfort. Being entitled to the right of maintenance is established by the reasons of relationship, marriage, and property (milk) by which person becomes incumbent to maintain another.

This definition explains *Nafaqah* to mean provision of all those essential things needed to support life such as food, clothes and lodging by the rich Muslim based on the reasons of relationship, marriage and property (Milk). This definition is appropriate because it takes into consideration a wider perspective of the definition of *Nafaqah* and

does not only stop in defining *Nafaqah* on the basis of marriage relationship. Other forms of relationship such as parental and property (Milk) relationships were included. However this definition is not exhaustive because it only addressed *Nafaqah* on the basis of blood relationship, marital and clientage. It did not address incumbency of *Nafaqah* beyond this.

The responsibility for the guarantee of a minimum level of living is a successive one, so that one institution is not approached till the one before it is unable to meet it. This extends to the Islamic state if the family cannot shoulder such responsibility. The Islamic system makes obligatory on each wealthy person, sufficient (customary) maintenance for his poor relative who is unable to work. Thus the maintenance of the incapacitated poor man is obligatory on his rich relative(s) who will inherit from this poor man if it is assumed that the poor man leaves inheritance. If there are a number of such rich relatives, the amount of maintenance is distributed among them according to the share of their inheritance from him according to the principle of *al-Ghurm bi al-Ghunm* (liability is linked to gain). The poor person who has no relatives that are rich or have no relatives at all is guaranteed a minimum level of living by the Public Treasury (Iqbal, 1988:192-193)

Perhaps the most appropriate definitions of *Nafaqah* were the ones advanced by *Ibn Badawy*, (2009) and *al-Jaza'iri* (2001). Ibn Badawy (2009:393) explained:

ولكن لفظ النفقة أعم فيشمل الزكاة وغيرها من النفقات الواجبة.

> The word *Nafaqah* is an all-encompassing term embracing *Zakah* (ie poor due) and others among the *Nafaqah*-al-Wajibah (ie compulsory maintenance).

According to al-Jaza'iri (2001:1) maintenance is what is given, such as food, clothing and residence, to whomever it is compulsory to give it.

These definitions explain the all-encompassing nature of *Nafaqah* as a compulsory maintenance needed by the less-priviledged or in some cases the priviledged such as wife/wives. *Zakah* is also included as an aspect of *Nafaqah*.

Based on the explanations earlier put forward, *Nafaqah* could be defined as an obligation of sufficient (customary) material Support of maintenance extended by an individual Muslim to his/her poor relatives including wives -whether rich or poor and children or by the Islamic state to the poor and indigents- whether Muslims or non-Muslims to guarantee their minimum level of livelihood.

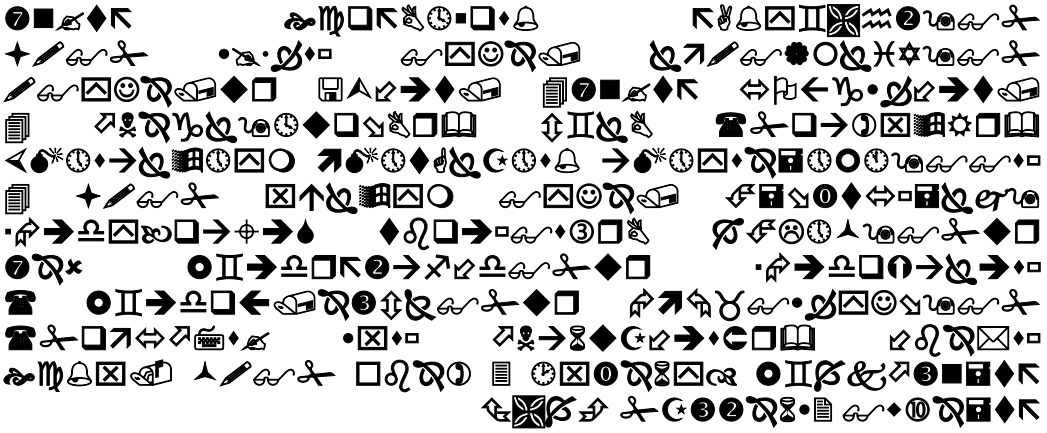
This definition is appropriate because it recognizes *Nafaqah* as a compulsory maintenance extended to either relative(s) by the relations or the poor by the Islamic state in case there is non among the relatives of the poor that are rich. This definition also recognizes the fact that *Nafaqah* is not an exclusive responsibility of the rich but the state is also responsible. To support this fact, on Thursday, November, 1st, 2010, the Moroccan House of Representatives unanimously passed a bill authorizing payment of *Nafaqah* (alimony) to women and Minor children if the ex-spouse defaults. Under the new law, destitute divorced mothers and their children will be eligible for support after two months of non-payment, in cases where the alimony decree cannot be enforced and where the husband is absent. The action of Moroccan authorities became necessary seeing the way Moroccan women without income are left to struggle on their own and with their children roaming around the town for their daily bread because judicial decrees on alimony are slow to be enforced (Zawaya, 2010:2). The point here is that *Nafaqah* could be extended by the state if other avenues of extension failed.

Ibn Badawy (2009:394-400), Murad (2004:508) and Al-Jaza'iry (2001:387-389) agreed that six categories of individuals are obligated to receive maintenance. They

include the wife/wives, a divorced woman, parents, minor children, servants and domestic animals. Ibn Badawy (2009:397-399) included near relatives who are in need.

I- Maintenance of One's wife

It is obligatory on the husband to give his wife maintenance, whether she actually remains under the bond of marriage with her husband or she is his wife in principle, like a woman who has been divorced revocably before her prescribed waiting period ends. All the four schools of *fiqh* consider this as obligatory (Gusau, 1991:238). When the marriage is consummated, the husband becomes responsible for providing his wife with food, clothing and shelter regardless of the wife's own resources. The husband is responsible for the wife's maintenance even if she is rich. This is in line with the injunction of the Qur'an



(سورة النساء ٣٤)

> Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (and last) beat them (lightly); but if They return to obedience, seek not against them means (of annoyance): for Allah is Most High, great (above you all), (Qur'an, 4:34).

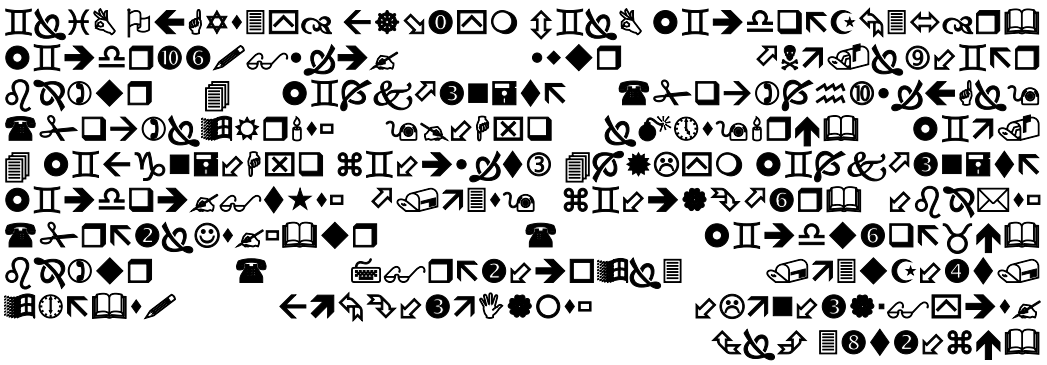
The *Nafaqah* is determined at a level appropriate to the wife's social standing, style of life and background in accordance with the husband's means. Thus a poor woman may be placed on the level of maintenance appropriate with her status quo distinct from those of middle class wife and a rich wife (Ibn Rushd 2003: 63 Doi 1984: 204: Aljaza'iri 2001:389)

As far as marriage is concerned, *Nafaqah* is the amount of money spent by the husband to support his wife on food, clothing and shelter and it is triggered when the marriage is consummated. According to Gusau (1991:242) *Ijma'* (consensus of Muslim scholars) has extended it to include children's education. Gusau (1991:238) contended that early jurist are very strict on the idea of only four basic items for the maintenance of a wife. These include food, drink, clothing and shelter, however during the time of the prophet (S.A.W.) education for all was a vogue. This led Murad (2004: 391) to include education of the wife as the husband's responsibility. There are disagreements with respect to Medical expenses for the wife. Some jurists argued that the husband is not responsible for providing *Nafaqah* on medical expenses for the wife because she is not capable of providing him marital services during sickness. This was a majority view of the early jurists. Some Scholars viewed that the husband is responsible if he is well-off and comfortable and the cost of the medical care is not much, resulting from common ailments like Malaria, cold, headache and such other sickness that are not costly (Gusau, 1991:239).

Malik, al-Shafi'i, Ahmad, Abu Thawr and Abu 'Ubayd explained that inability to pay *Nafaqah* (Maintenance) could lead to separation. This is based on the opinion of Abu-Hurayrah and Sa'id bn al-Musayyib. Abu Hanifa and al-Thawri shared different opinion (Ibn Rushd, 2003, 2:60).

Abdal'Ati (1982:149-150) opined that the wife's maintenance includes also her incontestable right to lodging, and clothing in Islam. There seems to be no prescribed patterns of residence. What is prescribed is the husband's responsibility for the wife's shelter. He must lodge her where he himself lodges, according to his means, without causing her to suffer. With regards to the location of residence, the husband's decision is binding, so long as it is not contrary to her welfare, since his is the ultimate responsibility bearer. However, the wife's accommodation must be adequate to ensure her privacy, comfort and independence. The lodge should serve as her home in her capacity as wife; she has the exclusive right to it.

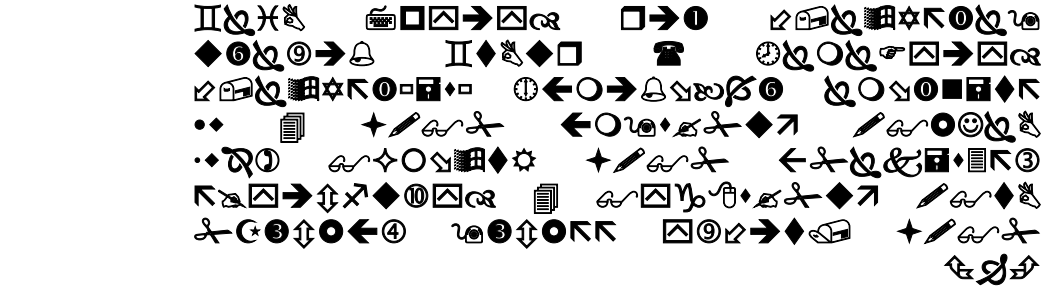
The Qur'an explains it in this form:



(سورة الطلاق ٦)

> Let the women live (in 'iddat) in the same style as ye live, according to your means: annoy them not, so as to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. And if ye find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf, (Qur'an 65:6).

And



(سورة الطلاق ٧)

> 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. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief.
>
> (Qur'an 65:7)

What is true of feeding and lodging is also true of clothing. The wife has right to be clothed according to his means. This right is to be exercised without extravagance and miserliness. The Qur'an explains this:



(سورة البقرة ٢٣٣)

> ٠٠٠but he (father) shall bear the cost of their food and clothing on equitable terms.… (Qur'an 2:233).

Isma'il (1997:61) related the words of the Prophet (S.A.W) in Sahih Muslim, during his farewell pilgrimage making the wife's maintenance and clothing incumbent upon her husband.

Doi (1984:204) said:

> *Some jurists have given detailed instants of things to be provided as Nafaqah during the time they were writing about it. These are to be adjusted in the light of modern necessities to suit the circumstance of the countries and their living standard.*

Murad (2004:508) explained that scholars have classified wife's maintenance with regard to food to be:

a- One *Mudd al-Nabiyy* of food for the wife who came from a poor family; one and a half *Mudd al-Nabiyy* for a wife who came from the average family and two *Mudd al-Nabiyy* for the wife that came from a rich family.

b- Clothing should be twice in a year

c- Cleaning materials should be provided such as soap and comb.

The researcher share this same view based on the changing circumstances and in the light of the modern necessities to suit the changing circumstances. Ismail (1997:62) also shared this view and commented that the amount of maintenance should be what can satisfy the wife among the food and clothing and among the necessary requirements of life in the right manner based on the custom of the people of their time and town. In addition to this, financial capability of the *Munfiq* (the giver) should be observed in deciding the amount of *Nafaqah* that will be given to those eligible.

Islam also permits a wife to take out of the husband's property what will be enough for her maintenance without the husband's permission if the husband does not give sufficient that could be enough for her and her children. She should however exercise moderation in this regard (Isma'il: 1997:62-63).

Ajijola (2007:191) examined that *Nafaqah* excludes luxurious things such as lipstick, kohl, or hair dye for the wife and that the husband is legally bound to maintain his wife whether she is a Muslim or a non-Muslim and whether there is a written bond or not.

According to Hanafi and Hambali Schools, wives should be provided accommodation based on their status as a couple and that his other family members and children will not reside in it except with her consent. The Maliki school gives her such right only if she is of a high social status, even if she is poor (Gusau,1991:241).

Nafaqah ceased to be effective through ill-conduct of the wife (*Al-Nushuz*) such as disallowing the husband from enjoying her company or going out of the house without the husband's permission (Murad, 2004:508). *Nafaqah* also lapses if the wife is imprisoned after committing a crime or if she puts on *Ihram* for *hajj* without the husband's permission (Doi, 1984:205).

II- Maintenance of a woman who has been divorced

Ajijola (2007:192) commented that a divorced wife is entitled to the maintenance during her *iddah* (waiting) period.

Al-jaza'ir (2001:388) explained also that a woman who is given irrevocable divorce is entitled to maintenance from the man during her *iddah* (waiting) period if she is pregnant. He attributed this to the statement of Allah in the Qur'an which stipulates:



(سورة الطلاق ٦)

> And if they are pregnant, then spend on them till they lay down their burden (Qur'an 65:6).

Therefore, in the event of divorce, the former husband must continue to support his wife for the *iddah* period. Should the wife die during such *iddah* period, the husband is responsible for the burial costs (Sawma, 2009:2)

There is no maintenance for a woman performing *iddah* for death and that of recrimination (*Li'an*) even if she is pregnant. Whatever the deceased left become an object of inheritance and should be shared among the heirs as stipulated in the Qur'an. This is the majority view of the four schools of law. However, Abu Hanifa shared a divergent view over the maintenance of a pregnant women performing Iddah of

recrimination (lian) and stressed that she should be maintained by the husband (Ismail, 1997: 129 - 130). Whatever may be the case Islam has provided a way out for whoever cannot maintain himself/herself. What is being stressed here is incumbency of the maintenance upon the provider. Maintenance is not also obligatory for a woman who redeemed herself from her husband (*Khul*') except if she is pregnant. A woman also has the right to lodging after the death of her husband and during her *iddah* if the house belongs to the deceased or if he had paid the rent for it (al-Kairawani, 1994:79).

III- Maintenance of parents (Al-Abawan)

If the parents are not rich, it is the duty of the rich child or children to maintain their parents. Doi (1984:204) explained that it is the duty of every Muslim to maintain his parents and grandparents, maternal as well as paternal if he can afford to do so. This is inline with the philosophy of:



(سورة الإسراء ٢٣)

And be dutiful and good to parents (Qur'an 17:23).

Maintenance for parents, according to Abdal 'Ati (1982:206) includes adequate provisions for food, lodging, clothing and general comfort for the parents and their dependents, even though these may not be directly related to the providing for children. For example, children are required to provide for the father's wife and maid and to assist him to remarry if this is needed for his comfort. Equity, kindness and moderation should be the watch-word in determining the parents need and support of the children. Ayyoub (nd: 356) opined:

> If the father whose resources are restricted is in dire need to marry, the well-to-do son must enable him to do so by giving him a suitable dowry for a woman.

According to al-Jaza'iri (2001:39), Maintenance may not be required and children will not be responsible for spending on their parents, if the parents are rich or their children are too poor to meet their own living expenses for daily meal.

Maintenance of poor parents is among the *Nafaqatu al-Wajibah* (compulsory maintenance) by their children. Therefore if their children are rich, it becomes compulsory on them to spend on their parents. It is also permitted for the father to take that which will suffice him from the children's wealth without the their permission (Ibn Badawy, 2009:397).

According to al-Askary (d.732 A.H:250) a child must provide for his/her parents even if they are Non-Muslims. He/she should maintain his/her mother and her husband if the husband became poor during the course of their marriage and not when she married him in a poor state.

IV- Maintenance of children

Parents are to maintain their minor children if they had no sufficient property of their own and are unable to maintain themselves by their own labour. It is not an obligation on them to maintain their adult sons unless they are disabled by infirmity or diseased (Al-Kairawani, 1994:163). A man must provide maintenance to his un-married, widowed or divorced daughter(s), whether minor or adult without reference to their ability to work (Ajijola, 2007:192).

Abu Mas'ud Al-Badri reported Hadith from the prophet expressing the excellence of spending on children in this form:

وعن أبي مسعود البدرى رضي الله عنه, عن النبي صلى الله عليه وسلم قال: إذا أنفق الرجل على أهله نفقة يحتسبها كانت له صدقة

Abu Mas'ud Badri relates that the Prophet (S.A.W) Said: when a person spends on his wife and children hoping for a reward, it is counted on his part.

(Bukhari 5:5036 Babu Fadlu al-nafaqati ani al-`ahl).

The maintenance of minor children, according to Gusau (1991:242), is unanimously agreed upon to include food, drink, shelter, clothing, education, medical care and other basic needs. These should be given "according to what is reasonable" and "according to Islamic custom" based on the stipulation of the Qur'an.

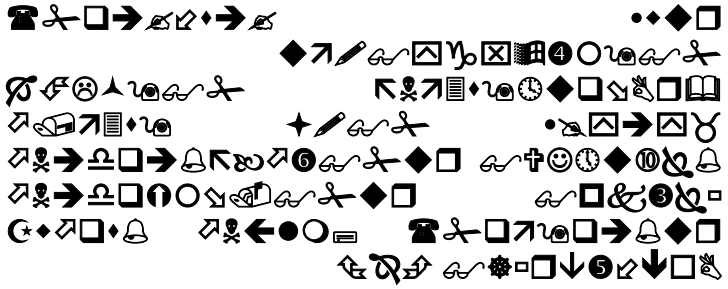
Hassan and Aboki (2009) posited that it is the right of the children to be well-fed, well-groomed, properly clothed, well-taken care of in terms of housing and utilities and to be well-protected till they grow up to adulthood. Caring for children is the primary responsibility of the father. The father with sufficient means or capable of earning a living shall be liable for the maintenance of his needy children.

The Qur'an addresses this in the following manner.



(سورة البقرة ٢٣٣)

But he (the father) shall bear the cost of their food and clothing on equitable terms (Qur'an 2:233).



(سورة النساء ٥)

> To those weak of understanding, make not over your property, which Allah hath made a means of support for you, but feed and clothe them therewith, and speak to them words of kindness and justice (Qur'an 4:5)

Ibn Abbas (R.A) in Ibn Badawy (2009:395-396) while interpreting the above verse said:

لا تعمد إلى مالك وما خولك الله وجعله لك معيشة, فتعطيه امرأتك أو بنيك, ثم تنظر إلى ما فى أيد يهم, ولكن أمسك مالك وأصلحه, وكن أنت الذى تنفق عليهم من كسوتهم ومؤنتهم ورزقهم.

> Do not put in the hands of your wife or children, your wealth and that which Allah has put under your control which your sustenance depends upon and watch them (doing what they like with it), but rather hold on to your wealth, take good care of it and you should be the one to spend on their clothing and other needs. (Researcher's rendering).

Therefore if a man is blessed with children, then it becomes compulsory upon him to maintain them accordingly. Jurists are unanimous that a child who has no property of his own is entitled to receive maintenance in the first instance from his father. This view is supported by the Qur'anic statement earlier stipulated (ie Qur'an 2:233) and the *Hadith* of the Prophet (S.A.W) who told Hind complaining to him of the parsimony of her husband, to take of her husband's property what suffices for her and her children according to fair custom. The *Hadith* is rendered in this form:

عن عائشة رضي الله تعالى عنها قالت: دخلت هند بنت عتبة, إمرأة أبى سفيان, على رسول الله صلى الله عليه وسلم, فقالت: يا رسول الله! إن أبا سفيان رجل شحيح, لا يعطيني من النفقة ما يكفيني, ويكفي بني, ألا ما أخذت من ماله بغير علمه, فهل علي في ذلك من جناح؟ فقال: "خذي من ماله بالمعروف ما يكفيك, ويكفي بنيك" متفق عليه

> Narrated Aisha (R.A): Hind bint Utba said, "O Allah's apostle! Abu Sufyan is a miser and he does not give me what is sufficient for me and my children. Can I take of his property without his knowledge? "The Prophet (S.A.W) Said "Take what is sufficient for you and your children,

and the amount should be just and reasonable". (Sahih Muslim, 5:4574 Babu kadiyatu Hind)

In another Hadith it is reported:

وعن أبي هريرة رضي الله تعالى عنه قال: جاء رجل إلى النبي صلى الله عليه وسلم, فقال: يا رسول الله! عندي دينار, قال: "أنفقه على نفسك", قال: عندي آخر, قال: "أنفقه على ولدك", قال: عندي آخر, قال: " أنفقه على أهلك", قال: عندي آخر, قال "أنفقه على خادمك", قال: عندي آخر, قال: "أنت أعلم". أخرجه الشافعي وأبو داود, واللفظ له, خادمك", قال: عندي آخر, قال: "أنت أعلم". أخرجه الشافعي وأبو داود, واللفظ له وأخرجه النسائي والحاكم بتقديم الزوجة على الولد

Narrated Abu Hurairah: A man came to the Prophet (S.A.W) and said: "I have a Dinar." He said, "Spend it on yourself." He said, "I have another." He replied, "Spend it on your children." He said, "I have another," He replied, "Spend it on your wife." He said, "I have another." He replied, "Spend it on your servant." He said, "I have another" He replied, "You know best (what to do with it).

(Abu Dawud:684; al-Asqalani:985)

Ghaly (2008:200) examined Hanafi's statement that if the father is well-off and abstained from maintaining his children, he shall be ordered to do so under the pain of imprisonment if he refuses. If he is impoverished but can earn a living, then he shall be ordered to work. Maliki states that indigent father should never be forced to work even if he has a craft (*Sana'ah*). However, if he cannot earn enough for himself and his children, or if no means of livelihood is available, the obligation of the children's maintenance shall pass to the person next to the father. According to the *Sunni* scholars, the person next to the father is the mother if she has means, otherwise the obligation of maintenance passes to the father's father (i.e. grandfather) whose duty is to provide maintenance to his grandson(Ghaly, 2008:200). When Ummu Salmah requested the Prophet (S.A.W) to allow her spend on her children from her first husband, the Prophet (S.A.W) answered in the affirmative and that she shall be rewarded for whatever she spend on them (Bukhari and Muslim in Khan, 1985:183).

In both cases, the maintenance shall be a debt repayable to the father when the child can afford it. In Muwatta, Malik said that:

الأمرعندنا أن الوالد يحاسب ولده بما أنفق عليه من يوم يكون للولد مال ناضا كان أو عرضا. إن أراد الوالد ذالك

> The matter to us is that the father can call to account his child for what he spent on him from the day the child had wealth, in cash or in goods. That is if the father wanted that (Al-laythi, 1985:336).

According to Ghaly (2008:199), the Sunnis maintained that the *Nafaqah* of a student shall continue after the age of puberty provided that the course he pursues is religiously acceptable. The son who has reached majority shall also be entitled to maintenance by his father if the son is incapable of earning a living because of a chronic disease, such as mental or physical disability and has no private means. This view is also supported by Abdal'Ati (1982:200) when he said:

> However, the child's age is not the crucial criterion of maintenance allocation. The father is responsible for the support of his poor needy children even after their coming of age. For example, an adult son who is incapable of self-support will be entitled to maintenance by the father.

It is therefore imperative for parents especially the rich father to provide for his needy child(ren).

V- Maintenance of the servant

A servant is eligible for maintenance from his master. If a husband brings servant(s) to serve his wife he should maintain them and shroud them when they die (Al-Kairawani, 1994:163). The opinion of the majority of jurists is that the maintenance of the wife's servant is the liability of the husband if she is of the status that needs a slave (Ibn Rushd, 2003:64).

According to Maliki School of law, a slave is maintained by the master in whose service he is, but a *Mukatab* (enfranchised slave) provides for himself. If a Master is unable to provide for his slaves, they must be sold or given away. An *Umm-walad* (mother of a child) who cannot be sold must be given away in marriage or enfranchised.*Umm-walad* is the slave mother of the child born through the Master of such slave. The Islamic ruling is that such slave mothers should be enfranchised or given out in marriage but cannot be sold. The master of a female slave maintains his slave's children. However, if the female slave is under a *Kitabah* (Enfranchisement) declaration of freedom, she must provide for her children's maintenance, provided they too are included in the *Kitabah* and provided the father of these children is not included. If the father is free or had made another agreement, or is entitled to the benefit of the declaration together with the children and mother, he is obliged to provide for both mother and children. In both cases the master needs not to provide maintenance (Ruxton, 1914:153-154). The disciples of Malik disputed extensively over the case of a slave wife and husband. The majority view is that a slave woman is entitled to maintenance. Ibn al-Mundhir, after extensive search about some Jurists opinion, observed that a slave is obliged to pay his wife's maintenance, while Ibn Mus'ab opined that there is no obligation of maintenance upon him. The reason for their disagreement is tied to the general principle that the slave is interdicted with respect to his wealth. This signifies that a slave has no full control and power over his wealth because he is also a property of his master (Ibn Rushd, 2003:64-65).

In Modern times, Scholars devote much of their attention to servants instead of slaves. This is also reflected in their write-ups. For example, Ibn Badawy (2009:399) and Murad (2004:508) wrote on the maintenance of the servants (*Khadim*). Perhaps the

scholars are influenced by the Prophetic exhortation of encouraging believers to free slaves and the captives.

The Prophet (S.A.W) also informed believers not to call someone one's slave. He Said:

لَا يَقُولَنَّ أَحَدُكُمْ عَبْدِي وَأَمَتِي كُلُّكُمْ عَبِيدُ اللَّهِ وَكُلُّ نِسَائِكُمْ إِمَاءُ اللَّهِ وَلَكِنْ لِيَقُلْ غُلَامِي وَجَارِيَتِي وَفَتَايَ وَفَتَاتِي

> Everyone must refrain from uttering such words like 'my male slave' or my female slave.' All of you are the slaves of Allah and all your women are slaves of Allah.

(Sahih Muslim 7:6011 Babu hukmu itlaq lafzatu al-abdi wal'ammati).

In his submission, Abdal 'Ati (2007:153) observed that 'Masters' are enjoined to treat their servants like brothers, and not like slaves, and that they are entitled to justice, kindness, mercy, food, clothing, accommodation and other personal expenses.

This *Hadith* explains the need for the maintenance of people including the servants under ones care.

وعن أبي هريرة رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم: (للملوك طعامه وكسوته, ولا يكلف من العمل إلا ما يطيق)

> Narrated Abu Hurairah (R.A) Allah's Messenger (S.A.W) Said, "A slave is entitled to his food and clothing, and he should not be burdened except with the work that he is capable of doing.

(Muslim 5:4406, Babu It'amul mamluk mimma ya'kulu wayalbas).

The Prophet (SAW) also employed the believers to show mercy in the maintenance of their servants.

وعن أبي هريرة رضي الله عنه عن النبي صلي الله عليه وسلم: "إذا أتي أحدكم خادمه بطعامه, فإن لم يجلسه معه, فلينا وله لقمة و لقمتين, أو أكلة أو أكلتين, فإنه ولي علاجه.

Narrated by Abu Hurairah, May Allah be pleased with him. The Prophet (SAW) said;

When your servant brings your meal to you then if you do not let him sit and share the meal, then he should at least be given a mouthful or two mouthfuls of that meal or a meal or two meals, as he has prepared it (Bukhari 6:2557 Babu al-tib al-jum'ah).

وعن عبد الله ابن العاص رضي الله عنهما قال: قال رسول الله صلي الله عليه وسلم: ((كفي بالمرء إثما أن يضيع من يفوت)). رواه أبو داود. ورواه مسلم في صحيحه بمعناه قال: ((كفي بالمرء إثما أن يحبس عمن يملك قوته)).

Abdullah ibn Amr Ibn 'As relates that the Prophet(SAW) said: It is enough sin for a person to deny the right of one whose living he controls. (Abu Dawud). In Muslim's version it says that: It is enough sin for a person to hold back the due of one whose living he controls. (Khan 1985: 183-184)

وعن أبي ذر, قال: قال النبي صلي الله عليه وسلم: ((إخوانكم خولكم, جعلهم الله تحت أيديكم, فمن كان أخوه تحت يده فليطعمه مما يأكل, وليلبسه مما يلبس, ولاتكلفوهم ما يغلبهم, فإن كلفتموهم فأعينوهم. (متفق عليه)

Narrated by Abu Dhar, May Allah be pleased with him: the Prophet (S.A.W) Said: Your Slaves are your brothers and Allah has put them under your command. So whoever has a brother under his command should feed him of that which he eats and dress him of that which he wears. Do not ask them (slaves) to do things beyond their capacity (Power) and if you do so, then help them (Bukhari 1:30 Babu al-ma`asi min amri al-jahiliyyah wala yakfur).

The researcher is of the opinion that whoever among the muslims wants to keep a servant, he should feed him, cloth him, shelter him give him medical attention and educate him, because these are virtous encouraged in Islam.

VI. Maintenance of relatives

Islam has given utmost importance to the strengthening of interpersonal relations, among the members of the family and the society. It therefore requires each individual to remain concerned for the well-being of others around him/her. Priority has been given in this respect, initially to relatives through parentage; then to the relatives within the prohibited degree, and then to the other family members. It is the responsibility of affluent Muslims to provide maintenance to all relatives within the prohibited degree (Mahrim), when they are needy, poor or not able to earn their livelihood due to physical defect or illness. Providing for relatives is highly recommended because of the ties of

kinship. It is reported on the authority of Anas ibn Malik (RA) that the Messenger of Allah (SAW) said:

من أحب أن يبسط له في رزقه, وينسأ له في أثره, فليصل رحمه.

> He who is desirous that his means of sustenance should be expanded for him or his age may be lengthened should join the ties of kinship (Muslim 8:6688 Babu silatu al-rahimi watahrimi qati'ataha).

Therefore maintenance of the poor relatives by the rich relatives is significant because it is part of the *Silat al-Rahim* (upholding family ties).

The Qur'anic usage of relatives is *Dhawul* or '*Ulu al-Qurba* mainly translated as kindred, kith and kin, kinsfolk and relatives. However, Qur'anic references to relatives did not identify exactly who would fall under this category and who would not. As a consequence the Jurists shared divergent opinions on who are those family members that belong to the category of 'relatives' indicated in the Holy Qur'an. The criterion used by the Hanafis, for the responsibility of relative to provide maintenance is the prohibited degree of marriage. The prohibited degree of marriage presupposes that if one of them is a male and the other a female, marriage between them would be considered unlawful based on the rules of Islam. Generally, this responsibility includes fathers – howsoever high – and sons – howsoever low and brothers, sisters, uncles and aunts both paternal and maternal, because marriage between any two of them is prohibited. The nearest relative shall be liable to provide maintenance (Ghaly, 2008:216). Imam Malik and Imam al-Shafi'i shared a different opinion and maintained that the only obligatory *Nafaqah* in Islam is that of one's parents and children.

While the Hanbalis shared almost the same opinion with the Hanafis and explained that it is obligatory that fathers howsoever high be provided and receive maintenance. Similarly that sons, howsoever low, be provided and receive maintenance,

irrespective of their entitlement to inheritance. Maintenance of relatives not belonging to the two classes is also obligatory if the person liable to provide maintenance inherits from the person being maintained either by *Fard* (obligatory share) or *Ta'sib*(the residue share). If the person is excluded from inheritance, he will not be responsible for maintenance. Therefore if a person has an indigent son and a well-to-do brother, neither of them may be compelled to maintain him, because the son's indigence relieves him of responsibility and the brother by being excluded from inheritance due to the son's presence (Ghaly, 2008:215-216).

According to al-Askary (d. 732 A.H:250), a man must provide maintenance for his parents even if they are non-Muslims. He must maintain his mother and her husband if the husband becomes poor during the course of their marriage and not when she married him in a poor state.

Modern scholars such as Ahmad (2008), Zarqa (1988) and al-Marzouqi (2005) supported Hanbalis view but only based on the principles of *al-Ghurm bil Ghunm* (liability is always attached to gain) as earlier explained in this write-up. For example Ahmad (2008) explained that the Juristic opinion which seems to be most appropriate is that it (maintenance) is based upon inheritance rights. According to him, maintenance of the incapacitated poor man is obligatory on his rich relative(s) who will inherit from this poor man if he leaves any inheritance. If there are a number of such relatives the amount of maintenance is distributed amongst them according to the share of their inheritance from him.

Al-Marzouqi (2005:305) outlined the needy people who may benefit from family maintenance as:

a- Ancestors (parents, grandparents and so on).

b- Descendants (Children, grandchildren and so on).

c- Wives

d- Brothers, Sisters and their Children

e- Maternal and Paternal Uncles (Father's and Mother's brothers).

f- Maternal and paternal aunts (father's and mother's sisters).

Islam has accorded the kin a legal right to be maintained by relatives in a social cooperative framework which promotes a financially self-sufficient family. In the absence of this, it is the responsibility of the Islamic state to provide for the needy a minimum level of living from the public treasury.

VII. Maintenance of Animals

Animals are created by Allah (SWT) for the benefits of mankind. Domestic animals are entitled to their provision from their owner. Qur'anic economic principles governing social spending and redistribution of wealth confer rights to both human beings and animals. Human beings are under legal obligation to provide proper maintenance (*Nafaqah*) for any animal(s) under their care, and are morally obliged to provide for any other needy animal they encounter. Moreover, people are warned of punishment in hell for causing an animal to starve to death. The Prophet (SAW) gave a story of a woman who entered the hellfire because of her wickedness against a cat in this form:

دخلت النار إمرآة في هرة حبستها حتي ماتت جوعًا, فلا هي أطعمتها ولا أرسلتها تأكل من خشاش الأرض.

> A woman entered the Fire due to a cat that she locked up until it died from hunger. She did not feed it nor did she release it so that it could eat from the varmints of the earth.

(Sahih Bukhari 6:2365 Babu Tibb al-jum'ah).

It is the principle of Islam that if animal's owner does not provide it with adequate maintenance (*Nafaqah*), the state must force him to do so or sell the animal. This is based on the rulings of the Companions (Llewellyn, 1984:11). Nuisances and cruelty are emphatically prohibited. The Islamic state is therefore empowered to take and sell animal which is mistreated to cause it excessive injury. (Ibn Qudamah 1385 A.H:634-635; Llewellyn, 1984:16).

The Islamic law requires that the live, security and maintenance of all created beings must be taken into account, and that the posterity of all species be carefully preserved as far as they are not harmful to human existence. Khalifah Uthman bn Affan (RA) established additional public reserves for the domestic animals of the needy and the army (Llewellyn, 1984:10).

Islamic laws on livestock maintenance, slaughtering and hunting require that humane methods be used in livestock and wild-life management. Some of the techniques accepted in secular countries are therefore unacceptable in Islamic standards. For example, hunting is permitted for food, but hunting for sport and trophies is forbidden. Man is forbidden in Islam to maltreat his animals or kill them except for proper purposes and by proper methods. Islam enjoins the best possible use of all resources, both living and lifeless. Therefore, the abuse of any resource is forbidden (Llewellyn, 1984:14).

Prophet Muhammad (SAW) gave a story of a man who discovered a well while he was thirsty. He entered into the well and drank some water. By the time he came out, he met a dog lolling its tongue and eating the moist earth out of thirst. The man concluded that certainly, the dog was thirsty the way he was. He went back to the well

and filled his *khuf* (shoes) with water. He held it with his mouth until he came out and nourished the dog. Allah (SWT) appreciated his action and he was forgiven (Bukhari, 6:2363). When the Companions (RA) requested to know whether they can be rewarded for (taking care of) animals. The Prophet (S.A.W) replied:

فِي كُلِّ كَبِدٍ رَطْبَةٍ أَجْرٌ

"There is a reward of kindness for every living thing"

(Bukhari 6:2363 Babu tibb `liljum'ah)

Also, a prostitute was reported to have been forgiven her sins because of her deed in giving a thirsty dog water to drink (Fi-zilalil al-Qur'an v29 p487; Khan, 1985:92)

This explains the significance of *Nafaqah* (maintenance). All livestock and wild life as well enjoy rights to their share of the resources of the earth. They should therefore not be denied such shares.

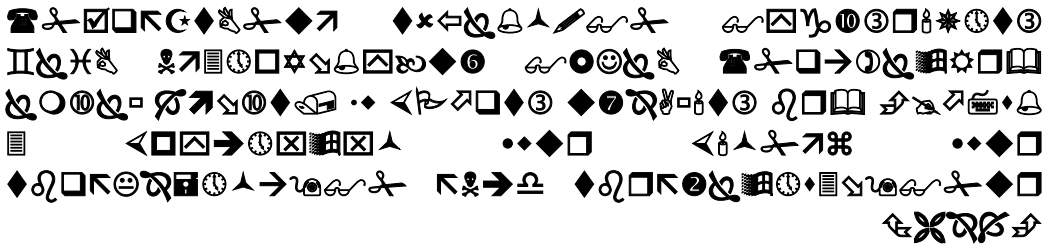
2.8 *Nafaqah* and Infaq

Nafaqah as already mentioned is the provision of those things considered necessary to support the life of those who cannot provide same for themselves or those who are obliged to be provided for, such as wives, poor parents, sons and daughters, poor relatives and others in this direction. This provision runs through family members up to the Islamic State. *Nafaqah* is therefore the maintenance of expenditure extended to the eligible recipients for their general well-fare and well-being.

Both *Nafaqah* and *Infaq* are seen as two synonymous words to mean maintenance, or provision or expenditure. These words are the most repeated terms for spending in the Qur'an. However *Infaq* signifies spending freely on, or as a gift to others. Haq (1996:175) examines *Infaq* in the following manner:

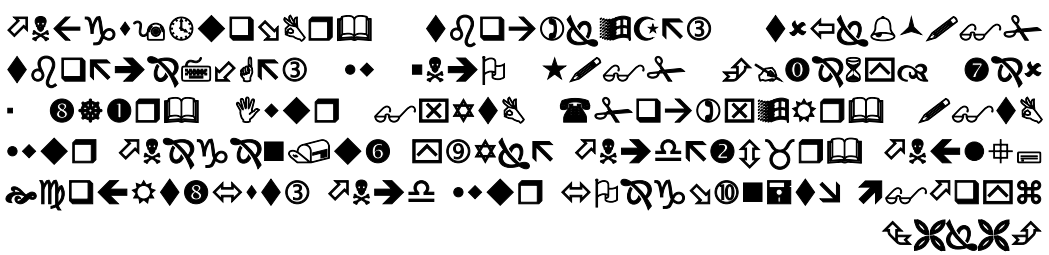
The Qur'an uses it (ie *Infaq*) both in the sense of maintenance expenditures for the immediate family and for the relatives which may need to be supported due to lack of means on their part (the extended family), as well as in the sense of voluntary spending for members of the *society* in want (the human family). However, the overwhelming use of the term *Infaq* and its derivatives by the Qur'an is in the context of voluntary investment in society for general welfare purpose through devotion of wealth and meritorious acts on the path of Allah (Haq, 1996:175; Topbas, 2011:80).

Some places in the Qur'an where *Infaq* occurred include:



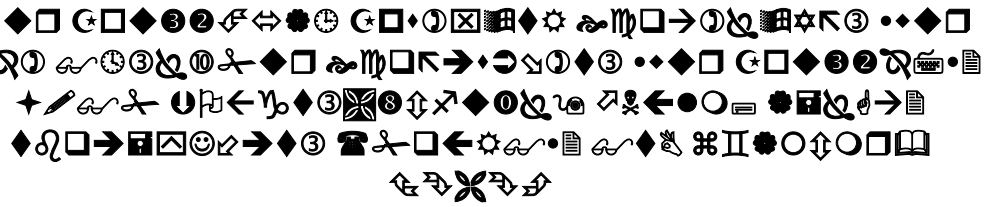
سورة البقرة ٢٥٤

O ye who believe! Spend out of (the bounties) we have provided for you, before the Day comes when no bargaining (will avail), nor friendship nor intercession. Those who reject Faith they are the wrong-doers. (Qur'an 2: 254).



(سورة البقرة ٢٦٢)

> Those who spend their substance in the cause of Allah, and follow not up their gifts with reminders of their generosity or with injury,-for them their reward is with their Lord: on them shall be no fear, nor shall they grieve. (Qur'an, 2:262)



(سورة التوبة ١٢)

> Nor could they spend anything (for the Cause) - small or great- nor cut across a valley, but the deed is inscribed to their credit: that Allah may requite their deed with the best (possible reward) (Qur'an, 9:12).

According to Topbas (2011:80-82), the word *infaq* connotes devotion of wealth and life to the path of Allah (S.W.T). Accordingly, even giving half a date is accepted as *infaq* and saves the donor from the hellfire. Also actions such as commanding the doing of right and forbidding the doing of wrong, helping the oppressed, comforting the faithful, rejoicing the stricken souls i.e. making a sad man happy, picking up objects on the road that could cause problems to passersby, and visiting the sick can all be considered as acts of *infaq*. This explains the fact that *infaq* is not something undertaken with just wealth. Other meritorious acts also fit in, including giving directions, comforting, advising and smiling. All these acts are among the factors which create a peaceful and tranquil society, help the sense of brotherhood and solidarity to take root in the society and serve as causes of blessing both in this world and the Hereafter. Therefore *infaq is* possible in every circumstance.

Doi (1984:388) equates it to *Sadaqah.* According to him "Sadaqah is a voluntary charity given by individuals over and above the payment of the compulsory *Zakah* to relieve the problems and sufferings of fellow-human being". The problem with this definition is that it failed to recognise any charity given below the payment of the

compulsory *Zakah* as *Sadaqah. Sadaqah* may not necessarily be above the payment of *Zakah*.*Sadaqah* is any small or big charity given to a person in need hoping for the reward from Allah (S.W.T.). It is indeed a voluntary charity given other-than the compulsory *Zakah,* in form of kind or cash.

Haq (1996:175) also agreed that *Infaq* is equivalent to *Sadaqah* because, according to him, it testifies to one's commitment and sincerity through fulfilment of responsibility. While human feeling towards his family motivates the person to take care of their needs, others in the society do not always enter into human consideration. This perhaps may be the reason why freewill-*Infaq* has been emphasised in Islam.

Topbas (2011:87) suggests that *infaq* is the utmost manifestation of the believers astuteness and responsibility. For example when Umar (R.A), the second *Khalifah,* was on his way to Damascus, he was taking turn with his slave to ride his camel. It was his slave's turn, when they arrived at the gates of the city. As a result of Umar's perseverance, he was on foot and his slave was on the camel while they were entering the city. This is a notable manifestation of *infaq and ithar (takin*g what is ours and give it to others and to prefer others over ourselves and to pass our rights onto them).

According to Zarqa (1988:197) *Infaq is an* analytical principle emphasised by the *Shariah* (Islamic law) on a number of occasions and it leads to important conclusions in the study of charitable behaviour. This definition reveals to us that much emphasis is laid on *Infaq* as voluntary charity in Islam which leads to its study.

Haq (1996:176) also observes that out of 52 Qur'anic verses where *Infaq* and its derivatives are mentioned, 43 were revealed in Madinah, while nine were revealed in Makkah. This explains the significance of social spending to take care of public needs

especially where the needs and size of the community are growing but matching resources are lacking.

The basis of the Islamic principle of *Infaq* is rooted in the fact that Islam teaches high moral principles, based in the Qur'an and *Hadith,* that makes individuals develop right spirit to feeling natural tendency to help other people. This moral attitude of the individuals helps them to be duty bound to assist other people in need. Muslims are fully conscious of the fact that they cannot attain righteousness without spending their wealth in the Name of Allah (SWT). The Qur'an explains this in this manner:



(سورة ال عمران ٩٢)

> By no means shall ye attain righteousness unless ye give (freely) of that which you love; and whatever ye give, of Truth, Allah knoweth it well (Qur'an 3:92).

It is based on the above verse of the Qur'an that Ali (1989:151) commented:

> It is unselfishness that Allah demands, and there is no act of unselfishness, however small or intangible, but is well within the knowledge of Allah.

Qurtubi (1999:V1, P162) while explaining Qur'an 2:3 states:

الزكاة لا تأتى إلّا بلفظها المختص بها وهو الزكاة, فإذا جائت بلفظ غيرالزكاة إحتملت الفرض والتطوع, فإذا جاءت بلفظ الإنفاق لم تكن إلا التطوع.

> *Zakah* does not appear (in the Qur'an) except with its specific term which is '*Zakah'*. If it appears with any other term other than *Zakah,* it comprises of both obligatory and voluntary (charity). If it appears with the term, al-Infaq it signifies voluntary (spending).
> (Researcher's rendering).

Qurtubi while putting forward this analogy, forgot to identify with the fact that *Sadaqat* was used in Qur'an 9:60 to mean *Zakah.* However his last statement on *Infaq* as voluntary spending is significant to the researcher's explanation.

2.9 *Nafaqah* as a form of Islamic Social Security System

Nafaqah is aimed at providing for those who, because of one reason or the other, cannot provide for themselves the means of livelihood. This is also one of the objectives of Islamic Social Security System. *Nafaqah* is one of the most important institutions that implements Islamic Social Security System. Syed (2009) contended that:

> The most important institution, which implements the concepts of Social Security in Islam, is the system of compulsory payment of *Zakah*, which is supported by *Infaq* fi sabil-lilah and *Nafaqat* al-*wajibah* and the prohibition of *riba*.

This contention signifies that *Nafaqah* especially *Nafaqah al-Wajibah* is among the most significant institutions of Islamic Social Security.

The Islamic Social Security System is all about contributing and providing for the welfare of others who are incapacitated. Gusau (1991:99) regarded such contributions as obligatory. He impliedly included *Nafaqah* among such obligations. He captioned it as an obligation for the support of family, close relatives and other poverty groups including neighbours, orphans, widows, debtors, wayfarers, new converts and others.

Elements of Islamic Social Security with reference to *Nafaqah* could also be deduced in one of the treaties concluded by the Muslim general Khalid bn al-Walid with the people of Hirah during the period of Abu-Bakr- the second Khalifah. The treaty reads:

> And I have granted the right that if an old person becomes incapable of working or is suffering from ill-health or is a destitute after being rich, so much so that his co-religionists start giving him alms, then his *jizyah* will be remitted; he and his family will receive the allowance for maintenance (*Nafaqah*) from Public treasury as long as he lives in the Islamic state.
> (Abu Yusuf, 1978:290; Husayn, 1989:68-69).

The above mentioned treaty is a good example of an objective determination of an Islamic state to offer support to the poor including the non-Muslims. In this treaty Khalid Ibn al-Walid was addressing the non-Muslims residing in *Daru-al-Islam* (the Islamic state).

Umar Ibn Abdul-Aziz instructed Adi Ibn Attah to give maintenance to the old and helpless dhimmis (Husayn, 1989:69).

2.10 *Nafaqah* and *Infaq* in the Qur'an and *Hadith*

Qur'an is a literary masterpiece and infallible words of Allah (SWT) revealed to Prophet Muhammad (S.A.W) to guide mankind that believe in Him. Qur'an 2:1-2



(سورة البقرة ٢-١)

1 Alif Lam Mim

2 This is the Book; in it is guidance sure without doubt, to those who fear Allah;

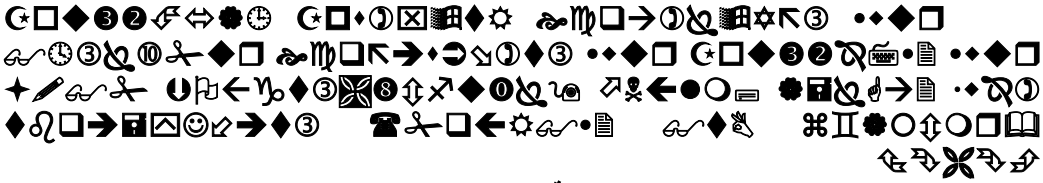
Hadith expresses the sayings, actions and tacit approvals of the Prophet (S.A.W). Qur'an 16:44 explains that the message was sent to him from Allah (SWT) for him to explain to people. Therefore *Hadith* explained the Qur'an.

Both Qur'an and a large number of ahadith of the Prophet (S.A.W) encouraged the act of *Nafaqah* as an act of obligation or voluntary act. Most of the issues on *Nafaqah* and its derivatives were explained in the earlier section of this write-up.

Nafaqah and its derivatives have been expressed fifty-two (52) times in the Qur'an. For example, *Nafaqah* is expressed in Qur'an 2:270 and 9:121; '*Yunfiqun',*'they spent' is expressed in Qur'an 2:3, 2;215, 2:219, 2:261, 2:262, 2:265, 2:274, 3:117, 3:134, 4:38, 8:3, 8:36, 9:54, 9:91, 9:92, 9:121, 22:35, 28:54, 32:16 and 42:38, '*Anfiq'u'*

‘spend’ is in Qur’an 2:254, 2:262, 2:267, 4:34, 9:53, 25:67, 36:47, 57:10, 60:10, 60:11; ‘*Tunfiqu’* ‘spend all’ is in Qur’an 2:272, 2:273, 3:92, 8:60, 63:7 and 57:10; ‘*Anfaqtum’* ‘what you spend’is in Qur’an 2:215, 2:270, 34:39, 60:10;’Anfaqa’’spend voluntarily’ is in Qur’an 18:42, 57:10; ‘*Liyunfiq’* ‘so that he can spend’ is in Qur’an 65:7; ‘*Yunfiq’* ‘he spend’ is in Qur’an 2:264, 5:64, 9:98, 9:99 and 16:75; ‘*Tunfiqun’* ‘you spend’ is in Qur’an 2:267 and 2:272. Haq (1996:176) posited that out of this number 43 verses were revealed in Madinah, while nine were revealed in Makkah. The historical significance of this could be associated to the dare need of Social Security and *Nafaqah* (Maintenance) with the expansion of the Islamic state outside the confines of Makkah. This also explains the emphasis of Qur’an on the necessity of social spending in order to take care of public want, especially where the needs and size of the community are growing but matching resources are lacking. Also a law of nature was propounded by Afzal-ur-Rahman (1985:84-85) on which depend the rise and fall of nations. A nation which spends wealth on itself freely and plentifully prospers and remains living forever and that which spends in a miserly manner, ceases to exist as a free nation.

In the Qur’an, *Nafaqah* is used to refer to general spending other than *Zakah*. For example the Qur’an states:



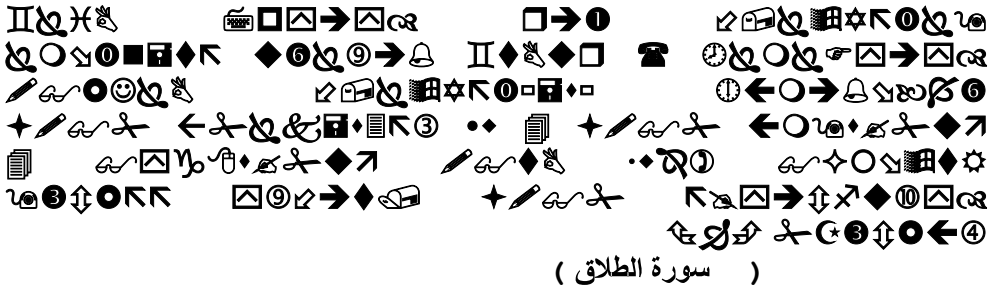
(سورة التوبة ١٢١)

> No could they spend anything (for the cause) small or great nor cut across a valley, but the deed is inscribed to their credit; that Allah may require their deed with the best (possible reward) (Qur’an 9:121)

This verse according to Ibn Kathir was revealed with reference to spending in preparation for *Jihad* in the way of Allah (SWT). In his submission, Ibn Kathir explains

about the generosity of Uthman bn Affan (R.A) who spent large amount and tremendous wealth during the battle of Tabuk. He gave hundreds of camels with their saddles and supplies and gave a thousand Dinar as part of his contribution to the supplies.

Sometimes the word *Nafaqah* is rendered in the Qur'an to mean the obligatory family support. For instance Qur'an 65:7 states:



(سورة الطلاق)

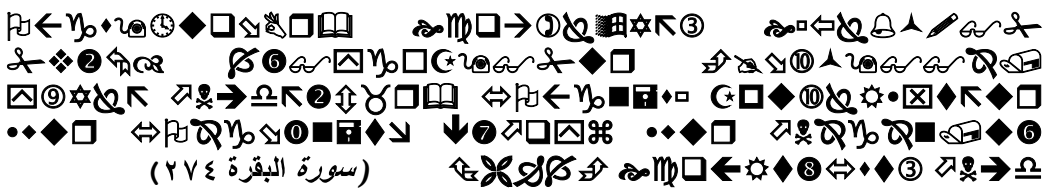
> Let the man of means spend according to His means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what he has given him. After a difficulty, Allah will soon grant relief. (65:7)

Nafaqah in the Qur'an is in some cases rendered as a voluntary spending and charity in the way of Allah (SWT). Qur'an 2:270 reveals:



(سورة البقرة ٢٧٠)

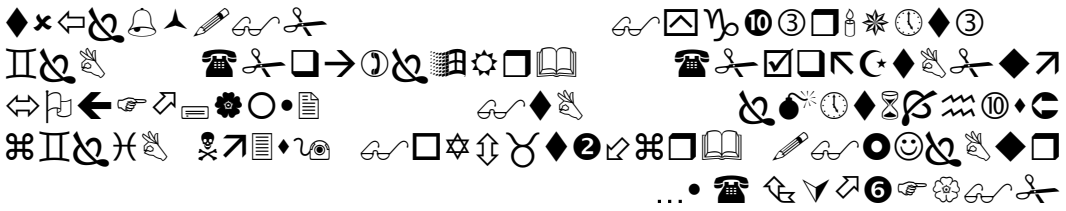
> And whatever ye spend in charity or devotion, be sure Allah knows it all. But the wrongdoers have no helpers. (2:270)



(سورة البقرة ٢٧٤)

Those who (in charity) spend of their goods by night and by day, in secret and in public, have their reward with their Lord: on them shall be no fear, nor shall they grieve. (Q2:274)

Sometimes, *Nafaqah* is rendered to signify *Zakah* in the Qur'an. The Qur'an states:



(سورة البقرة ٢٦٧)

O ye who believe! Give of the good things which ye have (honourably) earned, and of the fruits of the earth which we have produced for you... (Qur'an 2:267).

Qurtubi explained that Ali Ibn Abu Talib, Abidah al-Salamani and Ibn Sirin observed that *Nafaqah* in the above verse (i.e. giving of the good thing) signifies the obligatory *Zakah* (al-Qurtubi V.2 P243).

Ibn Abbas maintained that *Nafaqah* in the Qur'an 2:3 (ومما رزقناهم ينفقون) signifies *Zakah* because of its usage together with *Salah.* Al-Dahhak shared different opinion and maintained that it signifies voluntary charity (al-Qurtubi, V1 P161-162).

The significance of in*faq* on public wants can be judged by recurring association of obligatory prayer with it in Qur'an 2:3, 8:3, 13:22, 14:31, 22:35, 35:29 and 42:38. In other verses, belief (Iman) is mentioned with it (for example 2:3, 254, 267, 4:39, 57:7, 64:16) On *infaq*, the Qur'an argues for integrating public needs with private needs in the individual's preference map (Haq, 1994).

The large number of Prophetic *Ahadith* emphasising the role and significance of *Nafaqah* in Muslim society explains its relevance in the healthy development of an

Islamic socio-economic order. Some of such *Ahadith* have been reflected in the earlier section that discussed various kinds of *Nafaqah* in Islam. It is however pertinent to bring some of the Ah*adith* on *Nafaqah*.

Narrated Hakim bin Hizam (R.A); The Prophet (S.A.W) said:

عن حكيم بن حزام رضي الله عنه, عن النبي صلى الله عليه وسلم قال: اليد العليا خير من اليد السفلى, وابدأ بمن تعول, وخير الصدقة عن ظهر غنى, ومن يستعف يعفه الله ومن يستغن يغنه الله

The upper hand is better than the lower hand (ie he who gives in charity is better than him who takes it). One should start giving first to his dependents. And the best object of charity is that which is given by wealthy person (from the money which is left after his expenses). And whoever abstains from asking others for some financial help, Allah will give him and save him from asking others, and whoever is satisfied with what Allah has given him, Allah will make him self-sufficient.

(Bukhari 2:1427 Babu Tibb liljum'ah).

This *Hadith* emphasize self-sufficiency and the need to struggle as an individual to be self-reliant. The surplus should however be given out by a wealthy person to the less privileged.

وعن أبي هريرة رضي الله تعالى عنه, قال رسول الله صلى الله عليه وسلم: (للمملوك طعامه وكسوته, ولا يكلف من العمل إلا ما يطيق) رواه مسلم

Narrated Abu Hurairah (R.A): Allah's messenger (S.A.W) said,

*"A slave is entitled to his food and clothing, and he should not be burdened except with the work that he is capable of doing." (*Muslim 3:41 Babu It'amul mamluk mimma ya'kulu wa'yalbasu).

This *Hadith* examined *Nafaqah* in relation to a slave or a servant and emphasised on the need to provide for their basic needs by their master.

وعن حكيم بن معاوية القشيرى, عن أبيه رضي الله تعالى عنه قال: قلت: يا رسول الله! ما حق زوجة أحدنا عليه؟ قال: (أن تطعمها إذا اطعمت, وتكسوها

إذا اكتسيت, ولا تضرب الوجه, ولا تقبح ولا تهجر إلا فى البيت). رواه أبي داود

Narrated Hakim bin Muawiyah Al-Qushairi on his father's authority (R.A.). I asked, "O Allah's Messenger, what is the right of the wife of one of us upon her husband?" He replied, That you should give her food when you eat, and clothe her when you clothe yourself, and do not strike her on the face and do not revile her and do not separate yourself from her except inside the house.

(Abu Dawud 2:2144 Babu fi hakki al-mar'atu ala zawjaha)

This *Hadith* explained the *Nafaqah* due to the wives. It is an obligation upon a husband to feed, cloth and shelter them in accordance with his economic level.

وعن أبي هريرة رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم: (دينار أنفقته فى سبيل الله, ودينار أنفقته, في رقبة, ودينار تصدقت به على مسكين ودينار أنفقته على أهلك, أعظمها أجرا الذى أنفقته على أهلك. رواه مسلم

Abu Hurairah relates that the Prophet *(S.A.W) said: of the dinar you spend in the cause of Allah; the dinar you spend in procuring the freedom of a slave; the dinar you give away in charity to the poor and the dinar you spend on your wife and children, the highest in respect of reward is the one you spend on your wife and children.*

(Muslim 3:2358 Babu fadlu al-nafaqata alal iyal walmamluk)

عن أبي هريرة رضي الله عنه أن النبي صلى الله عليه وسلم قال: (ما من يوم يصبح العباد فيه إلا ملكان ينزلان, فيقول احد هما: اللهم أعط منفقا خلفا, ويقول الأخر: اللهم أعط ممسكا تلفا)

متفق عليه

Abu-Hurairah relates that the Prophet *(S.A.W) said: "Everyday that rises, two angels descend, one of them saying: Allah, bestow increase upon the spender; and the other saying: Allah ruin the miser."*

(Muslim:3:2383 Babu fil munfiq walmumsik*)*

This *Hadith* encourages Muslims to assist the poor and the needy. This will enable them to receive the blessings of the prayers of the angel praying for the wealth of those who spend.

عن ابي مسعود الأنصارى رضي الله عنه, عن النبي صلى الله عليه وسلم قال: (إذا أنفق المسلم نفقة على أهله, وهو يحتسبها, كانت له صدقة)

Narrated Abu Mas'ud Al-Ansari (R.A). The Prophet (S.A.W) said, *"When a Muslim spends something on his family intending to receive reward, it is regarded as Sadaqa (act of charity) for him". (Bukhari, 5:5036* Babu fadlu al-nafaqati ala al-'ahl*).*

This *Hadith* explains the importance of spending on one's family. Spending on one's family according to the *Hadith* attracts reward if it is intended as such.

وعن أبي هريرة قال أتي رسول الله صلي الله عليه وسلم رجل فقال يا رسول الله أى الصدقة أعظم فقال أن تصدق وأنت صحيح شحيح تخشى الفقر وتأمل الغني ولا تمهل حتي إذا بلغت الحلقوم قلت لفلان كذا ولفلان كذا ألا وقد كان لفلان.

Abu Hurairah (R.A) reported that a man came to the Prophet *(S.A.W) and asked, O Messenger of Allah (S.A.W) which charity is the most superior in reward? He replied, the charity which you practice while you are healthy, and afraid of poverty and wish to become wealthy. Do not defer it to the time of approaching death and then say, give so much to such and such, and so much to such and such. How it has already come into (the possession) of so and so.*

(Muslim 3:2429 Babu bayan an afdalu al-sadaqati sadaqatu al-sahih)

This *Hadith* explained the charity most superior in reward as that given when a person is healthy and afraid of poverty wishing to become wealthy. It also expressed the need to give out charity on time before death approaches.

Abu Mas'ud al-Ansari narrated how the Muslims got rich through following the order of the Prophet (S.A.W) to give charity in the following hadith.

عن أبي مسعود الأنصارى رضي الله عنه قال: كان رسول الله صلى الله عليه وسلم,إذا أمرنا بالصدقة, أنطلق أحدنا إلي السوق, فيحامل, فيصيب المد, وإن لبعضهم اليوم لمئة ألفٍ.

Narrated Abu Mas'ud al-Ansari (R.A) whenever Allah's messenger (S.A.W) ordered us to give in charity, we used to go to the market and work as porters and get a mudd (a special measure of grain) and then give it in charity.(those were the days of poverty) and today some of us have one hundred thousand.

(Bukhari 3:1416 Babu al-tib liljum'ah*).*

Muslims are also enjoined to protect themselves from the torment of the hell fire through giving *Nafaqah* based on the implied meanings of the following ahadith.

وعن أبي إسحاق قال سمعت عبد الله إبن معقل قال سمعت عدي بن حاتم رضي الله عنه قال سمعت رسول صلي الله عليه وسلم يقول (اتقوا النار ولو بشق تمرة).

From the authority of Abu Ishaq who said: I heard Abdullahi bn Ma'qil said "I heard 'Adi bn Hatim(R.A) Allah's Messenger (S.A.W) said; 'Save yourself from hell-fire even by giving half a date in charity.

(Bukhari, 3:1417Babu al-tib liljum'ah)

The significance of *Nafaqah* could also be observed in this Hadith;

عن عبد الله بن عمر أن رجل سأل رسول الله صلي الله عليه وسلم: أي الإسلام خير؟ قال تطعم الطعام وتقرأ السلام على من عرفت ومن لم تعرف.

It was narrated on the authority of Abdullahi bn 'Amr that a man asked the Messenger of Allah (may peace be upon him); ''Which of the merits (is superior) in Islam? He (the holy Prophet*) remarked; that you provide food and pay salutation to one whom you know and do not know*

(Bukhari 1:12 Babu it'am al-ta'am minal-Islam).

The Prophet (S.A.W) promised a person who looks after an orphan that such a person will be in his company in Paradise.

عن سهل بن سعد الساعدي رضى الله عنه قال: قال رسول الله صلى الله عليه وسلم (أنا وكافل اليتيم فى الجنة هكذا) وأشار باالسبابة والوسطى, وفرج بينها شيئا

Narrated Sahl bin Sa'd; May Allah be pleased with him: Allah's Messenger (S.A.W) Said: "I and the one who looks after the orphan will be like this in paradise". Showing his middle and index fingers and separating them (Bukhari 5:4998, Babu li-`an).

2.11 *Nafaqah* during the reign of the rightly guided *khulafa'* (*Khulafa'u al-Rashidun*)

Khulafa is the plural of *khalifah* which means 'a Vicegerent' or 'a viceroy' or 'a successor'. A *khalifah* is a person who holds the delegated authority to enforce the Islamic Law and religion (i.e. Shariah) in an Islamic state. He is also the sole executive authority in the State. The *Khalifah* is a temporal ruler of an Islamic state, and defender of the faith (Khan, 1998:IX). The *Khalifah* is the constitutional head of the Republic of Islam. The rightly guided *Khulafa* are four. They are *Khalifah* Abu-Bakr, *Khalifah* Umar bn al-Khattab, *Khalifah* Uthman Ibn Affan and *Khalifah* Ali Ibn Abi-Talib. The four *Khulafa* served as leaders of the Muslims in prayer and other religious matters. They also served as the heads of the state (Rahim, 2001). These four contributed in abiding by the Islamic tradition of leadership after the death of the Prophet (S. A. W). Both the leaders and the followers cherished the Islamic principles of *Nafaqah* that caters for every member of the community regardless of whether he is a Muslim or a non – Muslim.

i. Khalifah Abu-Bakr (R.A)

Abu-Bakr (R.A) was among the prominent companions of the prophet (S.A.W). He was nominated as the first Khalifah (Successor) of the Prophet (S.A.W) immediately after the Prophet's death. He led the Muslim *Ummah* (community) between 632 and 634 C.E and gave Islam a new life after the death of the Prophet (S.A.W).

The first speech which Abu–Bakr Siddiq (R.A) made after he was elected as the first Khalifah of the Prophet (S. A. W) indicated what Gusau (1991) saw as the dogged insistence to stand for the right of the poor against the rich. The speech also depicts his unfailing followership of the traditions of the Holy Prophet (S. A. W) to the latter. Abu-Bakr said:

أما بعد: أيها الناس، فإني قد وليت عليكم ولست بخيركم وإن أحسنت فأعينوني. وإن أسأتم فقوموني. الصدق أمانة والكذب خيانة. والضعيف فيكم قوي عندى حتي أريح عليه حقه إن شاء الله. والقوي فيكم ضعيف، حتي أخذ الحق منه، إن شاء الله. لا يدع قوم الجهاد في سبيل الله إلا ضربهم الله الذل. ولا تشيع الفاحشة في قوم قط إلا عمهم الله بالبلاء. أطيعوني ما أطعت الله ورسوله. فإذا عصيت الله ورسوله، فلا طاعة لي عليكم.

> *O People! I have been selected as your Trustee although I am no better than anyone of you. If I am right, obey me. If I am misguided, set me right. Of course truth is honesty and a lie is dishonesty. The weakest among you is powerful in my eyes, until, I get him his due, Insha-Allah (if it should please Allah). The most powerful among you is the weakest in my eyes until I make him pay due rights to others Insha'Allah. Allah sends down disgrace on those people who give up Jihad in the path of Allah. Allah surely sends down calamities on such people who indulge in evils. I ask you to obey me as long as I obey Allah and His Messenger (S.A.W). If I disobey Allah and His messenger, you are free to disobey me.(Abdul-Wahab, 1418 A. H. 252; Khan 1998:17)*

Rahim *(*2001:55) described this inaugural address of Khalifah Abu-Bakr as a monument of the principles of democratic and constitutional government and enlightened administration. He promised to protect the right of the poor and the weak. Khalifah Abu-Bakr (R.A) distributed among the Muslims as and when he received any income. He set for himself to restore the right of the poor by resolving to fight those who refused to pay *Zakah*. He devoted most parts of his reign to resolve these and other issues relating to those that apostatized and those who refused to pay *Zakah* to the state. Having won this war and established the obligation of *Zakah*, Abu-Bakr (R.A) set the ground for its implementation and the monies of the treasury were disbursed immediately they were obtained in line with the practice of the Prophet (S. A. W) (Hassan, 2008:22; Gusau 1991:171-173).

Abu Bakr reigned for two years (632-634 C. E). During the first year of Abu-Bakr's reign, he gave ten *Darahim* to each adult in Madina as stipend. It did not matter whether such individual was a free person or a slave. Abu – Bakr (R. A) in conjunction with his treasury officer, Abu-Ubaydah bn al Jarrah increased this to twenty *Darahim* in

the second year of his administration for each person. He also, for the first time purchased a house to serve as a public Treasury during his time. *Zakah, Ushr, Jizya and Ghanimah* were the main sources of revenue for the Islamic state during Abu-Bakr's rule (Khan, 1998:47).

Despite the initial problems met by the regime of Abu-Bakr, there was relative sufficiency and the rule of distributive justice was adhered to. *Zakah* yield exceeded the need of the people of Madina at that time. The treasury funds in Abu-Bakr's time were spent on two main heads, money, direct distribution in equal amount to all, and periodic stipends to soldiers and their families (Gusau, 1991:173-174).

ii. Khalifah Umar Ibn al-Khattab (R.A)

Umar Ibn al-khattab (R.A) succeeded Abu-Bakr R.A in 634 C.E. His appointment was based on the choice of Abu-Bakr (R.A) during his illness after due consultations with other prominent companions of the Prophet such as Abdur-Rahman Ibn Awf, Talhah Ibn Ubaydullah and other leaders among the *Muhajirun* (emigrants) and *Ansar* (helpers) who were intimates of the Prophet (S.A.W) (Abdul, 1988:53-54).

Umar ibn al-Khattab was the second *Khalifah* after Abu-Bakr. He led the Islamic state for ten years (i.e 634-644 C. E). His period was described by Rahim (2001:83) as the monument of enlightened toleration. Several dynamic changes were introduced into his administration. *Diwan* was established and the welfare of the people was paramount on the agenda of his reign. *Zakah* was spent for the benefit of the poor. He then established a register where the surplus of the revenue of the state was distributed to the individuals including the newly born babies. The destitute among the Jews and the Christians also benefited from the revenue of the state during his time. (Rahim, 2001:82; Khan, 1998:98-100; Najeebabadi, 2000:375)

In order to ascertain the amount of food sufficient for the less privileged per month, Umar gave a measure (*Jareeb*) of wheat, which he had milked, and made into bread, and then steeped in soup; then he called thirty people and fed them their morning meal from it until they were satisfied. He did the same for evening meal. He gave this to the people of al-Awali whom he gave subsistence.

This made Umar (R.A) to conclude that two *jareebs* (*Jara'ib*) is enough for each man every month. He therefore stipulated for each man or woman or slave – girl two *jareebs* every month. Such was the situation during Umar (R.A)'s time so much so that if a man wanted to make a supplication against another, he would say to him "May Alllah (S.WT) cut off your two *Jara'ib* from you (Al-Mawardi, 1996:286).

Umar used to get out during night time to find out the needs and requirements of the people he governed. The main sources of revenue during his time were *Jizya, Zakah, Kharaj,Ushr, Ghanimah* and *Ushur*. (Khan, 1998: 99, 104).

Gusau (1991:176) related that Umar (R.A) ensured fairness in collection, disbursement of public funds and he never allowed improper use of it. He used *Zakah, Khums* and *Sadaqah* funds for the blind and invalid. He provides attendants to them. He provided transport to the needy. Pilgrims and wayfarers were provided basic necessities and facilities of life such as water, shelter and food along the route between Makkah and Madinah. He was reported to have said:

> If a camel dies unattended to on the bank of Euphrates, I am afraid Allah would make me accountable for it. (Sa'd in Gusau, 1991:84)

This is to testify to the fact that Umar (R.A) did not only care for the maintenance of the poor and needy but also for that of the animals. Umar (R.A) ensured that everybody who is in dire need of provision and maintenance is provided for as soon as the state comes to know about it as already discussed in this chapter. Umar also had no

patience for idle loafers and those who are fond of begging unnecessarily. He would not mind flogging such people because of their indolence and diabolical activities. He stopped the pension of those memorizing the Quran in order to discourage parasitism (Gusau, 1991:91).

Abdu-al-Baky (2001:702) explained that Malik bn Anas said:

عمر ابن الخطاب كان يذهب إلى العوالى كل يوم سبت, فإذا وجد عبدا في عمل يطيقه, وضع عنه منه

> Umar used to visit Awali (a place in Madinah) every Saturday. If he finds a slave in a difficult job, he relieves him out of the job.

This expresses the compassion Umar bn Khattab had on the less-priviledged. He made sure that slaves were not charged with a burden more than what they can discharge.

iii. Khalifah Uthman Ibn Affan (R.A)

Uthman Ibn Affan was the third *Khalifah* (successor) of the Prophet (S.A.W). he reigned for twelve years (644-656 C.E). He belonged to a noble family of Quraysh in Makkah. His ancestoral pedigree joins with that of the Prophet (S.A.W) in the fifth generation (Abdul, 1988:54; Khan, 1998:115).

Uthman Ibn Affan was chosen to lead the Muslim community after Umar in 644 C.E. He ruled over a wider area than Umar and kept to the precedence and mainstream policies championed by his predecessors – Umar (R.A) and Abu-Bakr (R.A). He however made some improvements in certain areas. Uthman (R.A) happened to be the first Khalifah to introduce distribution of meals in the mosques for the poor and the disabled especially during Ramadan. He raised the pension of the people and supplemented rations with dresses. He used his personal funds for the welfare of the less

privileged. He allowed *Zakah* to be collected by the state officers on apparent properties such as animals, agricultural produce and trade items. While the rich were allowed to distribute the *Zakah* by themselves on non-apparent properties such as gold and silver (Gusau, 1991:202; Khan, 1988:155-156).

iv. Khalifah Ali Ibn Abu-Talib (R.A)

Khalifah Ali belonged to the most respectable family of Quraysh, the Banu Hashim. He was the Son of the Prophet's Uncle, Abu-Talib, He was born some thirty years after the birth of Pophet Muhammad (S.A.W). The Prophet (S.A.W) undertook Ali's upbringing after his marriage to khadijah. So, Ali (R.A) became the Prophet's adopted Son, He reigned between 656-661 C.E. (Khan, 1988:159; Abdul, 1988:59).

Ali (R.A) was elected *Khalifah* for the Muslims immediately after the murder of Uthman in 656 C.E. Khan (1998:209) explained that Ali (R.A) followed the administrative pattern set by Umar (R.A) and did not make any noticeable changes. He gave stipends generously to the needy persons and helped the poor from the *Baitul-Mal*. He instructed his officers to treat the Non-Muslims well and to take special care of their needs.

Ali (R.A) made meticulous use of *Baitul-Mal* funds and made immediate disbursement of funds where and when necessary. Ali (R.A) distributed the state funds equally to its citizens as was done by the Prophet (S. A. W) and Abu-Bakr (R.A) (Gusau, 1991:206).

While the *Khulafa*' al Rashidun were contributing to the general economic welfare of the poor in the Islamic state in the form of *Nafaqah*, the other practice of *Nafaqah* in the Muslim homes continue to flourish during their time. Wives were at

liberty to report any failure. It was also an obligation upon Muslims to feed their poor parents, children, slaves or servants, and even animals under their care.

2.12 Umar Ibn Abdul Aziz (R.A) (Umar II).

Umar bn Abdul-Aziz (R.A) came to power in 99 A.H. (717 CE). He was among the Ummayad rulers whose reign resembled that of the classical models of the four rightly guided *Khulafa*. They are Abu Bakr (R.A.), Umar (R.A.), Uthman (R.A.) and Ali (R.A.). This is true because by time the leaderships of the Ummayad caliphate before him resorted to luxurious life, when he ascended the thrown he lived a simple and religious life. He returned back to the original owners, the confiscated properties by the Ummayad rulers before him. He ruled for only two and a half years. He died in 101 A.H. (720 CE) Umar was the grandson of Marwan bn Hakam and Son of Abdul-Malik's brother. He was son-in-law of Abdul-Malik. His mother was the grand-daughter of Khalifah Umar (R.A). His father served as the governor of Egypt and that of Hijaz. He died at the age of forty (Ahmed, 2004:175-176).

Najeebabadi (2001:201) explained that Umar Ibn Abdul Aziz (R.A) tried to restore the lost glory of Islamic democracy and similarities to the administrations of Abu Bakr Siddiq (R.A) and Umar bn Khattab (R.A). He began to resurface and remind the people of these great times of the four rightly guided *khulafa*. Umar bn Abdul-Aziz inclined the Islamic State to spiritualism and righteous deeds through his good works and just administration.

He established liberty, justice and peace in the state. The far reaching changes he brought into the then corrupt Ummayad dynasty of governance made some people to regard him as the fifth rightly guided khalifah.

With respect to *Nafaqah*, which is the main concern of this work, his role may be identified by virtue of his ascendance to the throne as Khalifah. When Umar took the oath and attended the funeral service of his immediate predecessor, Suleiman and Abdul-Malik, he retired to his house; his beard was wet with tears. His wife, becoming alarmed, asked him whether he was well. He said, "How can I be well? The burden of the entire *Ummah* (Muslim community) has been put around my neck. I have been overburdened with the naked, the hungry, the sick, the oppressed, the travellers, the captives, the children, the old and the poor with large families. I am weeping for the fear of being asked to render accounts and my possible failure to do so on the Day of Reckoning. (Najeebabadi,2001:197-198). This comment explained how Umar bn Abdul-Aziz (R.A) attached importance to his new role as a *khalifah* and his resolve to look into the plight of the less-priviledged.

Umar bn Abdul-Aziz (R.A) continued the welfare programmes of the last few Ummayad *khulafa*, expanding them and including special programmes for orphans and the destitute. According to Ahmad (undated), Umar II (ie Ibn Abdul-Aziz) founded for the poor out of the funds of *Bait-ul-Mal*, a guest house. While referring to the author of *Tabaqat (*ie Ibn Sa'd), Umar Ibn Abdul-Aziz (R.A) got his articles of luxury and decoration auctioned for 23 thousand dinars and spent the amount for charitable purposes.

Ibn Abdu Hakeem in Gusau (1991:209) explained that Umar bn Abdul-Aziz once declared:

> I will try my best to fulfil the need of anyone of you to the extent possible, if it comes of (sinc) my notice.

This signifies that Umar took it as a duty of the state to satisfy peoples' needs according to his ability and inline with the Sunnah. Gusau (1991:210-211) declared that Umar Ibn Abdul-Aziz (R.A) set up series of benefits for the poor and the needy inorder to achieve his objective. He gave stipends to the students and men in the academic pursuit. He advanced financial grants for marriage to those suitors that cannot pay dower. He distributed bread and curry to prisoners. He advanced allowances for the descript, the weak and converts to Islam. He provides government guests houses to entertain Muslim guests. He appointed a town crier to announce in public places in this manner:

> Is there any poor? Debtor? Is there anyone who want (sinc) to be married? Is there any orphan? I shall make rich everyone of them who seek (Fiqh *Zakah*, in Gusau 1991:211)

This policy was extended to all the nooks and crannies of the Caliphate. He wrote to his governors to maintain the aged that is too old to work, the weak and the impoverished and to allocate such money as is necessary to ease their financial difficulties.

Umar bn Abdul-Aziz (R.A) also took care of the less priviledged among the dhimmis (the covenated non-Muslims). Al-Aayad (2011) explained that Umar bn Abdul-Aziz (R.A) wrote to his governors in Basra and Iraq to search for the people of the covenant in their areas who may have grown old and are unable to earn, and provide them with regular stipends from the treasury to take care of their needs.

Umar was credited to have been influenced by his economic adviser and jurist, al-Zuhri whom he commissioned to inform him about the way he disbursed *Zakah* funds. Al-Zuhri wrote to Umar Ibn Abdul-Aziz (R.A):

> ...in it there is a share for those who have chronic diseases and the handicapped and a slave, for every poor who, because of handicap cannot do any work, and a share for the poor who have no relatives ...the share of the wayfarer must be divided in proportion to the density of traffic .. each traveller who has no means to continue or go back, must be provided food until he or she achieves the purpose of his journey or reaches home. Place of shelter must be established, and trustworthy people assigned to manage them, so that any passing wayfarer can be provided food, shelter, and feed for his animal, until all the *Zakah* fund you assigned are depleted
>
> (Gusau, 1991:212)

Umar Ibn Abdul-Aziz (R.A) advanced loans to those who he deemed not fit to advance grant to. All these point to the fact that Umar bn Abdul-Aziz provides *Nafaqah* to the citizens of the state especially the invalid and the aged among Muslims and the non-Muslim subjects of the State.

Upon Umar's ascendance to the throne as a Khalifah, he confiscated the estate seized by Ummayad officials and some of the relatives of the Ummayad *Khulafa*' which he then redistributed to the rightful owners. He made it a personal goal to attend to the needs of every person in the empire.

He was widely known for reinforcing *Zakah* and at the end of his rule, there were scarcely any poor people to give the charity money to.

2.13 Sokoto Caliphate

Sokoto Caliphate is a Caliphate built on Islamic religious law (Shariah) in Northern Nigeria and some Parts of Niger Republic. The Caliphate was founded by Shaykh Uthman bn Fodiyo in the 19th century through his popular *Jihad*. Part of the area the Caliphate occupied was once under the hegemony of Habe rulers whose leadership had deteriorated. The Habe rulers oppressed the subjects they were supposed to protect. Human rights guaranteed by Islam to Muslims were violated at will in Hausa land. Properties of innocent Muslims were confiscated, and the Muslims were not free to practice their religion-Islam. The rulers received moral support from the venal scholars (*Ulama' al-Su'*) who were materialistic in their disposition and were

interpreting Islamic teachings to suit the interest of the rulers in order to obtain favour from them. Intermingling between the opposite sexes and sexual promiscuity was rampant. The *Jihad* leaders reversed the above trends and established a Caliphate inline with the dictates of Shari'ah (Islamic law). The Venal scholars (*Ulama' al-Su'*) who helped to mislead the rulers went in to oblivion. Self-centred approach to leadership in appointment and dethronement was discouraged. Purposeful and dynamic change was effected in the Caliphate (Kaura & Shuni, 2005:1).

The founders and proponents of Sokoto Caliphate wrote a lot of literature inline with the happenings of their time. For example, Shaykh Uthman bn Fodiyo wrote more than one hundred books. His son, Muhammad Bello wrote about one hundred and fourteen books. Shaykh Abdullahi, bn Fodiyo, his brother, wrote about one hundred and one (101) books. Other writers in the Caliphate include Waziri Junaidu bn Wazir Muhammad Al-Bukhari, Wazir Gidado bn Lema, and Shaykh Uthman's daughter, Asma'u bint al-Shaykh Uthman who was credited to have written sixty books (Ahmad, undated). In this section, we draw from the works, ideas and practices of the three main leaders of Sokoto *Jihad* and Caliphate namely Shaykh Uthaman bn Fodiyo, Muhammad Bello bn Shaykh Uthman and Abdullahi bn Fodiyo.

One of the prime duties of the Sokoto *Jihad* leaders was to prepare the minds of the people to strive for the ultimate goal of Paradise against worldly involvement through commanding good and forbidding evil. Muhammad Bello was reported to have said:

> I warn you against the world. Surely it is a place of catastrophe and test from Allah. Joy of this world is temporary and whatever power one holds in it is equally temporary. (Al-Hassan in Gusau, 1991:220)

While commenting on the above, Gusau (1991:221) examined that the subjects of Sokoto Caliphate, having understood from their leaders, that life is a test, the leaders

were set to guide people on how to pass that test which was only possible through reforms of people's condition and attitudes, establishment of justice, support for the weak and poor against the rich and powerful, and compliance with the dictates of *Shariah.*

Gusau (1991:226) further observed that Shaykh Uthman in his *Bayan Wujub al-Hijrah* insisted that the government should see ''…to the welfare of the subjects…''

Aliyu (1990:66) examined that Shaykh Abdullah identified eleven sources of revenue in his. *Diya'u al-Sultan* and insisted that *Zakah* as a source of revenue must be disbursed only to the eight receipients in Qur'an 9:60 and that no portion should be given out. He also explained that *Zakah* should compulsory be distributed in the locality in which it is collected unless if there are more needy people in other places in which case some part of it has to be carried to them while the cost of transportation should be from *fay* and not from the *Zakah* itself.

Gusau (1991:230-231) explained that Shaykh Uthman, Abdullahi and Muhammad Bello emphasised the roles of each category of people. The family responsibility with respect to wives and children rests on the man, as far as food, clothing, shelter and education was concerned. With respect to the society as a whole, charity as a social obligation was promoted. Pension, gratuities and accidental allowances were provided. Sick workers had their salaries; children of dead workers as well as their wives were continuously given their salaries until they became independent either through marriage (for the female) or maturity (for the male dependents)

Abdullahi bn Fodiyo (n.d.) in his *Kitabu-adabu al-'adati 'ala' Sunnati al-Rasul* emphasised on the practice of Companions of the Prophet (R.A) who use to meet to recite the Qur'an and do not depart until after they had had a meal.

وينبغي لمن قدر أن يصنع طعاما ويدعوا إليه الصالحين الفقراء والأقارب والمعارف من غير مباهات (عبد الله إبن فودى)

> A person who can prepare a meal and invite the needy and relatives and the righteous to it, should do so without bragging. (Abdullahi Ibn Fodiyo, n.d: 1-2)

Abdullahi also emphasised Justice and equity in maintenance as a good moral conduct of a Muslim. He examined

والإعتدال في النفقة من غير إقتار ولا إسراف

(عبد الله إبن فودى)

> …And equity in Maintenance without being miser or extravagant

(Abdullahi Ibn Fodiyo: n.d: 4)

Gusau (1991:229) explained that Shaykh Uthman shared the opinion that *Zakah* should be distributed where it is collected. But where there is emergency and other areas far away needed the revenue, and there are surpluses, such surpluses may be transferred to the emergency areas after satisfying the local beneficiaries. Shaykhs brother, Abdullahi shared the same view

Muhammad Bello also emphasised on the need to be kind to parents and to provide them with maintenance (*Nafaqah*) in his book '*Birru al-walidayni* (Bello, n.d).

Kitab al-Qawl al-Man'utu fi al-Nafaqati wal-Qism fil Mubit was also written by Sultan Muhammad Bello bn Uthman Ibn Fodiyo. This book gave descriptive analyses of maintenance in the family and division of nights by the husband among his wives. He explained that a polygynous husband can present a gift to one of his wives as long as each wife is given adequate share of her maintenance. He examined that in the matters of maintenance, justice must be extolled by providing for each wife enough maintenance.

2.14 Jurists Opinion on *Nafaqah*

The jurists among Muslim scholars especially the four prominent ones among the *Sunni* (ie those who followed the right path established by the Prophet (S.A.W) expressed their views on *Nafaqah*. The four prominent Jurists that established the four Sunni schools of law include Imam Malik, Imam Abu Hanifa, Imam Shafi'i and Imam Ahmad bn Hanbal. These Sunni schools of law agreed on four sources of Islamic law namely *Qur'an, Hadith, Ijma and Qiyas.* The jurists are unanimous about the obligation of *Nafaqah* (Maintenance). They however mentioned six main conditions that should be fulfilled before *Nafaqah* becomes obligatory. Some of these conditions are points of argument while others are not. They include:

1- Poverty of a *Mu'sir* or *Munfaq alaihi* (ie maintained person) because the main target of *Nafaqah* is to help the needy not the rich (al-Dasuqi, 1230 A.H; 2:522; Alish, n.d; 2:448; al-Fawzan, 2001:453; Ghaly, 2008:217).
2- Inability to work and gain money due to advanced age, childhood or any other reasonable excuse. Concerning the relatives who are able to make their living by their own, other than parents and grandparents, the Hanafi and Shafi'i schools state that their maintenance is not obligatory, rather they will be compelled to make a living. One who is negligent or is sluggish to work commits a crime against himself. But Shafi'is argued that a daughter is entitled to her maintenance from the father until she gets married. The Maliki and Hanbali schools state that if one who was earlier making his livelihood by engaging in a trade that suited his conditions and status later neglects to do so, his maintenance is not obligatory upon anyone irrespective of whether it is the father or the mother or the son. The Malikis agree with the Shafi'is' position regarding a daughter's maintenance and the reason for this is that women are considered generally incapable of earning their livelihood. (Wizaratul awqaf wash-shu'unil Islamiyyah, 2005;75; Ghaly, 2008:217)
3- The affluence of the *Munfiq* (spender). This is true because, maintenance is the financial form of upholding the family ties and this form of family ties is incumbent only on the well-to-do persons. Therefore, a father who is capable to work will be ordered to maintain his child, and similarly a son with respect to his father, except

where one of them is indigent and incapable of making an earning due to physical or mental disorder such as paralysis, blindness, deafness etc, and did not learn a profession from which he can earn his livelihood. The schools differ regarding the degree of the financial ease necessary to cause the liability for providing the maintenance to a relative. According to Shafi'is, it is the surplus over the daily expenditure incurred upon servants and domestic animals. According to the Hanbali School, it is the surplus over the expenditure of oneself and one's wife, as the maintenance of descendants and ascendants belong to the same category. Hanafi jurists differ in defining the state of financial ease. According to some of them, it is possession of an amount of wealth which gives rise to the incidence of poor-due (nisab), (Ibn Qudama, n.d; 374; al-Fawzan, 2001:453).

4- The unity of religion between the spender (*Munfiq*) and the maintained person (*al-Munfaq alayhi)*. The Hanbalis viewed that for the *Munfiq* and *Munfaq alayhi* to belong to the same religion is necessary. Thus, if one of them is a Muslim and the other a non-Muslim, maintenance is not obligatory. They saw the obligation of *Nafaqah* on the basis of inheritance between two persons of the same religion. The Maliki and Shafi'i schools state that their belonging to the same religion is not necessary. Therefore, a Muslim can maintain a relative who is not a Muslim, as in the case when maintenance is provided by a Muslim husband to his wife belonging to the people of the Book (*Ahl-al-Kitab).* The Hanafis observe that belonging to the same religion is not required between ascendants and descendants, but necessary between other relatives. They therefore maintained a middle course position claiming that a Muslim will not maintain his non-Muslim brother and vice versa (Ibn-Qudama, 1985; 170, 322; al-Fawzan, 2001: 453; Ghaly, 2008:218).

   Ambali (1998:170) argued that Islamic law does not stipulate that the dependents (parents) should be Muslims. Muslim parents should therefore maintain their non-Muslim children as Muslim children should owe it a duty to care for their non-Muslim parents who are incapable of earning a living.

5- The unity of place between the spender and the maintained person. According to this view, there is no *Nafaqah* on a *gha'ib (*the person who is not present) even if he is rich (Fitya, 1986; 213; Ghaly, 2008:218).

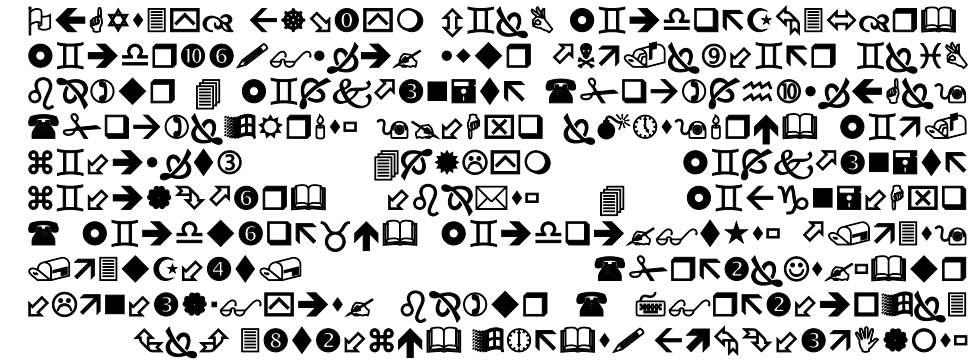
6- The decree of the judge. The mandatory *Nafaqah* starts from the day of such decree. The Sunni Schools of Law are unanimous that the past maintenance of relatives will not be payable if the judge had not determined it; the spirit of mutual assistance and

fulfillment of need being the reason behind it, it cannot be made good for past time. The schools differ where the judge determines it and orders its payment, as to whether outstanding maintenance must be paid after the judge's order or whether it is annulled by the passage of time as if he had not ordered its payment at all. The Malikis state that if a judge orders the payment of maintenance to relative, and it remains unpaid, it will not be annulled. The Hannafi and some Shafi'i jurists observe that if the judge orders maintenance to be borrowed and the relative entitled to receive maintenance do so, it is obligatory to clear his debt. But if the judge does not order the borrowing of maintenance or orders it but it is not borrowed, the maintenance will not be paid as a claim. The Hanafis require the payment of past maintenance after the judge's order or if it accrues for a period of less than one month; so if the judge orders payment and month passes since its becoming due, the relative will be entitled to claim the maintenance of the current month only and not of the past month (Abd al-Hakim, 1914; 337; Ghaly, 2008:219).

It is worth noting that if it is discovered that the relative entitled to maintenance receives the maintenance of a day or more through other means such as litigation, gift, the poor due (*Zakah)* or through some other means, then maintenance due to him will be deducted to the extent of what he received through these means, even if the judge has ordered the payment of *Nafaqah* (Ghaly, 2008:219).

The three causes of maintenance as identified by Ambali (1998:170) are *Milk* (clientage), *Qarabah* (blood relationship) and Nikah (Marriage). Maintenance on the basis of marriage is the strongest because it is a term of contract and its arrears should be paid while the other two fall under the category of *Ihsan* (righteousness). Their arrears need not be paid.

Also the jurists differ on their opinion about the *Nafaqah* of a woman who is irrevocably divorced by her husband. The Hanafi's held that a divorced woman, pregnant or not, revocably divorced or not, is entitled to full maintenance. They based their argument on Qur'an 65:6 which mentioned as follows:



(سورة الطلاق ٦)

> Let the women live (in 'iddat) In the same style As ye live, according to your means: annoy them not, so As to restrict them. and if They carry (life In their wombs), then spend (your substance) on them until They deliver their burden: and if They suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. and if ye find yourselves In difficulties, let another woman suckle (the child) on the (father's) behalf (Qur'an, 65:6).

They argued that since Qur'an 65:6 stipulates accommodation for them, it follows that they are also qualified for other aspects of maintenance and that she observes *iddah* in the interest of the divorced man (Ambali, 1998:176).

The Hambali School gave a contrary opinion and insists that such women are neither entitled to accommodation nor any other maintenance facilities. They based their opinion on a popular *Hadith* collected by both An-Nasa'i and Muslim that Fatima Bint Qais was divorced during the Prophet (S.A.W)'s time, and the husband did not provide any kind of maintenance for her.The Prophet through his statement to her when the matter was brought before him commented:

إنّما النفقة والسكنى للمرأة إذا كان لزوجها عليها الرجعة

> Providing accommodation and maintenance is only an obligation upon the husband in the case of revocable divorce (An-Nasa'i 3:5596 Babu ar-rukhsah fi dhalik; Muslim, 4:3770, Babul mutalaqati thalatha la nafaqata laha).

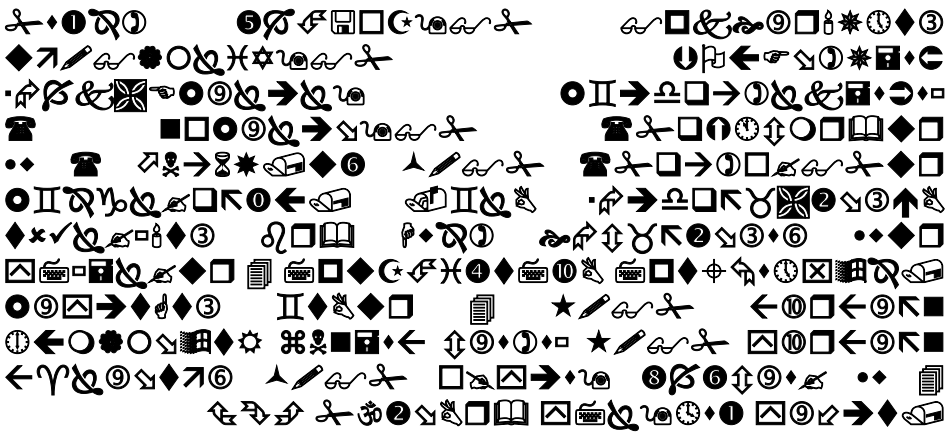
Fatima Bint Qais also reported that the Prophet S.A.W said regarding a woman who was divorced three times

ليس لها سكنى ولا نفقة

"She has no (right to) accommodation or sustenance".

(Muslim 4:3781 Babu al-Mutlaka thalatha la nafaqata laha).

Imam Malik and Imam Shafi'i went by the opinion of *Khalifah* Umar and Aisha (may Allah be pleased with them both) and restricted the right of a woman who is irrevocably repudiated and not pregnant to accommodation only (Ambali, 1998:176-177; Doi, 1984:208). Umar (R.A) asserted that it is not possible to ignore the word of Allah; "Lodge them where you live" (Qur'an 65:6) and the practice of the Prophet (S.A.W.). Umar was also not certain whether Fatima Bint Qais retained what she heard from the Prophet S.A.W) or not in her memory being a woman. This opinion is also buttressed by Qur'an 65:1 which stipulates:



(سورة الطلاق ٦)

> O Prophet when ye do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods, and fear Allah your Lord: and turn them not out of their houses, nor shall they themselves leave, except in case they are guilty of some open lewdness, those are limits set by Allah: and any who transgresses the limits of Allah, does verily wrong his (own) soul: Thou newest not if perchance Allah will bring about thereafter some new situation.

Both Umar and Aisha (R.A) argued that the essence of full maintenance is for the hope that Allah would bring new things to pass, and what new thing would be expected when

the separation is in a way that does not leave room for reconciliation? (Ambali, 1998:177).

Doi, (1984:208) also argued that a woman separated from her husband through *Lian* (imprecation) according to Maliki jurists can not claim maintenance from her husband even if she happens to be pregnant. However a woman who was divorced through *Khul'* (divorce at the instance of the wife) is entitled to maintenance if she is pregnant.

According to Maliki School, a wife observing *Iddat-ul-Wafat* (waiting period for mourning) is not entitled to maintenance. If the house she is staying belonged to her late husband or if the deceased had paid rents in advance, the wife is entitled to accommodation in this case (Al-Kairawani, 1994:163) Abu Hanifah says that she will be entitled to her maintenance as well. (Doi, 1984:208).

Ibn Rushd (2003:63-64) observed that the jurists are Unanimous over the obligation of *Nafaqah* but differed on four points.

a. **Time of the obligation:-** with respect to the time of its obligation, Maliki said that *Nafaqah* becomes obligatory after the marriage has been consummated, or the bride groom has been asked to consummate the marriage when she is legally capable for intercourse and he has attained puberty. Abu Hanifa and Shafi'i viewed that *Nafaqah* is obligatory on the groom who has not attained majority if she has attained it. If he has attained majority and she is a minor, there are two views about it, one is the same as Malik's (i.e. consummation makes *Nafaqah* obligatory), while the other holds that she is entitled to maintenance without qualification. The reason of their disagreement is attached to whether maintenance (*Nafaqah*) is a counter-value for (sexual) utilization or is compensation for the fact that she is confined because of her husband, as in the case of one absent or sick.

b. **Amount:** With regards to the amount of maintenance, Malik and Abu Hanifah made reference to the status of the wife which varies according to change in location, time and status. Al-Shafi'i maintained that it is determined, and for the person in financial ease, it is two *mud* (a dry measure), for one with average circumstances it is one and one-half *mud*, and for a person in difficult straits it is

one *mud*. They however agreed that there is no limit for clothing (Ibn Rushd, 2003:63).

c. **For whom is *Nafaqah* obligatory:** The jurists agreed that *Nafaqah* is obligatory for the free-woman, who is not recalcitrant. They disagreed about the recalcitrant woman and about the slave woman. Majority agreed that *Nafaqah* is not obligatory for a recalcitrant woman. The disciples of Malik disputed extensively over the case of a slave-woman. The majority opinion in this regard is that she is entitled to maintenance like the free woman. While minority of scholars held that maintenance for her is not obligatory. Others viewed that if he visits her, there is no maintenance, but if she visits him she has maintenance. Others examined that a slave woman is entitled to maintenance if the husband is a free man, but if he is a slave, there is no maintenance for her from the husband.Her master will therefore be responsible for her maintenance (Ibn Rushd, 2003:64).

Azmi (2004:123) presented Abu-Hanifa's opinion on distribution of *Zakah* as a form of *Nafaqah* that the maximum amount a man should be given should be less than 200 *Darahim* of silver and 20 *Dinar* of gold which is the minimum limit for the imposition of *Zakah*.The equivalence of this in Nigerian Naira is N705, 281:00. Abu Hanifah held that it is rational to give someone less than that amount in order to avoid the levy of *Zakah*. Abu ubayd al-Qasim Ibn Salam held different opinion and explained that there is no fixed amount to be paid to a beneficiary. He examined that as *Zakah* funds may be given for the construction of houses, purchasing of clothes, buying slaves for freedom and to travelers to help them reach their destination, there may not be a minimum limit since all these require a huge amount of money.

The order of priority, according to Ambali (1998:177), of those to be maintained includes the wives, next to them are the children, with female children taking priority over male ones, then the parents with the mothers taking precedence over the fathers, then other dependents. Slaves and pets are to be sold off when the owners are not

capable of providing good maintenance. The slaves, according to *Shariah*, are to be clothed with what their masters cloth with and eat what their masters eat. Therefore if a master is not capable of maintaining a slave, then he should either free him or sell him off. This seems to be one of the ways Islam abolished slavery. Al-Kairawani (1994:163) preferred parents to children in order of priority when he explained:

> The outlay is binding for the man only for his wife, whether she is rich or poor, and on his poor parents, and on his young children, who have no money, and on the males until they get to the age of poverty and there is no handicap in them, and on the females until they marry and they consummate with their husband.

Al-Azhariy in Ambali (1998:172), the commentator of 'Risalah', a book mostly used by students of traditional *Ilmi* schools in Nigeria examined that it is not binding for a husband to offset medical bills or provides medicine. He contended:

لا يلزمه لها مكحلة ولا دواء إذا مرضت

> 'It is not binding on him to pay for the container of her eyebrow nor buy her medicines when she is sick'.

Ruxton (1914:148) also shared this view when he said that a husband need not provide his wife with medicine, but he must pay the doctor.

This view is shared by orthodox jurists but refuted by modern scholars of Jurisprudence such as Abdal-Ati (1982), Ambali, (1998) among others.

d. **Upon who is *Nafaqah* obligatory:** the jurists agreed that it is obligatory upon a husband who is present and a free man to provide *Nafaqah*. Majority agreed that the maintenance of the wife's servant is the liability of the husband if she is of the status that needs a servant. They differed about the number of servants. One group limits husband's maintenance of servants to one only. Imam Malik and Abu-Thawr upheld that a husband should provide for two servants if the wife is accustomed to two servants. The jurists agreed that residence should be provided by the husband. (Ibn Rushd, 2003:63-64).

On the order of relatives on whom *Nafaqah* is obligatory, Ghaly, (2008:219) explained that the Hanafis hold that if there is only one person responsible for maintenance, he will pay it. If two or more belonging to the same category and capacity, such as two sons or two daughters – they will share equally in providing maintenance, even if they differ in wealth, after their financial capacity has been proved. But where they are of different categories of relationship or varying capacities, there is divergent of opinion among the Hanafi jurists in providing the order of those responsible for maintenance.

The shafi'is state that if a person in need has a father and a grandfather who are both well off, the father will solely provide maintenance to him. If he has a mother and grandmother, the maintenance will be solely provided by the mother. If both parents are there, the father will provide the maintenance. If he has a grand father and mother, the grandfather will provide the maintenance.

The Hanbalis state that if a child does not have a father, his maintenance will be on his heirs, and if he has two heirs, they will contribute in proportion to the share of each in the estate. Thus, if he has a mother and a grandfather, the mother will contribute one-third and the grandfather the remainder, as they inherit in the same proportion.

2.15 Historical Background and Development of Social Security in the West

Throughout human history, people have faced the uncertainties brought about by unemployment, illness, disability, death and old age. In the realm of economics, these inevitable facets of life are said to be threats to one's economic security.

For the ancient Greeks, economic security took the form of amphorae of olive oil. Olive oil was very nutritious and could be stored for relatively long periods. To

provide for themselves in time of need, the Greeks stockpiled olive oil and this was their form of economic security. (www.socialsecurity.gov:2011:1).

In the medieval Europe, the feudal system was the basis of economic security, with the feudal lord responsible for the economic survival of the serfs working on the estate. The feudal lord had economic security as long as there was steady supply of serfs to work the estate, and the serfs had economic security only so long as they were fit enough to provide their labour. During the middle ages, the idea of charity as a formal economic arrangement also appeared for the first time. (www.socialsecurity.gov,2011)

Family members and relatives have always felt some degree of responsibility to one another, and to the extent that the family had resources to draw upon. This was often a source of economic security especially for the aged or infirm. Land itself was an important form of economic security for those who owned it or who lived on farms. These show that the traditional sources of economic security in the West are basically assets, labour, family and charity.

Growth in economic and social complexity of the American society gave rise to the formal systems of economic security. The isolated farms gave ways to cities and villages in the middle ages. The guilds were formed as an organized union during the middle ages by merchants and craftsmen. They regulated production and employment. They also provided benefits to their members such as financial assistance in times of poverty, illness and contributions to help defray the expenses when a member died. (www.socialsecurity.gov,2011:2; Gusau, 1991:295-306). This is closely followed by friendly societies which appeared in England in 16th century. They evolve into fraternal organizations and become the forerunners of modern trade unions.

Following the industrial revolution in 18th century, these societies grew dramatically. By the beginning of 18th century, one out of nine Englishmen belongs to one of these organizations. Such fraternal organizations include Freemasons (which came to America in 1730); the odd Fellows (1819); Benevolent and Protective Order of Eiks (1868); Loyal Order of Moose (1888); and the Fraternal Order of Eagles (1898). (www.socialsecurity.gov, 2011).

The English Poor Law

As the state began to assume responsibility for economic security, the English began the development of a series of 'poor laws' adopted to provide help to the poor, as the problem of economic security was primarily seen as a problem afflicting the poor. The English Poor Law of 1601 was the first systematic codification of English ideas about the responsibility of the state to provide for the welfare of its citizens. It provided for taxation to fund relief activities. It distinguished between the deserved and 'undeserving' poor; relief was local and community controlled; and alms houses were eventually established to house those on relief. The law was at once both generous and harsh. Generous in that it acknowledged the government's duty to provide for the welfare of the poor, but harsh in that it viewed the poor as highly undesirable characters and treated them accordingly (Katz, 1996:5-6).

The next section will explore the modern concept of Social Security and its evolution in societies especially those that in tune with the western ideology.

2.16 Modern Concept of Social Security

The modern concept of Social Security comes in the shape of old-age pension, unemployment benefit, sickness benefit, death grant, disability allowance and family allowance (Syed, 2009:1).

Europe first got acquainted with the laws of Social Security at the end of the last century only. It was in 1880s; Chancellor Otto Van Bismarck implemented his Prussian plan to provide retirement pension and other benefits to German workers in other Western European nations. This marks the beginning of Social Security scheme in the West. Before 1883, the functions that now come under Social Security law, were discharged by private arrangements made chiefly by cooperative movement among workers. (Sharp, Register and Grimes, 2000:387; Syed, 2009:1). Thus Germany became the first European country to introduce a modern form of Social Security, in form of a contributory health insurance programme known as Sickness Insurance, a national compulsory accident insurance programme and old age pensions. Germany's example was soon followed by Austria and Hungary and by the early years of the 20th century, public opinion in most European countries was in favour of provision of Social Security such as old-age pension for the needy and provision of some contingencies as sickness and unemployment benefits among workers (Ghifari, 1979:2-3).

In the United States, the social insurance programme for the workers was established in 1935. American workers experienced the disastrous economic effect of the great depression throughout the 1930s. At some point during the period, the national unemployment rate reached almost 25 percent and most of those lucky enough to hold full time jobs found that their pay cheques purchased very little. During this period, hundreds of commercial banks and financial institutions went bankrupt and were forced to close. Many workers who had saved for personal emergencies and their own retirements lost everything. An average American worker's future looked very bleak in 1934 when President Franklin recommended to Congress the establishment of a National Social Insurance Programme. A year later, on August 14, 1935, the President signed into law the Social Security Act. Originally the Act created a programme

whereby monthly benefits were to be paid to individual worker upon retirement at the age of 65. Each worker's contribution to the programme in the form of a pay roll tax collected over his or her working life determines the level of benefits received (Sharp, Register and Grimes, 2000:388-389).

This trend of determining the level of benefits received by retired workers through their payroll tax collected over their working life continued. Amendments were however made to the Social Security Act in 1939, 1950 and 1960s which expanded greatly the scope of the beneficiaries to cover dependants of retired workers such as spouses and children, surviving family members in case of death of a covered worker, and those who are disabled and could no longer work to support their families. The United States Social Security is a popular federal programme because it provides a minimum foundation for workers and their families who face loss of income due to disability or the death of the family wage earner (Sharp, Registrar and Grimes, 2000:389).

A system to provide contributory pension to needy persons who had attained the age of seventy (70) was established in Britain in 1908. In 1911, it became the first country to adopt a national system of unemployment insurance. The compulsory health insurance programme established in Britain in 1911 was extended in 1920. A system of contributory old age, widows' and orphans' pension began in Britain in 1925, and a new name -Unemployment Assistance was given to Unemployment Insurance. By the beginning of the World War II, Britain started a fairly comprehensive system of public social welfare, consisting of public medical services, a national health and unemployment insurance system, widows and orphan's pension, old age pension, public assistance and provision for the control and subsidization of housing and supervision of town planning (Ghifari, 1979:3).

The famous Beveridge Commission Report of 1942 extended this programme after the World War II to include social insurance and allied services. Through this report, a genuine minimum standard of living of Social Security was recommended. This report was used as the base for the National Health services and National Insurance act 1946. Accordingly series of acts were passed which form the frame work of the developing Social Security system in United Kingdom (U.K). For example, the Family Allowance Act of 1945 was enacted to give assistance to poor families below certain level of income. The National Insurance Act of 1946 and 1956 recognized the new health services. The New Town Act of 1947, the National Health Services Act and the National Assistance Act promulgated in 1948, made provision of a systematic building and expansion of towns and assistance to any one in need of such assistance out of government funds (Ghifari, 1979:4).

The amount of grant payable is determined by comparing any resources already available to the applicant with figures of which his needs are assessed according to regulations. The Child Welfare Services Act of 1948 made it the duty of the local authority to receive in their care any child under the age of 17 who is guardianless or whose parents are unable to provide for him temporarily or permanently (Ghifari, 1979:4). Matrimonial Proceeding Act, enjoins the Local Authorities to accept the children committed to them by Juvenile court or by divorce court. By 1959, Britain had established a flat-rate benefit for all adults in a wage-related insurance called, the National Insurance Act of 1959. By 1961, the government introduced a graduated pension scheme operating as supplements to existing National Insurance and by 1965 and later 1975 an earning-related supplement was extended to other National Insurance benefits (Gusau, 1991:309; Ghifari, 1979:4).

The Housing Finance Act was passed in 1972, and there was a Social Security Act in 1975. Family Allowance was abolished in 1979, and the Social Security Act of 1980 introduced a new supplementary benefit scheme in its place. In 1982 the Social Security Act and Housing Benefits Act were introduced. The latter was aimed at giving aid for housing in terms of better rent and rate rebate (Gusau, 1991:309).

Besides the governmental agencies, private organizations took part in providing, Social Security to the people in Britain. These private organizations compliment the work of the statutory bodies which are aided with public funds and act as agents of public authorities in many aspects of their social works. Example of these private organizations that look after children are Dr. Benard's Homes, the Church of England Children's Society and the Catholic Child Welfare Council. There were also social settlements in the poor districts of the cities. There were also children advice Bureaus in all the large towns and some small ones. The people of Britain were provided with Social Security on many of its forms. (Ghifari, 1979:4-5)

On June 8th, 2001, the Department for Social Security in Britain (DSS) was transformed into Department for Work and Pensions (DWP). This new Department replaces DSS which existed in one form or the other for almost a generation. The DWP comprises parts of the former DSS, part of the Department for Education and Employment, and two new agencies, the Job Centre and the Pension Service. Other parts of the former DSS are now under the competence of the Treasury and the Ministry of Defence. This newly developed DWP was established to provide support rather than protection to the Social Security beneficiaries. For example when a private company offers security to a person whose life is threatened, this is clearly meant to be protection from harm and not support when the harm is done. Therefore, Social Security has become a helping hand so that an individual can alter his/her own behavior to match the

demand arising from these conditions and processes. The aim of the new reform was to expand the pool of employable people. It was predicted that the Department will have a new culture based on helping people to become independent and will help further to embed a culture of responsibilities and rights within welfare system (DWP, 2002:16).

The new reform that led to the establishment of DWP was criticized by scholars such as Carmel and Papadopoulos (2003:6), Rose (1996:58), Grover and Stewart (1999:73-96), Fitzpatrick (2002:15), and Culpitt (1999:48) because of the following reasons:

1- Social Security policies are no longer a means to protect society from potential failures of a market economy, nor a means to 'steer' the economy to respond and meet social needs. Rather they are to become a means to 'steer' the behavior of individuals to make them adaptable to what are perceived by the government as the demands of this market economy.

2- The individual of working age is made responsible for his/her employment status and for the provision of their own security, including that of old age.

3- Under the new law, the state's responsibilities are to provide only opportunities for training and skills development, which the risk taking individual is required to take up. Thus, the entire construct of opportunity and employability evident in the governments discourse involves a 'privatization of risk management.

4- Continuation on this trend will make Social Security in Britain to run the risk of becoming an obligation to endlessly manufacture a future where one is not a drain on the entrepreneurial activities of others.

5- The selective universalism strategy indicates that the government is neither committed to poverty alleviation in general nor to income redistribution across the board. Rather, its commitment is to poverty alleviation for particular socio-demographic groups.

6- Under the Britain new law ‘security’ is redefined as ‘support’, and work as ‘employability’.

7- Social Security in Britain has become an individual and autonomous, private ‘security’ gained by self-responsibility through the market which by definition, is part of the hazard of the ever-changing dynamism of the world.

In fact Carmel and Papadopoulos (2003:14) described the new governance of Social Security in Britain as a new kind of Social Security that is not very social and even less secure under the labour government.

To the researcher’s view, a functional Social Security system should be able to alleviate poverty and put individuals on the minimum level of economic guarantee through distributive justice.

The pension service which is part of the Department of Work and Pensions administers the state pension scheme and provides services and support to pensioners. The Job Centre Plus administers benefits for people of working age and helps them find work. The Inland Revenue is responsible for the administration of the national insurance contribution system, child benefits and for the payment of tax credits. The Department of Health administers medical benefits and services through the National Health Service (Social Security Programs throughout the world; Europe, 2004).

The Social Security benefits in the United Kingdom (U.K) include old age, disability, survivors, sickness, maternity, permanent unemployment and family allowances. The type of programme used in regulating such benefits by the government includes social insurance, social assistance and universal (child benefit) and tax credits system (Social Security Programmes throughout the World: Europe, 2004).

The Scandinavian social legislation is also a point of reference. From the early 1930s onwards, the Scandinavian countries consisting of Norway, Sweden, and Denmark have been socialists' states and they have got a remarkable record of social reforms. Their policies laid more emphasis on economic development and Social Security than nationalism (Ghifari, 1979:6). They based their economic policies on fiscal measures (such as cheap money) and taxation rather than on reform of ownership. Social ownership has been used in place of state ownership in Scandinavian countries. Therefore cooperative movements act as agents of reform instead of the government.

A cooperative system has been used for clearance, health insurance, and industrial production and distribution. Sweden was recognized among the nations of the world that devoted large percentage of their resources to social welfare. For example in 1950s, it spent 2.622 million Kraser (€ 506, 200,00) on social services, industrial injuries, insurance, employment measures, unemployment insurance, old age and disability benefits, family and child welfare and public assistance. This assistance represents 11% of their national income (Ghifari, 1979:7).

Hasan (1984) examined Social Security schemes operating in different parts of the world which he grouped into three models: The International Labour Organization (ILO) model, the Communist model and others. According to him the ILO model was instituted through a set of conventions and recommendations. The ILO model which

was accepted universally except in communist countries has its mainstay as social insurance cover, comprising of sickness, maternity, occupational hazards, including accidents and occupational diseases, invalidity, unemployment, retirement, death of the bread winner before retirement and medical care. The ILO model of Social Security scheme is contributory. Hasan (1984:7) explained that though the ILO model has been accepted as a standard model in a major part of the world, it may not be most suitable for less-industrialized countries.

The communist model of Social Security according to Hassan (1984:7), is adopted by U.S.S.R. Social Security Schemes have been planned by this state and financed entirely by the employer. The Russian social insurance scheme covers all employed persons irrespective of whether the undertakings, institutions or business in which they are employed are state, public cooperation, established under a concession or lease of mixed character or private, or whether they are employed by private individuals, irrespective also of the nature and duration of their employment and the method of remuneration.

Therefore, neither the employer nor the state pays any contribution. Each enterprise is levied in charge for financing the cost of social insurance benefits. Since work is compulsory for every able-bodied person, unemployment insurance has been abolished. Farm population is provided Social Security by collectives. It is financed by members as well as collectives. The remaining population is provided social assistance by the commissariats of social welfare in each of the Republics. Health services are financed from the budgets and administered by Trade Unions through locally constituted social insurance committees attached to factory Committees. (Maurice, n.d:484).

A similar study was conducted by Hasan (1984:8) of the other models where he mentioned the Japanese system of Social Security which is based on two main pillars i.e. life-time employment and seniority wage system. Based on this system, the company (i.e. the employer) is held to be and considered itself responsible for the total persons including his food, clothing and shelter. Gusau (1991:358-359) also contended that free education existed in the Soviet Union since 1936; sick pay was rather generous in the Soviet Union before but had been made today conditional upon a minimum period of work in the same enterprise or office. He explained that among the objectives of Soviet Social Security system are maintaining a minimum standard of living, replacing earnings, reducing unnecessary change of jobs and provision of compensation.

Today, Russian's Social Security system is a composite of old age pension, disability pension, survivors, sickness, maternity, work injury, unemployment pension and family allowance. The old age pension is given to retired workers whose age ranges between 50 years and 60 years for men and between 45 years to 55 years for women depending on the work environment. The pension may be deferred and the maximum deferred period depends on the year of retirement. The disability pension is calculated according to the three assessed degree of disability: 100% loss of working capacity that requires constant attendance falls in group I. 100% loss of working capacity that does not require constant attendance falls in group II. 50% loss of working capacity that does not require constant attendance falls in group III. The medical and social assessment office assesses the degree of disability at least once a year. The survivors mentioned are paid irrespective of the deceased's length-of-service period and coverage period. The Social Security administrative organizations include Ministry of Health and Social Development, Social Insurance Fund of the Russian Federation and the Regional Funds

Pension Fund of the Russian Federation and its regional bodies. The Ministry of health and Social Development is responsible for policy development of survivors benefits, sickness, maternity benefits and provides general oversight of the family benefits and allowances and unemployment benefits. Social Insurance Fund of the Russian Federation and its regional funds administer temporary disability benefits, sickness and maternity benefits for the unemployed and other non-working citizens. Pension fund of the Russian Federation and its regional bodies administer pension benefits. (Social Security Programme throughout the world: Europe, 2010).

2.17 Social Security System in Nigeria

Nigeria with a population of one hundred and forty (140) million (National Population Commission NPC, 2006) is the most populous nation in Africa and the ninth in the world (United Nations UN, 2005). The Population growth rate between 2000 and 2005 is 2.5 % with 5% of the total population aged 60 and above. Nigeria as a Federal Republic has 36 states and is divided into 745 Local Government Areas. The Federal Government controls power and the economy by directing affairs of the whole nation. It has the highest older people's populations in Africa (Kinsella & Velkoff, 2001:95).

Ephraim (2009:1) observed that piece meal Social Security Programmes have been in place since 1942 in Nigeria starting with workmen's compensation. Others are benefits for temporary and permanent disability, maternity and sickness. All these according to him have been going on without a unified policy with no clear funding.

Ahmed (2008:18) observed that Social Security is a composite of formal and informal systems. He believed that majority of the labour force, who also operate in the informal sector, falls within the informal or traditional Social Security system in Nigeria, which is based on the concept of; ''Our Brothers' Keeper''. This informal type

is influenced by and derived from both cultural and religious characteristics of the society. It is largely Kinship based. According to him, the formal Social Security adopted is both state and market based system. The market based was mainly accounted by the National Provident Fund (NPF) which was introduced in 1961. The NPF transformed in 1993 to the Nigeria Social Insurance Trust Fund (NSITF).

The NSITF is a self accounting government parastatal under the Ministry of Labour and is not subsidized by the government. Other private sector schemes included occupational pension schemes which were largely unfunded, and pension obligations were being met by borrowings and cash flow of sponsoring employers.

Pension as observed by Ahmed (2008:21) is one of the important components of Social Security System providing for citizens of old age. On the fortunes of their sponsoring organizations therefore and before the Pension Reforms Act of 2004 in Nigeria, the public sector and majority of organizations under the private sector operated unfunded Defined Benefits Scheme (DBS) where payments of retirement benefits are budgeted annually. The problem of resource constraint has however, exposed the scheme to poor implementation as funds are either not timely made available or are inadequate. Consequently there are delays in payment of retirement benefits and accumulation of arrears.

The state based Social Security System operating in the public sector had been confronted with a lot of challenges that have limited its impact on the people. The Pay-As-You-Go (PAYG) scheme was losing its credibility because of its over dependence on budgetary provisions from various tiers of the government for funding which is not provided on time. The PAYG became unfunded and was non-contributory. The system became susceptible to high degree of unethical practices. The payment procedures were

quite cumbersome which sometimes resulted in embarrassing situations where pensioners slumped to death after waiting for hours, and sometimes weeks to collect their entitlements. Pension offices were not efficiently administered and pension benefits were discriminatory, whereby certain category of retirees who had worked for lesser number of years were paid generous retirement benefits. The insured or unified pension schemes were bankrupt because most insurance companies failed to honour their obligations which led to the buildup of pension arrears (Ahmed, 2008:19-20)

Kinsella and Velkoff (2001:95) observed that Nigeria has the highest older people's population in Africa. It was estimated that by the year 2025 the population of Nigerian's aged 60 and above will constitute 6 percent of the entire population. The extended family as a social structural Phenomenon served more or less as a form of social insurance (i.e. Traditional safety net) for the old age. Unfortunately, changes in family structures in Nigeria in recent times, from extended family system to modernized nuclear family destroyed this structure of social care and support to older family members. Family members are also unable to effectively cope with the challenges of daily living. On the other hand, the attitude of the government of Nigeria and Political leaders revealed that parental care is the sole responsibility of the families. Policy emphasis is more on young people, women and children. There is lack of state provision for elder care in Nigeria.

According to Ajomale (2007:4), the notion that investment in one's children serves as Social Security in old age is now disputed as adult children find it difficult securing employment and receiving an income sufficient to meet their immediate needs.

Therefore, the inability of the Nigerian government to cope with the regular payment of pensions to the retired workforce, the inadequate social services and health

facilities to cater for the needs of an ageing population, as well as a predominantly rural agrarian population all posed new threats to Social Security, human security, and national security of Nigeria.

The new pension scheme introduced through Pension Reform Act 2004 seeks to ensure that every employee receives his retirement benefits as and when due. It is a contributory pension scheme which requires both pensionable employees and their employers to pay a certain percentage of the employee's monthly earnings to a retirement savings accounts, from which employees would be drawing their pension benefits after retirement. The reform has also streamlined the administrative system of pension in Nigeria by introducing new changes in the ways pension assets are managed and benefits distributed to beneficiaries. The pension funds are now privately managed by Pension Fund Administrator (PFA) and Pension Fund Custodians (PFC). The PFA manages and invests the funds while the PFC keeps custody of pension funds on trust for the employee and beneficiaries of the retirement savings account. The hurdle of inadequate budgetary provision and unhealthy government interference in pension funds management that largely characterized the old pension system is thus avoided because the new pension scheme does not depend on employers for funding and sustenance. The National Pension Commission serves as a regulatory body that issues licenses to PFAs and PFCs and checks the excesses of the two bodies (Ahmed, 2008:21; Pension Reform Act 2004:A47-A50).

In March 2008, a Committee was set up by the then Minister of labour and productivity Mr. Adetokunbo Kayode to produce a blue-print for a comprehensive Social Security policy in Nigeria. The head of the Committee was Dr. General Yakubu Gowon, (RTD) a Former Head of State of Nigeria. The Committee was named National Working Committee on Social Security Policy. The committee was charged with the

responsibility of drafting a holistic national Social Security policy that will take into cognizance the formal and informal sectors of the economy, recommend robust and sustainable financing options for an integral system and recommend an administrative structure for the implementation of an integral national Social Security scheme with a view to harmonizing the overlapping functions of agencies, departments and ministries (Ephraim, 2009:1).

The Committee recommends among other things that Nigerians above 65 years of age irrespective of whether they had worked in the formal sector or not, should be entitled to a fixed sum to help them live above poverty line. Speaking while handing over the report, Gowon noted that Nigeria needs a holistic Social Security policy to ensure a more inclusive, responsive and humane society. He expressed optimism that if the recommendations of the Committee were accepted by the government, the scheme would lead to substantial reduction in crimes and corrupt practices, increased productivity, reduction of poverty and promotion of solidarity, patriotism and nationalism. President Goodluck Jonathan who was at that time the Vice President expressed the same feeling when he stressed that the rate of corruption in the country including the endless accumulation of wealth, could partly be blamed on the lack of Social Security noting that the distress in the Social Security system is responsible for the situation where old people who are due for retirement from service are not willing to do so, because of the fear that they would be thrown into old age outside employment (Nwokeoma:2009:2).

Nwokeoma (2009:2) challenged the submission of the Gowon's Committee arguing that Nigeria which has not been able to fulfill the socio-economic needs of its productive youth vanguard cannot withstand the economic demands of the old aged citizens who are unproductive. The challenge is presented in this form:

> It is left to be seen how a country that has a very large youth bulge, with 42.2 percent of the population under the age of 15. Over 70 percent of whom are unemployed with attendant consequences, will contemplate a non contributory National Social Security Assistance Scheme targeted at those from the age of 65 and above, an age group that has little to contribute to the economy and not crime-prone, and still aim at achieving substantial deduction in crimes and increased productivity. Obviously, this is not the age group one could expect productivity from or that is susceptible to crime.

Social Security system in Nigeria as viewed in August 2010 by U.S Social Security Administration, Office of Policy are Social Insurance System, Provident Fund System and Employer Liability System normally involving insurance with a private carrier. The Social Security System in Nigeria is for old-age, disability, survivors, work injury, sickness, maternity and unemployment.

However, the scheme is strictly contributory. The old age, disability and survivors benefits cover only employees of firms with five (5) or more workers and civil servants. All pensionable public sector employees are expected to contribute 7.5 percent of their monthly gross pay to the Pension Fund Administrators (PFA) while the employers contribute 7.5% monthly. This provision excludes the military who are required to contribute a minimum of 2.5 percent monthly while the employer contributes 12.5 percent (U.S Social Security Administration, Office of policy. 2010; Pension Reform Act 2004:9,1).

A programme of unified system of mandatory individual accounts has been fully implemented for public and private sector employees and has replaced the former separate systems for public-and private-sector workers. New entrants to the workforce beginning January 2005 for private-sector workers (July 2004 for public-sector workers) must open an individual account with a publicly or privately run Pension Fund Administrator. When the reform was implemented, workers who were covered by the

old social insurance system were required to switch to the new system unless they were within three years of retirement. The contributions of workers drawn from individual accounts are paid to the single publicly operated pension fund administrator. Such excluded workers receive a lump sum benefit or periodic benefits calculated on the basis of the value of contributions paid and life expectancy (U.S. Social Security Administration, Office of Policy; 2007).

Those excluded from the programme include public-sector employees in State and Local Governments, judges, diplomats, non-citizens covered by an equivalent program in another country, self-employed persons, the clergy, private sector employees working in firms with fewer than five workers, and employees within three years of retirement. There are no statutory benefits provided for unemployment. The National Social Insurance Trust Fund (NSITF) was provided an enabling legislation to introduce a social insurance programme for unemployment benefits. However, the contingencies to be covered and sources of funds have yet to be specified. (U.S Social Security Administration, Office of Policy, 2007).

Presently the Social Security Scheme, apart from being contributory in nature, is faced with various problems and challenges. It was observed that membership from both formal and informal sectors are not expected to be less than 25 million. Keeping records of such a huge population by the National Pension Commission (PENCOM) will be cumbersome. Due also to earlier experience of Pension Scheme (i.e. the defined benefit scheme-DB-of between1946-2004), Nigerians are doubtful of the skills, competence and credibility of the service providers. Nwokeoma (2009:3) observed:

> In the climes where the scheme (i.e Social Security Scheme) is implemented, every beneficiary has a Social Security Number (SSN), which would make it possible for one to be traced. In Nigeria where record keeping, documentation and data gathering are hard tasks, there are widespread fears that this noble initiative could run into troubled

> waters. How can we ensure that non-nationals from neighboring countries, who have taken advantage of our porous borders to floor the country from Niger, Benin and Chad, do not claim the benefits? How do we ensure that there is no multiple registration of claimant, if our experience in voter registration is anything to go by? With the unstable and erratic power situation, how do we keep the data to mitigate manipulation in manual registers and computers? Even in Rural Areas? Related to the above is the possibility of the scheme being turned into another avenue for self-enrichment by the politicians much in the same way the peoples Bank as well as the bursary scheme of days of yore.

All these are predicted problems of which some have started emanating from the Government especially the State Governments. There is lack of political will from some State Governments to implement the new scheme. Some State Governments are not willing to fulfill their obligations to the appropriate regulatory body (ie the PFC). It is due to this problem that Nigerian Union of Teachers was clamouring for the refund of their pension funds in Niger state in 2010.

Scholars predicted the failure of non-contributory Social Security Scheme to Nigerian citizens as could be deduced from Nwokeoma (2009:3)'s statements earlier reflected in this studies.

It was earlier observed that Social Security System in Nigeria comprises of both formal and informal (traditional) system.The researcher could not lay his hands on written information on the informal system of Social Security System in Northern Nigeria apart from Ahmed(2008)'s submission which was earlier reflected in this write-up. The researcher made a focused group discussion among the people of the sampled area and identified that a system of contributory Scheme called '*Adashi'* exist in Northern Nigeria. The mode of its operation varies from one set-up to another. *Adashi* is a daily or weekly or monthly contribution of money depending on the way and manner the beneficiaries would want. *Adashi* collectors are paid by the beneficiaries depending on their agreement.The participants of this type of informal contributory scheme

includes artisans,traders and fishermen. The rich also lend money to farmers in need of assistance. Such money is paid back in kind in form of harvested crops during harvesting season. However the government's interest is solemnly on the formal contributory scheme.

2.18 Northern Nigeria

Northern Nigeria is a geographical region of Nigeria that is more arid and less densely populated than the southern Nigeria. The people in Northern Nigeria are largely Muslims. Although other tribes form significant population, the major tribes are Hausa and Fulani. Out of the 36 States in Nigeria, Northern Nigeria has 20 States. These include Niger, Nassarawa, Kogi, Benue, Plateau, Kwara, Sokoto, Kebbi, Zamfara, Kaduna, Kano, Jigawa, Katsina, Borno, Gombe, Taraba, Bauchi, Yobe, Adamawa, and Federal Capital Territory (F.C.T). Northern Nigeria was formed by the British colonialists out of the then Sokoto and Borno Caliphates. Before the colonial conquest the two caliphates of Sokoto and Borno were *Shariah* (Islamic law) compliant as Islam had already spread throughout the Caliphates. *Shariah* governed the administrative, judicial and executive affairs of the Caliphates. There was peace, progress and harmony in the whole region. A British commentator Hailey (1957:453-4), summarized the state of Sokoto Caliphate before its incorporation into the British colony as follows:

> The area which was brought under British protection was the scene of the most effectively organized system of indigenous rule to be found south of the Sahara. Most of the old-established Hausa Kingdoms had embraced the Islamic faith, and under its influence there had by the sixteenth century developed a well-organised fiscal system, a definite code of land- tenure, a regular scheme of local rule through appointed District Heads, and a trained judiciary administrating tenets of the Mohammedan law.

The institution of *Shariah* was one of the most important legacies that the Sokoto Jihad movement bequethed to Northern Nigeria. The main factor which the existence of

Kanem-Borno Empire was pivoted was Islam. *Shariah* has also been the popularly practiced legal system in Borno.

According to Kurawa (n.d: 34), Clapperton, the European spy who was sent on surveillance mission gave his testimony of the form of Sokoto Caliphate in the following words;

> The laws of the Qur'an were in his (Bello's) time so strictly put in force…that the whole country when not in a state of war, was so well-regulated that it is common saying that a woman might travel with a casket of gold upon her head from one end of the Fellata dominions to the other.

The advent of British colonialism from 1900 initiated a massive political transformation which saw the subjugation of the Sokoto and Borno Caliphates as well as other principalities in the region and the emergence of a vast array of social, economic and political institutions which sustained the colonial enterprise. The colonialists carried out their transformation agenda in consistence with their pre-determined purpose for a colonial dependency. The assassination of Sultan Attahiru at Burmi in 1903 reduced the sultanate power and British rule became firmly established in the Northern region (Musa, 2005:48). Lord Lugard, after this defeat declared:

> The Fulani in old times under DanFodiyo conquered this country. They took the right to rule over it, to levy taxes, to depose kings and to create kings. They in turn have by defeat lost their rule which has come into the hands of the British. All these things which I have said the Fulani by conquest took the right to do now pass to the British. Every Sultan and Emir and the principal officers of states will be appointed by the High Commissioner throughout all this country.
>
> (Yakubu, Jumare & Saeed(Ed), 2005:2).

When the British colonial masters took over Northern Nigeria, their policy towards *Shariah* was in three distinct phases. At one time, the Colonial administration tolerated and accommodated the *Shariah*. At another time, it sought to interfere with, and influence the direction of the development of *Shariah* and its institutions. The next step was that the administration clearly showed its intention to dominate and render as subservient the *Shariah* and other laws to the English law. The *Shariah* law no longer exists as an autonomous and self regulating legal system. Its criminal procedures were

altered. Therefore since independence Nigerians have been satisfying the colonial framework in several cases. Yadudu (1988:5) examined;

> Thus, what obtains now with regards to the coexistence of English common law and Islamic law is that the latter exists at the mercy and under the shadow of the former; the Islamic law exists as an appendage of the English common law. It does not exist as an autonomous and self-regulating legal system. It is defined in-terms of the common law.

The *Shariah* courts are mostly permitted to adjudicate civil cases and personal laws such as issues affecting Muslim marriage and divorce, inheritance and paternity of children. The *Shariah* courts were not given criminal jurisdiction to execute judgement in criminal matters in accordance with *Shariah* stipulations. The Northern Nigerian Penal code only addresses *Shariah* issues inline with secular aspirations and concerns itself on Muslim personal law.

However, the Qur'anic teachers and Muslim intellectuals who are dedicated to Islamic faith kept the Muslims strong in their faith and practices and successfully stemmed the tide of Christianity especially in the northern part of the country. At the beginning there was strong resistance against western education especially in Northern Nigeria because it brought with it at the initial stage, the Christian faith (Fafunwa, 1974:68-69).

The Muslim intellectuals felt the need to combine Western Education with an equally sound Islamic education on the realization of the significance of Western Education in the age of industrialization, scientific and technological advancement. Therefore some Muslim organizations in the North such as Islamic Education Trust, Islamic Trust of Nigeria, Islamic Foundation and Islamic Missionary Association of Nigeria championed the course of developing western-oriented education within the Muslim context. They established private schools and insist on imparting Arabic and Islamic studies education as subjects and kept the environment of the school on the Islamic form. Islamiyyah

schools were established throughout the region in conformity with the modern trend of Islamic Education. Clamour for the inclusion of Islamic Religious Knowledge (IRK) were made by some intellectuals through putting pressure on the colonial government of Nigeria in 1953. They requested the colonial government to provide Islamic education along western education in the government schools through including Arabic and Islamic Religious Knowledge (IRK) among the subjects for the West African Secondary School Certificate Examination (WASSCE). This request was granted and the two subjects became recognized for examination purpose by the West African Examination Council (WAEC). School candidates were in consequence presented for examination in both subjects in the late 1950s (Balogun, 1985: 73)

Governments at federal, state and local levels entrenched Islamic studies and Arabic as subjects for Muslim children at both Primary and Secondary school levels of formal education system. The Qur'anic schools (Makarantar Allo) are being integrated into the formal school system through the provision of teaching staff and syllabi in areas such as English and Arithmetic inline with the provision of the new National policy on Education.

2.19 Summary of the literature reviewed

The various literatures reviewed identified with the fact that Islamic Social Security has existed in its various forms long before the emergence of the modern system of Social Security. The major institutions that provide the Islamic state with funds to finance Islamic Social Security system include *Zakah,Kharaj Sadaqah, Jizyah*, *Ushr*, *Ushur*, *Fay', Waqf, Nafaqah, Ghanimah* and *Mirath*. Scholars who wrote on the Islamic Social Security System and the modern Social Security system introduced by the West observed that the modern Social Security System is limited in scope because it provides

benefit only to those persons who have participated in their contributory scheme. Others who were either too old to join the scheme when it was introduced, or could not join it for one reason or the other are excluded from its benefits. It is therefore a reciprocal service that is provided in return to those who have contributed towards it (Afzal-ur-Rahman, 1990:166).

The modern social security funds come out of the payroll taxes; that is a certain percentage of a workers paycheck goes directly into the social security fund to help provide benefits to current social security recipients. The problem here is that there are some current workers who complain that the system is unsustainable and that after paying into the system their entire working lives, there will be nothing for them to collect in their own retirement years. For example in Nigeria, the Pension Commission has been associated with corrupt practices of mismanagement and looting of pension funds meant for the retired workers in 2012. This coupled with non-payment of retired workers pension made an average Nigerian worker to fear that the new scheme will not benefit him.

Recent attempts to put social security on a more sustainable footing especially in Nigeria centred on privatizing it. That is it was suggested that workers be allowed to invest their own contributions in the stock markets; opting out of the defined benefits of the social security system in favour of a defined contribution system. One major defect in this proposal is that what happens in economic hard times when the payouts from one's private investments diminish or there are widespread business failures that leave retirees with no income at all.

The Social Security services provided by the West in the name of modern Social Security System at times induce people to become idle loafers because the unemployed

can claim Social Security cover (Manzoor, 2006:42). In Nigeria for example, bureaucratic problems have made the pension scheme mal-functional. Though the scheme was introduced as an improvement over the age long Pay-As-You Go scheme (PAYG) it is yet to fulfill the aspirations of Nigerians as the pensioners continue to make unending struggle to get paid on time after retirement.

Nafaqah is a subset of Islamic Social Security System. It is built on the premise that each individual is responsible for his own maintenance. When this failed, others in the society such as husband, parents, sons and relatives provide maintenance for their poor relatives. When all these failed then it becomes the responsibility of the Islamic State to provide the basic needs for the less priviledged and the poor. The state is held responsible for this. The ground of maintenance from an individual (*Munfiq*) to the poor (Mu`sir or Munfaq alayhi) is being attached to *Nikah* or *Zawaj* (marriage), *Milk* (clientage) and *Qarabah* (relationship). The state however is responsible to all that requires such regardless of the religion of such poor citizen if the various arms of the society notably family and relatives failed to provide same. The responsibility of *Nafaqah* becomes that of the State only where other arms of the society such as family, close relatives, neighbourhood and the community have failed to provide (Gusau, 1991: 41 and 59; Ambali, 1998:170; Ghaly, 2008:195).

Gusau (1991) carried out a research on Islamic Social Security System charting out a Social Security scheme for Musliim countries with special focus on Nigeria, inline with the Islamic heritage and experiences in both capitalist and socialist systems. He therefore built a model of Islamic Social Security system. Gusau (1991)'s research could not review 2004 pension reforms in Nigeria which is an improvement over PAYG as the research was conducted in 1991. It did not also address specifically the practice of

Nafaqah among contemporary Nigerian Muslims to which this research intends to lend its intellectual exertion.

Ghifari (1979) conducted a research on Social Security system in Islam. He gave an historical antecedent of Social Security in other systems other than Islam. He analysed Social Security System in Islam, its organization, its operative mechanism during the early periods of the Sahaba and the period of Umar Ibn Abdul-Aziz. However the research was conducted outlining only the history of Islamic Social Security System. The researcher did not include *Nafaqah* as one of the feeders of Social Security system in Islam. The research is historical and did not empirically examine the practice of Islamic Social Security in modern times.

Submissions made by Syed (2009), Zarga (1988), Husayn (1989), Hassan (2008), Hasan (1984) and Karkarku (2009) were not specifically made on *Nafaqah* as practiced in Nigeria.

Syed (2009) conducted his research on Social Security system in Islam giving an overview of the system and explaining the morality inherent in it. He explained the significance of Social Security system in Islam propounding the way it was carried out during the early days of Islam especially during *Khalifah* Umar's time (634 – 644 C.E). He also mentioned some of the feeders of the Social Security system. He did not however expantiate on *Nafaqah* as a feeder of Islamic Social Security.

Zarga (1988) wrote on Islamic distributive scheme outlining such schemes as *Zakah, Jizya, Ghanimah, Fay'*, and others. His research was based on the main Islamic economic promulgations during its early days and he expressed the need for taxation in terms of need.

Husayn (1989) conducted his work on non-Muslims and the law of Social Security in Islam. He examined the way Islamic State during its early days provided for the economic security and social welfare of the Jews and Christians who cannot provide same for themselves because of old age or physical disability. His research did not specifically address *Nafaqah*.

Hassan (2008) carried out his research on Islamic Social Security system advancing it as a way of economic welfare package for Muslim administrators in Nigeria. It did not specifically address the issue of *Nafaqah*.

Hasan (1984) carried out his work on Islamic Social Security System with reference to *Zakah*. He regarded *Zakah* as the most viable feeder of Islamic Social Security Scheme. His research was mainly on *Zakah* and not *Nafaqah*.

Karkarku (2009) conducted his work on the Islamic perspective of Poverty Alleviation. He examined that Muslim scholars are unanimous that it is one of the basic objectives of Shari'ah legal system to cater for the people and relieving them of hardship. He did not however examined in detail the practice of Islamic Social Security. Based on the works reviewed, neither of them dwelt on empirical analyses of the practice of *Nafaqah* in Nigeria. Based on the available literature to the researcher, an attempt has not yet been made to analyse the practice of Islamic Social Security in northern Nigeria.

This research intends to address this area of *Nafaqah* as practiced in some parts of Nigeria.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction.

This chapter explains the way and method this research was carried out utilizing both primary and secondary sources to collect the data. It comprises of research design, population, sample and sampling technique, instrumentation, instrument validation, procedure for data collection and procedure for data analysis

3.2 Research type

The research design that was utilized for this research was descriptive survey type. A descriptive research is a scientific method which involves observing and describing the behavior of a subject without influencing it in anyway. Therefore, the Muslim communities in this research will be observed as they are, based on their practice of *Nafaqah*. This method allows observation without affecting normal behavior and it is used especially in social sciences, to obtain a general overview of the subjects. Through this design, the subjects will be observed in a completely natural and unchanged natural environment.

3.3 Population

This study was conducted in the selected states of Northern Nigeria namely Bauchi, Kaduna, Kano, Katsina, Niger and Sokoto states. Nigeria as a country is divided into Northern and Southern parts, with a population of over hundred and fourty million inhabitants. The two major religions of the country are Islam and Christianity. Islam forms the major religion in the Northern part of Nigeria. Northern Nigeria is divided into three parts namely North West, North East and North Central zones. These parts represent both geographical and political Zones of Northern Nigeria.

According to 2006 population census official Gazette FGNP 17/52007/2,500 (OL24), the population of Northern States of Bauchi, Kaduna, Kano, Katsina, Niger and Sokoto is 33,566,535 with Bauchi having 4,676,465 Kaduna having 6,066,562, Kano having 9,383,682, Katsina having 5,792,578, Niger having 3,950,249 and Sokoto having 3,696,999. The target population is made up of all the Muslims in these four States.

Table 3.1 SHOWING POPULATION ACCORDING TO STATES

States	Population	Percentage Of Sampled Respondents
Bauchi	4,676,465	14
Kaduna	6,066,562	18
Kano	9,383,682	28
Katsina	5,792,578	17
Niger	3,950,249	12
Sokoto	3,696,999	11
TOTAL	33,566,535	100

3.4 Sample and Sampling Techniques

Using Salant and Dillman (1994:55) as a sampling frame, a 50/50 split at 3% sampling error was used to determine a sample of 1104 participants for this study (see Appendix 111). The sample of each State was arrived at using proportion. Therefore the sample for Bauchi was (155), Kaduna was (199), Kano, (309), Katsina, (188), Niger, (132) and Sokoto (121).

The sampling is tabulated in this format:

3.2 TABLE SHOWING SAMPLING ACCORDING TO STATES.

STATE	POPULATION	SAMPLED POPULATION	% OF THE SAMPLED POPULATION
Bauchi	4,676,465	155	14%
Kaduna	6,066,562	199	18%
Kano	9,383,682	309	28%
Katsina	5,792,578	188	17%
Niger	3,950,249	132	12%
Sokoto	3,696,999	121	11%
TOTAL	33,566,535	1104	100%

Eight communities were sampled out in the sampled states using stratified random sampling technique comprising of four Urban and four Rural communities. A total of one thousand, one hundred and four (1104) respondents were sampled.

3.5 Instrument for Data Collection

Two types of instruments were used to collect data for this study. They are researcher designed questionnaire for *Nafaqah* practice among Muslim families (QNPMF) and Islamic Welfare Institutions Observation Schedule (IWIOS).

3.5.1 Questionnaire for *Nafaqah* practice among Muslim families (QNPMF)

The questionnaire is made up of twenty-five items. It is designed to solicit information about the practice of *Nafaqah in* Northern Nigeria. It is divided into two sections. The first section contains biographical data which identified the location of the Muslim family (Rural or Urban) gender of the respondent, status of the respondent in the family, age of the respondent, educational background and religion of the respondent. The second part is a twenty-five item questionnaire based on a 5-point linkert scale i.e. summative rating scale. This forms Section 'B' of the instrument. The items are made up of statements on *Nafaqah* practice among Muslim families. The odd

number items are true statements on *Nafaqah* practice based on Islamic law (Shariah*)*. Whereas the even number items are made up of false statements. A respondent was free to indicate the extent the statements are true about the practice of *Nafaqah* in his area. Each respondent was asked to rate each item on 1 to 5 response scale where:

4 = strongly Agree (SA)

3 = Agree (A)

0 = undecided (UD)

2 = Disagree (D)

1 = Strongly Disagree (SD)

The strength of the practice of *Nafaqah* was based on how a respondent agrees or disagrees with the statement.

3.5.2 Islamic Welfare Institution Observation Schedule (IWIOS)

The Islamic Welfare Institutions Observation Schedule (IWIOS) is another instrument used to complement the information gathered. It is made up of two sections 'A' and 'B'. Section 'A' contains general information, which includes name of such welfare institution, and the State it is located. Section'B' contains six items geared towards identifying whether *Nafaqah* practice exists in such institution and the level of its implementation. It therefore seeks to know the number of beneficiaries, the commencement date and whether the non-Muslims benefit from the programme (see appendix II).

3.5.3 Validity of the Instrument

The researcher's supervisors and other research experts in Ahmadu Bello University Zaria, were given the questionnaire to assess its face and content validity. Their suggestions and amendments were incorporated.

Five Islamic studies experts were also employed to rate the likert items using 1 to 5 rating scale where:

1 = strongly unfavourable to the concept

2 = unfavourable to the concept

0= Undecided

3 = favourable to the concept

4 = strongly favourable to the concept

The experts were employed to judge how favourable each item is with respect to the construct of interest ie *Nafaqah* practice. Their submissions reduced the fourty itemed Questionnaire earlier generated to twenty five through the interrelations between all pairs of items based on the ratings of the experts and throwing out any item that have a low correlation with the total (summed) scored across all items.

3.5.4 Pilot Study

After the items in QNPMF were finally drafted, they were pilot tested in order to determine their reliability. In the pilot run of this study, the QNPMF were administered to Agaie, Badeggi, Bida and Kutigi communities of Bida and Agaie Emirates of Niger State. Seventy QNPMF were administered and 54 were returned. This represents 77% of the total questionnaires given during the study. The subjects used in the pilot study will not be included in the main study.

3.5.5 Reliability of the instrument

The split half co-efficient of reliability was used to determine the reliability of QNPMF. The internal consistency co-efficient of the test was computed to be 0.93. This was a clear indication that the criteria measured possessed adequate reliability for comparing the means of the various groups in the study.

3.6 Procedure for data collection

The questionnaire was administered by the researcher and the research assistants, to Muslim families. The purpose of the questionnaire was carefully explained to the respondents. They were also encouraged to respond individually taking into consideration the confidentiality of the data collected. The illiterate respondents were assisted in completing the questionnaire by the researcher and by research assistants.

The researcher also identified the Islamic Welfare Institutions available in the sampled communities. He employed the heads of such institutions to respond to the observation schedule accordingly.

3.7 Procedure for data analyses

After the QNPMF was administered and data collected from the respondents, each item in section 'B' of the questionnaire was critically examined to make sure that they were properly completed. The QNPMF items were then scored in this form: any 'S.A' which was ticked against any statement with odd number item was scored 4 while 'A', 'UD', 'D', 'SD' of such item were awarded 3,0, 2 and 1 respectively. The response value of the even number items was reversed in this form: 'SA'= 1, 'A'='2', 'UD'='0', 'D'=3, 'SD'='4'. Where a respondent failed to tick any column of a particular item of QNPMF or tick more than one column against a particular item, such item was scored 'O' mark. This is because the researcher assumed that such respondent has no idea about the statement under consideration. The scores were summed up.

The chi-square statistics was used to test hypotheses 1-8. The chi-square test always test null hypothesis, which states that there is no significant difference between the expected and observed result. Tables of the Statistical Package of Social Sciences (SPSS); Minitab, instat+ for windows and Instat graph statistical softwares were employed to analyse the result. These softwares guide the user through a four-step process; defining the data type, entering data, choosing a statistical test and presenting the results.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.1 Introduction

In Islam *Nafaqah* (maintenance) is all – encompassing and covers areas such as *It'am* (feeding), *Sukna* (habitation) and *Kiswah* (clothing). In other words, it involves

expenses by the *Munfiq* (Provider) pertaining to feeding expenses, clothing, rent and household goods, i.e. accommodation. These needs are modified in accordance with the area of domicile (i.e. city, town and village) and with one's kith and kin.

The application of *Nafaqah* does not only stop on free (not a slave) human beings alone, but it extends to slaves or servants and even to animals. al-Jaza'iry (2001:387-388) identified six categories of individuals upon which *Nafaqah* (maintenance) is required, these are:

1. Husband upon his wife
2. The husband upon his pregnant wife who is irrevocably divorced by him
3. Adult children upon their poor/aged parents.
4. Father upon his minor children
5. Master upon his servant.
6. Owners of domestic animals upon the domestic animals.

The 25 items in the questionnaire were generated by the researcher taking into cognisance the significance of food, clothing, shelter, medical care and education as vital components in Nafaqah. This is in line with the prophet's *Hadith* as reported by Uthman Ibn Affan who quoted the Prophet (S. A.W.) saying:

ليس لإبن ءادم حق فى سوى هذه الحصال: بيت يسكنه, وثوب يواري عورته, وجلف الخبز والماء.
(رواه الترمذى)

> The son of Adam has no better right than he would have a house wherein he may live, and a piece of cloth whereby he may hide his nakedness and a piece of bread and some water (Tirmidhi: 4:2341, Babu minnah)

The above quoted Hadith has strengthen the importance of provision of food, shelter, clothing and the mentioning of water denotes life, which may include health facilities and education as observed by Ibn Taymiyyah (d.1328 C.E.) that a sick wife is

unquestionably entitled to full maintenance of the husband, this is also in the opinion of the four founders of the major schools of law (i.e) Abu-Hanifah, Malik, Shafi'i, and Hanbal. Murad (2004:391) contended that it is the right of a wife to be educated by her husband. Furthermore, the principles of *Istihsan* (a moral and practical consideration that overrules the formalities of law), consider as a duty on *Munfiq* (provider) to provide *Nafaqah* to *munfaq alayhi* (the person maintained). Thus, the 25 items generated for the QNPMF explained the rate of people's opinions on the way and manner *Nafaqah* is practiced among Muslims in the Northern part of Nigeria. Analysis of each of the responses for the 25 items generated for the questionnaire is presented in simple percentages as follows:

4.2 Analysis of Responses to the Items Generated For NPMF Questionnaire

The Researcher administered a total of 1,104 Questionnaires in the six Northern States of Nigeria, namely, Bauchi, Kaduna, Kano, Katsina, Niger and Sokoto States. Though, only 1,053 Questionnaires were returned, all efforts by the researcher and his assistants to recover the remaining 47 Questionnaires proved abortive especially in Kaduna State. Therefore, the following analyses and inferences were based on the submission of 1,053 respondents.

SECTION A: Bio-data

Table 4.1: Location of Muslim Family

Location	Frequency	Percentage
Urban	482	46
Rural	571	54
Total	1053	100%

Source: Questionnaire data 2012.

The table 4.1 above shows the residential area of the respondents as at the period of administering the Questionnaire. 482 respondents represented by 46% were residents in

urban centres while, 571 respondents represented by 54% were residents in rural areas. Eight communities were earlier on sampled out in the sampled states comprising of four Urban and four Rural communities

Table 4.2: Education Background

Educational Background	Frequency	Percentage
Islamic Education	287	27.3
Western Education	73	6.9
Both Islamic and Western Education	693	65.8
Total	1,053	1,00%

Source: Questionnaire data 2012

Table 4.2 above reveals the educational background of the respondents as at the time of conducting this research. 287 have acquired Islamic Education only, thus representing 27.3%, while 73 respondents representing 6.9% have acquired Western Education only. While 693 respondents representing 65.8% have acquired both Western and Islamic Education.

SECTION B: Analysis

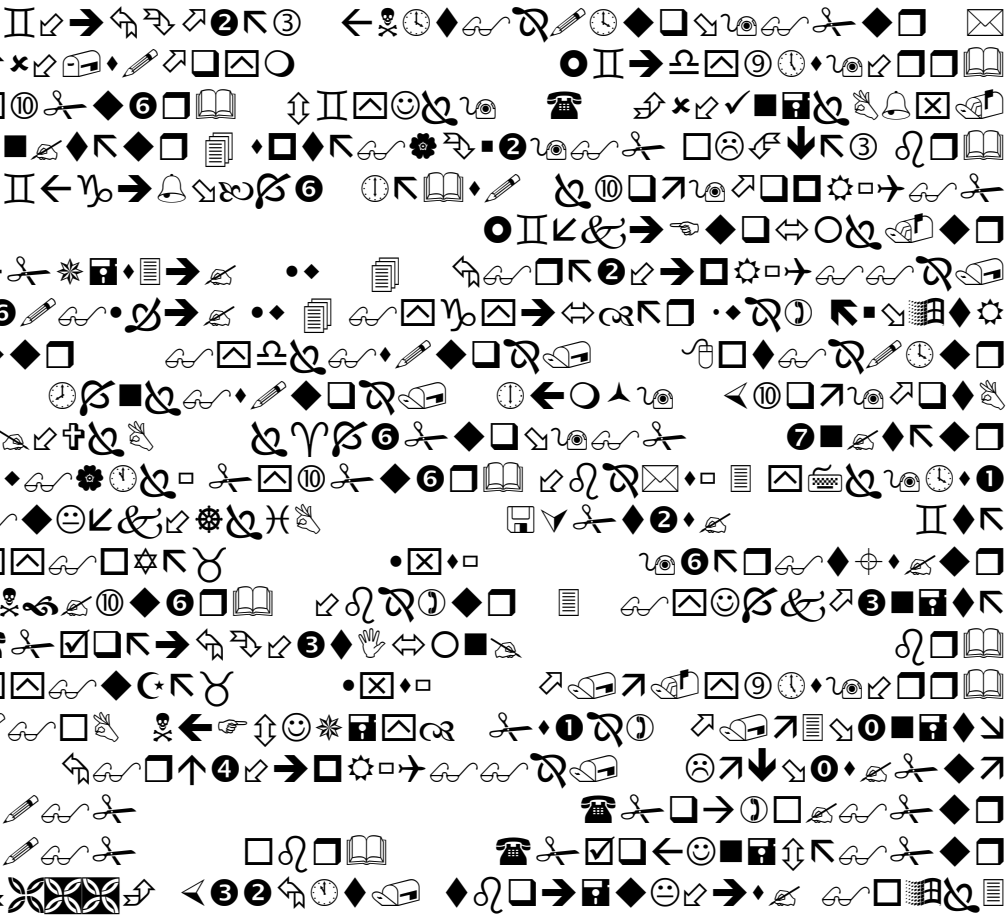
The following table shows the opinion of respondents over the assumption of fatherly responsibilities especially as it relates to *Nafaqah* to their male children up to the age of maturity.

Table 4.3: Fathers provide *Nafaqah* (maintenance) to their male children up to the age of maturity

Response	Frequency	Percentage
SA	811	77
A	176	16.7
U	31	3
D	16	1.5
SD	19	1.8
Total	1053	100

Source: Questionnaire 2012

Table 4.3 revealed that 811 & 176 respondents representing 77% and 16.7% strongly agreed and agreed respectively that the fathers provide *Nafaqah* to their male children while 16 and 19 respondents representing 1.5% and 1.8% respectively show that the fathers do not provide *Nafaqah* to their male children. Thus, 31 respondents represented by 3% remained undecided over the assumption. The implication of this data is that the 35 respondents that responded disagreed and strongly disagreed may be explaining the non-challant attitude exhibited by some parents over their male children's feeding.The Qur'an 2:233:



(سورة البقرة ٢٣٣)

The mothers shall give suck to their offspring for two whole years, if the father desires to complete the term. But He shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child. Nor father on account of His child, an heir shall be chargeable in the same way. if They both decide on weaning, by mutual consent, and after due consultation, there is no blame on them. If ye decide on a foster-mother for your offspring, there is no blame on you, provided ye pay (the mother) what ye offered, on equitable terms. But fear Allah and know that Allah sees well what ye do.

Based on the verse quoted, it is the father's responsibility to provide sustenance to their children. Prophet Muhammad (S.A.W) instructed Hind, the wife of Abu-Sufyan to take sufficient provision for herself and her children on equitable terms from her

husband's (Abu-Sufyan) property when she complained about the stinginess of her husband over maintenance (Bukhari 7:277). The Prophet (S.A.W) also explained that the spending that attracts highest reward is the one an individual Muslim spent on his wife and children (Muslim 3:2358; Bab Fadlul Nafaqati alal Iyali wal Mamluk).

In contemporary Nigeria, parents neglect providing *Nafaqah* to their children based on what is revealed in the young school age children roaming about the streets to seek for sustenance.

The following table shows the opinion of the respondents on fatherly responsibilities especially as it relates to *Nafaqah* to their female children.

Table 4.4: Fathers do not provide Nafaqah (maintenance) to their female children up to the time of their marriage.

Response	Frequency	Percentage
SA	91	9%
A	63	6%
UD	14	1.3%
D	214	20%
SD	671	63.7%
Total	1053	100

Source: Questionnaire 2012

Table 4.4 revealed that 91 and 63 respondents representing 9% and 6% strongly agreed and agreed respectively that fathers are not carrying out the responsibility for the provision of *Nafaqah* to their female children up to the time of their marriage. Whereas 214 and 671 representing 20% and 63.7% disagree and strongly disagree respectively that fathers are not carrying out the responsibility of providing *Nafaqah* to their female children up to the time of their marriage. 14 out of the respondents representing 1.3% remained undecided over the item. This finding reveals that 154 respondents that responded strongly agreed and agreed explains the fact that 15% of the respondents agree with the fact that fathers are not carrying out their responsibility for the *Nafaqah* of their female children. This is not in tune with the Islamic injunction. Fathers in Islam are responsible for the provision of Nafaqah to their female wards until they get married. (al-Maliki, n.d:185). Parents are encouraged to provide *Jihaz* (trousseau) to their daughters when they are wedded. *Jihaz* signifies the amount of household linen, furniture and other belongings contributed by either the family of the bride or the bride herself to the marriage (Isma'il,1997:2;45-46; Salim, 2010:159-160). It is distinguished from *Mahr* (dowry) because *Mahr* is an arrangement between the bride and her future husband by which the groom pays certain sum of money or its equivalent to the bride at the signing of the marriage agreement. The *Jihaz* is not *Nafaqah* either, because *Nafaqah* in marriage is the material support comprising food, clothing and shelter given

by the husband to his wife as soon as the marriage took place or is consummated. In Hausa land which comprises the area of the present study, a form of *Jihaz* takes place called '*Kayan daki'* which according to Mallam Bashir Usman (2012) is a form of traditional contribution to the bride by both parents. The father of the bride contributes household furnitures while the mother contributes cooking utensils. This is in line with the following *hadith* of the prophet (S.A.W):

عن علي رضي الله عنه قال : جهز رسول الله صلى الله عليه و سلم فاطمة في خميل وقربة ووسادة حشوها إذخر

It was narrated that Ali, may Allah be pleased with him who said: "the messenger of Allah (S.A.W) fitted out Fatimah with a velvet dress, a water-skin and a pillow stuffed with *Idhkhar*. (Sunan an-Nasai, 81:3386; 6:3384)

Muslim scholars such as Abu Hanifah, al-Shafii, Ahmad, Ibn Hazm explained that a bride should not use her *Mahr* (dowry) in providing for *Jihaz.* In most cases, the bride or her father provides and once it is given to her by her parents, it becomes her property. Her family cannot claim it as part of their estate unless it was given as a loan on agreement, under such circumstance, they demand the return of the *Jihaz* (Salim, n.d. 159-160; Sabiq, 1987,2: 153-154).

The groom cannot also have claim on the jihaz. According to Imam Malik in Sabiq (1987, 2:153) the husband can access and utilize the *Jihaz.* It is therefore an obligation for parents especially the father to provide for the maintenance of their female child up to the time of her marriage. The *Nafaqah* of the father terminates after the consummation of marriage of his daughter by the groom.

The following table shows the opinion of the respondents on the responsibility of parents in sending their children to acquire education.

Table 4.5: Parents send their children to school

Response	Frequency	Percentage
SA	599	56.9
A	333	31.6
UD	68	6.5
D	27	2.6
SD	26	2.4
Total	1053	100

Source: Questionnaire 2012

Table 4.5 revealed that 599 and 333 respondents representing 56.9% and 31.6% strongly agreed and agree respectively that parents send their children to school in Northern Nigeria. While 27 and 26 respondents representing 2.6% and 2.4% disagree and strongly disagree respectively that parents send their children to school. 68 respondents representing 6.5% remained undecided over the item. The table indicated the high rate of consciousness existing among parents over their children's education

and the importance attached to it. Both the Qur'an and hadith emphasized on the significance of knowledge. For example Qur'an 35:28 explains:

...إنما يخش الله من عباده العلماء

…those truly fear Allah, among His servants who have knowledge …

The Prophet (S.A.W) also expressed the necessity of knowledge to generality of Muslims regardless of their status, male or female. The following narrations substantiate the statement:

طلب العلم فريضة على كل مسلم...

Seeking for knowledge is compulsory upon every Muslim.

(Sunan Ibn Majah 1:224 Babu fadlu al-ulama'i walhasu ala talabu al-ilm).

Table 4.6: Breadwinners do not provide adequate feeding for their wards everyday.

Response	Frequency	Percentage
SA	148	14.1
A	146	14
UD	207	19.7
D	264	25.1
SD	288	27.1
Total	1053	100

Source: Questionnaire 2012

Table 4.6 revealed that 148 and 146 respondents representing 14.1% and 14% strongly agree and agree respectively that breadwinners do not provide adequate feeding to their wards every day. Whereas 264 and 288 respondents representing 25.1% and 27.1% disagree and strongly disagree respectively that, breadwinners do not provide adequate meals everyday to their wards. 207 of the respondents representing 19.7% remained undecided over the issue. It is true that Islam encouraged the breadwinners to provide adequate meals everyday. (Murad, 2004:508). This is exemplified by Umar (R.A), the second Khalifah, when he gave the people of al-Wali subsistence and served two *Jara'ib* of wheat to 30 less priviledged as Nafaqah during his reign. Jareeb is the singular of Jara'ib which signified a measure of milled wheat made into bread and steeped into soup. At that time one jareeb was adequate for thirty people as their meal in a day (Mawardi, 1996:286). This has earlier been explained in details in chapter two. It is therefore pertinent for some Muslims in Nigeria to embrace the practice of providing adequate meals as *Nafaqah* to the entitled individuals.

The following table shows the opinion of the respondents on the responsibility of the children to feed their poor non-Muslim parents.

Table 4.7: Children feed their non-Muslim parents if they are poor.

Response	Frequency	Percentage
SA	542	52
A	320	30
UD	73	7
D	56	5
SD	62	6
Total	1053	100

Source: Questionnaire 2012

Table 4.7 reveals that 542 and 320 respondents representing 52% and 30% strongly agree and agree respectively that children feed their non-Muslim parents if they are poor. Where 56 and 62 respondents representing 5% and 6% disagree and strongly disagree respectively that children feed their poor non-Muslim parents. 73 respondents representing 7% were undecided over the item.

This explains the fact that Muslim children in Northern Nigeria are feeding their non-Muslim parents if they are poor based on the practice of the areas under study. As explained in (al- Askari d.732 A.H:250; al-Dardir, 2009:140).For example, al-Askari (d732:250) explained that it is incumbent upon an affluent to maintain his or her poor parents who cannot earn (means of livelihood) even if they happened to be non-Muslims and(for such affluent to) safe-guard the chastity and honour of the father.

The following table shows the opinion of the respondents on the assumption that fathers provide accommodation to their children and wives according to their means.

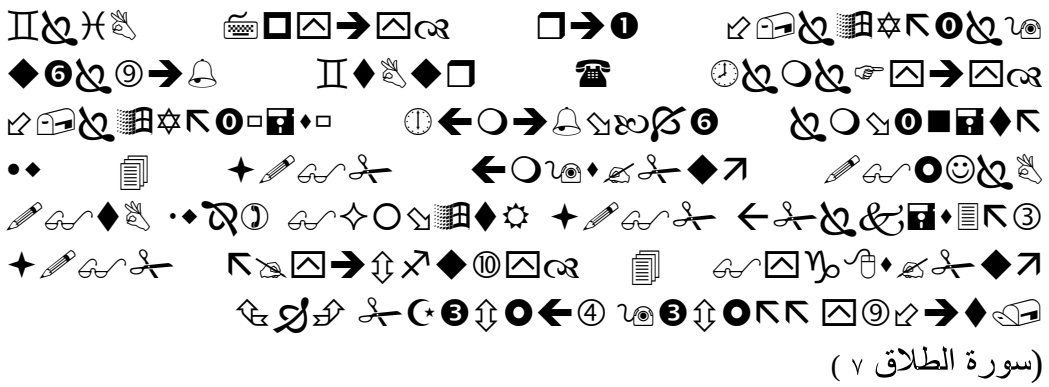
Table 4.8 Fathers neither provide accomdation to their children (Male or Female) nor to their wives according to their means.

Response	Frequency	Percentage
SA	98	9
A	91	8

UD	48	5
D	209	20
SD	607	58
Total	1053	100

Source: Questionnaire 2012

Table 4.8 shows that 98 and 91 respondents representing 9% and 8% strongly agree and agree respectively that fathers neither provide accommodation to their children (male or female) nor to their wives according to their means. Whereas 209 and 607 respondents representing 20% and 58% disagree and strongly disagree and maintain that fathers provide accommodation to their children and wives. 48 respondents representing 5% were undecided on the item. This signifies that most Muslim parents provide accommodation to their children and wives in Northern Nigeria according to their means. This is in accordance with the injunction of the Qur'an 65:7.



(سورة الطلاق ٧)

> 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. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief.

The following table shows the opinion of the respondents on the provision of *Nafaqah* by Muslims to their poor relatives.

Table 4.9: Muslims provide Nafaqah to their poor relative(s)

Response	Frequency	Percentage
SA	409	39

A	394	37.4
UD	116	11
D	78	7.4
SD	56	5.2
Total	1053	100

Source: Questionnaire 2012.

Table 4.9 revealed that 409 and 394 respondents representing 39% and 37.4% strongly agree and agree respectively that relatives provide *Nafaqah* to their fellow poor relative(s), whereas 78 and 56 respondents representing 7.4% and 5.2% strongly disagree that relatives provide *Nafaqah* to their poor relatives. Out of this figure, 116 respondents representing 11% of the population were undecided over the item.

On the issue of obligation on provision of *Nafaqah* to relation, there are divergent of opinion of Muslim Jurists over the extent of relationship. The Maliki School takes the strictest side and opined that the obligation of *Nafaqah* should only be on the parents (i.e. father and mother) and their children and vice-versa. The Shafii School extended this circle of obligation of *Nafaqah* to include grandparents how so ever high and grand children how soever low. The Hannafi jurists included *Mahram* (i.e. those relatives forbidden for a Muslim to marry) such as brothers, sisters, Uncles, and aunts. The Hanbali School observed that *Nafaqah* is obligatory upon those who inherit each other based on the principle of *al-ghurm bil ghunm* (ie. Liability is linked to gain). This signifies that sufficient maintenance should be provided for the poor by his rich relatives who will inherit him if he dies. Thus, the amount of maintenance is distributed among them according to the share of their inheritance from him. (Isma'il, 1997:2:166-169) Majority of the Muslims in the Northern part of Nigeria have embraced the Hanbali School's option in treating the issue of obligation of *Nafaqah* based on their level of altruism and sympathy which had existed in Hausa land even before the advent of Islam. Result from this study showed that 76.4% of the respondents opined that Muslims provide *Nafaqah* for their poor relatives and only 12.6% disagree with this opinion.

The following Table shows the opinion of the respondents on *Nafaqah* responsibility in Muslim family for children as a shared responsibility between the husband and wife.

Table 4.10: Nafaqah responsibility in Muslim family for children is shared between the husband and wife.

Response	Frequency	Percentage

SA	155	14.7
A	257	24.4
UD	144	13.7
D	159	15.1
SD	338	32.1
Total	1053	100

Source: Questionnaire 2012

Table 4.10 revealed that 155 and 257 respondents representing 14.7 % and 24.4% strongly agree and agree respectively that *Nafaqah* responsibility in Muslim family for children is shared between the husband and the wife, whereas 159 and 338 respondents representing 15.1% and 32.1% disagree and strongly disagree respectively with this contention. 144 respondents representing 13.7% remained undecided on the item. In Islam, the husband is solely responsible in providing *Nafaqah* for the children. It is infact an obligation upon him as a father. It is not a shared responsibility between the wife and the husband. The wife will however get the reward of her assistance to make the home a better place to live (Qur'an 2:233). Based on the opinion of the Muslims from the rural and urban communities of Northern Nigeria on the practice of *Nafaqah,* 39.1% of the respondents believed that *Nafaqah* for children is a shared responsibility between the husband and the wife. This stressed the need for enlightenment and advocacy toward making husbands aware of their *Nafaqah* responsibilities towards their wives and children.

The following Table shows the opinion of the respondents on the immediate response of fathers to their children's sickness.

Table 4.11: Fathers respond to their children's sickness.

Response	Frequency	Percentage
SA	669	63.5
A	277	26.3
UD	11	1
D	59	5.6
SD	37	3.5
Total	1053	100

Source: Questionnaire 2012

Table 4.11 revealed that 669 and 277 respondents representing 63.5% and 26.3% strongly agree and agree respectively that fathers respond to their children's sickness. Whereas 59 and 37 respondents representing 5.6% and 3.5% disagree and strongly disagree respectively with the statement that fathers respond to their children's sickness. 11 respondents representing 1% were undecided on the item.

This result identified with the fact that parents respond to their children's sickness, in Northern Nigeria. Muslim researchers such as Sabiq (1987:154), Gusau (1991:242) and Doi (1984:204) included medical-care as part of *Nafaqah* provision to the eligible individuals. The researcher concur with these scholars on this view based on the principle of *Istihsan.* Based on the result of the findings 89.9% of the people opined that fathers respond to their childrens' sickness. This is in contrast to 9.1% of those who disagree with the statement.

The following table shows the views of the respondents on the responsibility of parents to provide at least two pairs of dress for their children every year.

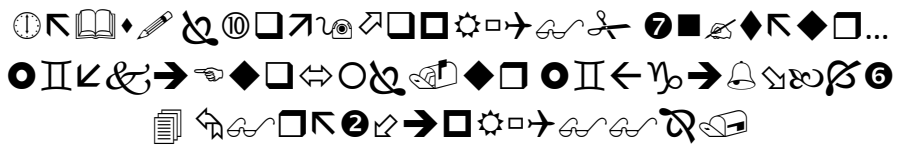
Table 4.12: Muslim parents do not provide dress for their children every year.

Response	Frequency	Percentage
SA	82	7.8
A	91	8.6
UD	99	9.4
D	273	25.9
SD	508	48.3
Total	1053	100

Source: Questionnaire 2012

Table 4.12 revealed that 82 and 91 respondents representing 7.8% and 8.6% strongly agree and agree respectively that Muslim parents do not provide dress for their children every year. Whereas 273 and 508 respondents representing 25.9% and 48.3% disagree and strongly disagree with the statement that Muslim parents do provide dress for their children every year, 99 respondents representing 9.4% remained undecided over the item.

Kiswah (clothing) is one of the necessities of life promoted by the institution of *Nafaqah.* It is the consensus of Muslim Scholars and jurists that *Kiswah* is one of the components of *Nafaqah.* Parents are therefore encouraged to provide clothing for their children (Murad, 2004:508, Sabiq, 1987: 162). This is in consonance with Qur'an 2:233:



(سورة البقرة ٢٣٣)

But he (the father) shall bear the cost of their food and clothing on equitable terms

Based on the findings of this study 74.2% of the respondents agree that Muslim parents provide clothing for their children. This study agreed with Murad (2004:508) when he recommended at-least two types of dress for the protection of heat and cold in a year.

The following table shows the views of the respondents on the commencement of *Nafaqah* to a wife by her husband after the consummation of marriage.

Table 4.13: Nafaqah (maintenance) of a wife commences after the consummation of Marriage.

Response	Frequency	Percentage
SA	547	51.9
A	271	25.8
UD	104	9.8
D	66	6.3
SD	65	6.2
Total	1053	100

Source: Questionnaire 2012

Table 4.13 revealed that 547 and 271 respondents representing 51.9% and 25.8% strongly agree and agree respectively that *Nafaqah* to a wife commences after the consummation of marriage whereas 66 and 65 respondents representing 6.3% and 6.2% disagree and strongly disagree respectively with this contention. 104 respondents representing 9.8% remained undecided over the item. In both Maliki and Shafi'i schools of jurisprudence, a woman is entitled to *Nafaqah* only after the consummation of marriage. This is perhaps in line with the practice of the Prophet (S.A.W) who married Aisha (R.A) and only gave her *Nafaqah* after the consummation of their marriage two years later. (Sabiq,1987:156-157). Based on the results of this study, majority of the Muslims in the selected states of Northern Nigeria are strictly following the Maliki school preponderance because 77.7% of the respondents opined that *Nafaqah* commences after the consummation of marriage in the selected states of Northern Nigeria. The researcher also shared this same opinion as it is in line with the practice of the prophet (S.A.W).

The following table shows the opinion of the respondents on the assumption that husbands are not responsible for the provision of *Nafaqah* during Iddah for a woman who is revocably divorced.

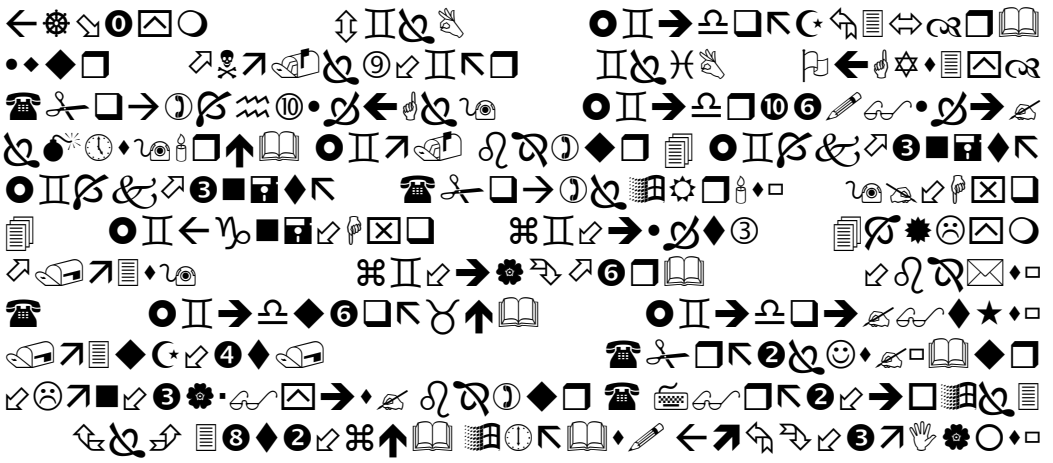
Table 4.14: Nafaqah of a woman who is revocably divorced (one or two pronounciation of divorce) is not provided by her husband during iddah (waiting period).

Response	Frequency	Percentage

SA	118	11
A	137	13
UD	153	15
D	257	24
SD	388	37
Total	1053	100

Source: Questionnaire 2012

Table 4.14 revealed that 118 and 137 respondents representing 11% and 13% strongly agree and agree respectively that *Nafaqah* for a woman who is revocably divorced is not provided by her husband during *iddah* whereas 257 and 388 respondents representing 24% and 37% disagree and strongly disagree with this statement. 153 respondents representing 15% remained undecided over the item. Under *Shari'ah* (Islamic law), a woman who is revocably divorced is entitled to *Nafaqah* during *Iddah* (waiting period) from her husband. This agrees with the exhortation of the Qur'an 65:6:



سورة الطلاق ٦

> Let the women live (in *'iddah*) in the same style As ye live, according to your means: annoy them not, so As to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. And if ye find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf.

The first phrase in this verse signifies that a husband who revocably divorces his wife should not remove her from where she was leaving before the divorce. Thus she should be allowed to observe her iddah (waiting period) in the same place of her accommodation. He should provide her with maintenance (accommodation and feeding) and treat her honourably as there is room for reconciliation and if not, the parting must be honourable. Findings of this study showed that only 61% of the respondents attest to the fact that *Nafaqah* for a woman who is revocably divorced is provided by her husband during her *Iddah* period. This requires a concerted effort by both the Scholars and *Shari'ah* inclined states of Nigeria to address the level of ignorance among the

Muslims in the selected Northern States through public enlightenment by way of preaching and sponsoring programmes that will lead to such understanding.
The following table shows the opinion of the respondents on the assumption that *Nafaqah* is provided by the husband who irrevocably divorced his pregnant wife.

Table 4.15: Nafaqah for a woman who is irrevocably divorced (i.e. three pronouncements of divorce) but pregnant is provided by her husband who divorced her.

Response	Frequency	Percentage
SA	537	51
A	284	27
UD	102	10
D	88	8
SD	42	4
Total	1053	100

Source: Questionnaire 2012

Table 4.15 revealed that 537 and 284 respondents representing 51% and 27% strongly agree and agree respectively that *Nafaqah* is provided by the husband of a woman who is irrevocably divorced but pregnant. Whereas 88 and 42 respondents representing 8% and 4% disagree and strongly disagree with the statement, 102 respondents representing 10% remained undecided over the item. Findings from this study revealed that about 78% of the respondents opined that *Nafaqah* in the selected states of Northern Nigeria is provided to a pregnant woman who is irrevocably divorced. This is in agreement with the stipulations of *Shari'ah* based on the prophet's *hadith* when Fatima the daughter of Qais complained about her husband's refusal to give her maintenance after giving her triple divorce. The prophet (S.A.W) said:

لا نفقة لك إلاّ أن تكونى حاملا

"There is no *Nafaqah* for you except if you are pregnant".

(Abu Dawud 1:2290).

The following table shows the opinion of the respondents on the assumption that it is not obligatory for a husband to provide *Nafaqah* to his wife especially if she is rich.

Table 4.16: A husband does not provide Nafaqah to his wife especially if she is rich.

Response	Frequency	Percentage
SA	65	6
A	84	8

UD	45	4
D	291	28
SD	568	54
Total	1053	100

Source: Questionnaire 2012

Table 4.16 revealed that 65 and 84 respondents representing 6% and 8% strongly agree and agree respectively that husbands are not providing *Nafaqah* to their wives especially if they are rich. This is contrary to the provision of the *Shariah* which stipulates that wives should be provided with *Nafaqah* by their husbands even if the wives are rich (Sabiq, 1986:154).Whereas 291 and 568 respondents representing 28% and 54% disagree and strongly disagree respectively with the statement. This is in line with the provision of *Shariah* (Sabiq, 1986:154). 45 respondents representing 4% remained undecided on the item.

The following table shows the respondents opinions on the statement which stipulates that the wife who is irrevocably divorced cannot claim *Nafaqah* from the husband who divorced her.

Table 4.17: The wife who is irrevocably divorced (i.e. three pronouncement of divorce) cannot claim Nafaqah from the husband who divorced her.

Response	Frequency	Percentage
SA	452	42.9
A	253	24
UD	146	13.9
D	104	9.9
SD	98	9.3
Total	1053	100

Source: Questionnaire 2012

Table 4.17 revealed that 452 and 253 respondents representing 42.9% and 24% strongly agree and agree respectively that the wife who is irrevocably divorced cannot claim *Nafaqah* from the husband who divorced her. This response is in concord with the provision of *Shari'ah.* The case of Fatima *bint* Qais is a point of reference here that was served with three divorce (i.e. irrevocable) during the time of the Prophet (S.A.W). When the case was reported to the Prophet, he said:

ليس لها سكنى ولا نفقة

She has no right to accommodation or maintenance (Muslim 44:1480).

104 and 98 respondents representing 9.9% and 9.3% disagree and strongly disagree respectively with the statement. 146 respondents representing 13.9% were undecided over the item.

The following table shows the opinion of the respondents on the assumption that it is not an obligation upon the husband to provide *Nafaqah* to his sick wife.

Table 4.18: Husbands do not provide *Nafaqah* to their Sick Wives

Response	Frequency	Percentage
SA	79	7.4
A	76	7.3
UD	69	6.6
D	217	20.6
SD	612	58.1
Total	1053	100

Source: Questionnaire 2012

Table 4.18 revealed that 78 and 77 respondents representing 7.4% and 7.3% strongly agree and agree respectively with the statement which stipulates that it is not an obligation upon the husband to provide *Nafaqah* to his sick wife. Whereas 217 and 612 respondents representing 20.6% and 58.1% disagree and strongly disagree respectively with such statement. 69 respondents representing 6.6% remained undecided over the item. The issue of *Nafaqah* to a sick wife has been an issue Muslim Scholars and Jurists held divergent opinion. Ibn Taymiyyah (1263-.1328 C.E) opined that the four founders of the major schools of law (i.e. Imam Abu-Hanifah, Imam Malik, Imam Shafi'i and Imam Hanbal) observed that a sick wife is unquestionably entitled to full *Nafaqah* by the husband (Abdal'Ati, 1982:151-153). This is the majority view. Perhaps, the magnanimity of Islam over maintenance led Ali (1989:681) to comment:

> With us, the worship of Allah is linked up with kindness-to parents, kindred those in want, those who are far from their homes though they may be total strangers to us. It is not mere verbal kindness. They have certain rights which must be fulfilled.

Kindred signifies ones family and relatives. Scholars and researchers such as Sabiq (1987:154), Abdul-Ati (1982:151-153), Salim (n.d. 180-181), Ambali (1998:172-173) supported the view that *Nafaqah* should be provided to a sick wife. This researcher is of the opinion that *Nafaqah* should be provided to a sick wife as she still enjoys the contract that binds her together with her husband. The result of the findings revealed that 78.7% of the respondents opined that it is the responsibility of the husband to provide *Nafaqah* to his sick wife. Al-Jaziri (1987:568) observed that it is one of the conditions of incumbency of *nafaqah* in Maliki school that for a woman to enjoy *Nafaqah* (maintenance) she should not be in a state of severe sickness that can lead to lost of life.

The following table shows the opinion of the respondents on the statement; "it is not obligatory for a husband to offset medical bills or provide medicine to his wife".

Table 4.19: Husbands neither offset medical bills nor provide medicine to their wives

Response	Frequency	Percentage
SA	136	12.9
A	9	0.9
UD	198	18.8
D	252	23.9
SD	458	43.5
Total	1053	100

Source: Questionnaire 2012

Table 4.19 revealed that 136 and 9 respondents representing 12.9% and 0.9% strongly agree and agree respectively that husbands are not to offset medical bills or provide medicine to their wives. Whereas 252 and 458 respondents representing 23.9% and 43.5% disagree and strongly disagree respectively with the statement, 198 respondents representing 18.8% remained undecided over the item. Closely linked to the issue of *Nafaqah* to a sick wife is the assumption that sought to identify the practice of settling medical bills by the husbands for their sick wives or providing medicine and medication for them in Northern Nigeria. This is an area where Muslim jurists, scholars and researchers shared varying views (Salim, 180-181; al-Dardir, 2009:139). In accordance with the principles of *Istihsan* - a moral and practical consideration that overrules the formalities of law, the researcher opined it is the husband's obligation to provide for, or offset her medical bills since she is still his mate whose companionship he enjoys. Based on the result of this finding, it seems Muslims in the Northern part of Nigeria where this research was carried out are taking it upon themselves as a responsibility to provide medicine to their sick wives as 67.4% of the respondents opined, based on the practice in their areas, that husbands offset medical bills or provide medicine for their wives.

The following table shows the opinion of the respondents on the statement which states that it is not the responsibility of a wife to provide *Nafaqah* to her minor children when the husband (i.e. their father) is alive and he is rich.

Table 4.20: A wife does not provide Nafaqah to her minor children when her husband (i.e. father) is alive and rich.

Response	Frequency	Percentage
SA	417	40
A	211	20
UD	173	16
D	151	14

SD	101	10
Total	1053	100

Source: Questionnaire 2012

Table 4.20 revealed that 417 and 211 respondents representing 40% and 20% strongly agree and agree respectively that it is not the responsibility of a wife to provide *Nafaqah* to her minor children when their father is alive and he is rich. Whereas 151 and 101 respondents representing 14% and 10% disagree and strongly disagree respectively with the statement, 173 respondents remained undecided over the item. This represents 16% of the respondents. In Islam, *Nafaqah* is the responsiblility of the father to his minor children as long as he is rich (Q 2:233). Result of this study revealed that only 60% of the respondents are aware of such responsibility as it is practiced in the selected States of Northern Nigeria based on *Shari'ah.* Experience had shown that in the north fathers whose responsibility it is to maintain their children leave the mothers in agony to fend for their children. They abandon their children and wives and journeyed into the cities and towns of Nigeria looking for jobs of the dry season (ci rani). Some never come back to their wives and children. This is also associated with the rate of poverty common in the north especially among rural dwellers. This could be curtailed if jobs are created and basic infrastructural facilities such as road, hospitals and electricity are provided for the rural dwellers.

The following table shows the opinion of the respondents over the claim for *Nafaqah* of a pregnant woman who separated from her husband through *Lian* (Imprecation).

Table 4.21: A woman seprated from her husband through Lian (imprecation) can claim Nafaqah especially if she is pregnant.

Response	Frequency	Percentage
SA	318	30.2
A	235	22.3
UD	216	20.5
D	123	11.7

SA	161	15.3
Total	1053	100

Source: Questionnaire 2012

Table 4.21 revealed that 318 and 235 respondents representing 30.2% and 22.3% strongly agree and agree respectively with the assumption which explains that a woman separated from her husband through *Lian* (imprecation) claims *Nafaqah* especially if she is pregnant. Whereas 123 and 161 respondents representing 11.7% and 15.3% disagree and strongly disagree respectively with the statement. 216 respondents representing 20.5% remained undecided on the item. The implication of this result is that based on the responses of the respondents, it seems that many Muslim families in the area of the research are not aware of the fact that based on the *Shariah* stipulations, a woman who has separated from her husband by way of *lian* whether pregnant or not has no claim for *Nafaqah* from such husband. (Kairawani, 1994:79, Isma'il; 1997:153). This is because their separation is not based on either normal divorce or death. All the Muslim jurists agreed to this except Abu-Hanifah who explained that she is entitled to accommodation and maintenance. This is because he saw '*Lian'* as *talaq* (divorce). Therefore according to him whatever a divorced pregnant woman is entitled to, a woman who is imprecated is also entitled to such. (Isma'il, 1997: 153).

The following table shows the opinion of the respondents over the claim for *Nafaqah* of a divorced pregnant woman by Khul` (at her instance).

Table 4.22: A woman who was divorced through Khul' (divorce at the instance of the wife) is entitled is entitled to Nafaqah if she is pregnant.

Response	Frequency	Percentage
SA	314	29.8
A	390	37
UD	192	18.2
D	69	6.6
SD	88	8.4
Total	1053	100

Source: Questionnaire 2012

Table 4.22 revealed that 314 and 390 respondents representing 29.8% and 37% strongly agree and agree respectively that a woman who was divorced through Khul' (at her instance) is entitled to *Nafaqah* if she is pregnant. (Kairawani, 1994:79). Out of the figures 69 and 88 respondents representing 6.6% and 8.4% disagree and strongly disagree respectively with this statement, 192 respondents representing 18.2% remain undecided over the item.

The following table shows the opinion of the respondents over the entitlement to *Nafaqah* by a woman observing *iddat-ul-wafat*.

Table 4.23: A woman observing her *iddat-ul-wafat* (waiting period for mourning) is entitled to *Nafaqah*.

Response	Frequency	Percentage
SA	362	34.4
A	351	33.3
UD	144	13.7
D	104	9.9
SD	92	8.7
Total	1053	100

Source: Questionnaire 2012

Table 4.23 revealed that 362 and 351 respondents representing 34.4% and 33.3% strongly agree and agree respectively with the statement that a woman observing *iddat-ul-wafat* (waiting period for mourning) is entitled to *Nafaqah*. Whereas 104 and 92 respondents representing 9.9% and 8.7% disagree and strongly disagree respectively with the statement, 144 respondents representing 13.7% remained undecided over the item. The Islamic *Shariah* stipulates that a woman observing *Iddat-ul-wafat* is not entitled to *Nafaqah* from the late husband. Whatever the deceased left is *Mirath* (inheritance) (al-Fawzan, 2001:451). There is therefore much ignorance based on the result of this finding from the practice of the Muslims in the areas of study.

The following table shows the opinion of the respondents on the statement which stipulates that the maintenance of the wife's servant is not the liability of the husband even if she is of the status that needs a servant.

Table 4.24: The maintenance of the wife's servant is not the liability of the husband even is she is of the status that needs a servant.

Response	Frequency	Percentage
SA	107	10.2
A	175	16.6
UD	193	18.3

D	202	19.2
SD	376	35.7
Total	1053	100

Source: Questionnaire 2012

Table 4.24 shows that 107 and 175 respondents representing 10.2% and 16.6% strongly agree and agree respectively that the maintenance of the wife's servant is not the liability of the husband even if she is of the status that needs a servant. Whereas 202 and 376 respondents representing 19.2% and 35.7% disagree and strongly disagree respectively with the statement, 193 respondents representing 18.3% were undecided over the item. Muslim scholars are of the opinion that if a husband is rich, he should provide a servant(s) his wife (Kairawani, 1994:79)

The following table shows the opinion of the respondents over the statement which explains that it is binding upon a Muslim to feed his non-Muslim (Ahl-ul-Kitab) wife.

Table 4.25: A Muslim husband feeds his non-Muslim wife

Response	**Frequency**	**Percentage**
SA	545	51.8
A	257	24.4
UD	103	9.8
D	67	6.3
SD	81	7.7
Total	1053	100

Source: Questionnaire 2012

Table 4.25 revealed that 542 and 257 respondents representing 51.8% and 24.4% strongly agree and agree respectively that Muslim husbands feed their non-Muslim wives. Whereas 67 and 81 respondents representing 6.3% and 7.7% disagree and strongly disagree respectively with the statement, 103 respondents representing 9.8% were undecided over the item. Islam approves the maintenance of the wife from the people of the book (the jews and the Christians), just as it approves marriage between Muslims and the people of the book i.e. the Jews and Christians (Q5:5). When marriage takes place between a Muslim (man) and Kitabiyyah (a Jew or Christian woman) then the woman is entitled to maintenance in line with the exhortation of Qur'an, 2:233 and Qur'an 65:6 earlier mentioned in this write up. This is also a view shared by al-Adawi (n.d: V5, p421) where he said that maintenance is not binding upon a rich Muslim except to his wife regardless of her status, free woman (not in slavery), slave, rich, poor a Muslim and a Kitabiyyah (people of the book; non Muslim). Based on the practice in the selected states of Northern Nigeria, 76.2% respondents opined that it is an obligation upon a Muslim husband to feed his non-Muslim wife. Only 14% of the respondents disapprove of this.

The following table shows the opinion of the respondents on the assumption which states that *Nafaqah* for the divorced/widowed whose parents are alive is provided by her mother after *iddah* (waiting period) and before she gets married to another husband.

Table 4.26: Nafaqah for a divorced/widowed whose parents are alive is provided by her mother after *iddah* (waiting period) and before she gets married to another husband.

Response	Frequency	Percentage
SA	157	15
A	182	17
UD	201	19
D	190	18
SD	323	31
Total	1053	100

Source: Questionnaire 2012

Table 4.26 revealed that 157 and 182 respondents representing 15% and 17% strongly agree and agree respectively that *Nafaqah* for the divorced/widowed whose parents are alive is provided by her mother after iddah (waiting period) and before she gets married to another husband. Whereas 190 and 323 respondents representing 18% and 31% disagree and strongly disagree with the view, 201 respondents representing 19% remained undecided on the view. If a woman is divorced or widowed, the maintenance responsibility in Islam goes back to her rich biological father who takes care of her before she gets married to another man. (al-Maliki, nd: 185). For the widow, the estate of her deceased husband is inherited by his heirs which includes her.

Based on the result of the findings, there is need for enlightenment in order to educate the Muslims of the north over this trend as only 49% agree with the fact that mothers are not responsible for the maintenance of their children.

The following table shows the opinion of the respondents on the view which states that it is obligatory upon a rich child to provide maintenance to his aged father and mother who are poor.

Table 4.27: A rich child provides maintenance to his aged father and mother who are poor.

Response	Frequency	Percentage
SA	741	70.4
A	151	14.3
UD	83	7.9

D	34	3.2
SD	44	4.2
Total	1053	100

Source: Questionnaire 2012

Table 4.27 revealed that 741 and 151 respondents, representing 70% and 14.3% strongly agree and agree respectively with the view which states that it is obligatory upon a rich child to provide maintenance to his aged father and mother who are poor. Whereas 34 and 44 respondents representing 3.2% and 4.2% disagree and strongly disagree respectively on the view, 83 respondents representing 7.9% remained undecided on the item. It is the responsibility of the rich child(ren) to provide maintenance to their poor parents based on the teachings of Islam. This is in accordance with the principles derived from Qur'an 17:13:

وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا..."

(سورة الإسراء ١٣)

Thy lord hath decreed that you worship none but Him, and that ye be kind to parents.

The Prophet (S.A.W) also mentioned as reported by Jabir Ibn Abdullah:

أنت ومالك لأبيك

You and your property are for your father.
(Sunan Ibn Majah, 7:2282).

Al-Maliki (n.d. 185) also shared the same opinion asserting that it is an obligation upon a rich man to maintain his poor parents. Ambali (1998:167) also stated that the poor parents who are not capable of earning a living are liabilities of their sons and daughters who are rich enough to maintain them. Majority of the respondents (84.3%) based their opinion on such practice in the selected states of Northern Nigeria.

4.3 Hypothesis Testing

In this chapter, the data collected for the study from some randomly selected states of Northern Nigeria were analysed and the results of the analyses are presented using tables of the statistical package of social sciences (SPSS); Minitab, instat+ for windows and Instat graph statistical softwares. The test statistics chi square (x^2) was used to determine the level of significance at 5%; this is because the sample size is sufficiently

large; each cell frequencies are independent and the cell frequencies satisfied the assumptions for the use of chi-square test for independence of attributes (Rajagopalan, 2006:71-72). The analysis has been guided by the eight hypotheses stated in chapter one.

A total of one thousand and fifty three (1,053) samples were used with five hundred and seventy one (571) from the rural areas constituting about 54% of the sample and four hundred and eighty two (482) from the urban areas which is about 46% of the total sample collected and used.

The Test Statistic

Chi-square test statistic was used for the count data randomly collected for this research work; it is computed using the relation.

$$\chi^2 = \sum_{i=1}^{m}\sum_{j=1}^{n}\left(\frac{[O_{ij} - E_{ij}]^2}{E_{ij}}\right)$$

Where $E_{ij} = \frac{O_i x O_j}{N}$ is the expected count; O_{ij} is the observed frequencies for the i^{th} row and j^{th} column. The statistic chi-square follows chi-square distribution with $(m-1)x(n-1)$ degrees of freedom.

4.4 Data Analysis and Presentation.

We consider the hypothesis stated in the research work in order to analyze the data for the study. Both Strongly Agree (SA) and Agree (A) rating scales were combined to read Agree (A) in the analyses. Whereas Strongly Disagree (SD) and Disagree (D) were combined to read Disagree (D). Undecided (UD) was not reflected in the analyses because the scale signified that the respondents had no opinion.

Hypothesis 1

H_{01}:There is no significant difference in the practice of *Nafaqah* between the Urban Muslim and the Rural Muslim in some selected states of Northern Nigeria.

Table 4.28 Data on the Response and chi-square of Urban and Rural Muslims in the selected States of Northern Nigeria

Source of variation	A	D	X^2	P-value
Urban Muslims	15476	8379		
Rural Muslims	34491	4870	4641.4	0.00
Total	49967	13249		

$\alpha = 0.05$

Since the P-value =0.00 is less than $\alpha = 0.05$, the null hypothesis was rejected and the research hypothesis was retained at 5% level of significance and conclude that there is significant difference between the response of Urban and Rural Muslims in the practice of *Nafaqah* among Muslims of the randomly selected states in Northern Nigeria. It further explains from the mean values of the Urban and Rural Muslims in which the mean response of Rural Muslims is higher than the Urban Muslims.

Hypothesis 2

H_{02}:There is no significant difference in the practice of *Nafaqah* between those Muslims who acquired Western education and those who acquired Islamic education in selected states of Northern Nigeria.

Table 4.29 Data on the response and chi-square of Muslims who acquired western education and those that acquired Islamic education in the selected States of Northern Nigeria.

Source of variatio	A	D	X^2	P-value
Western Education	19627	2517		
Islamic Education	7375	785	18.7	0.00
Total	27002	3302		

$\alpha = 0.05$

Since P-value = 0.00 is less than $\alpha = 0.05$,we conclude that the data that provide us evidence against the null hypothesis and in favor of the research hypothesis is accepted at 5% level of significance. That is there is significant difference between the mean response of those that acquired Western education and Islamic education in the practice of *Nafaqah* in Northern Nigeria.

Hypothesis 3

H_{03}:There is no significant difference in the practice of *Nafaqah* between those Muslims who acquired both Western and Islamic education and those who acquired Islamic education in some states of the Northern Nigeria.

Table 4.30 Data on the response and chi-square of Muslims who acquired both western and Islamic education and those that acquired only Islamic education in selected States of Northern Nigeria.

Source of variatio	A	D	X^2	P-value
Western and Islamic Education	19760	10689		

Islamic Education only	7375	785	2001.1	0.00
Total	27135	11474		

$$\alpha = 0.05$$

Since P-value = 0.00 is less than $\alpha = 0.05$, we conclude that the data provide us with evidence against the null hypothesis and in favor of the research hypothesis is accepted at 5% level of significant. That is, there is significant difference between those that acquired both Western and Islamic education and those that acquired only Islamic education in the practice of *Nafaqah* in some selected states in Northern Nigeria.

Hypothesis 4

H_{04}:There is no significant difference in the practice of *Nafaqah* between those Muslims who acquired both Western and Islamic education and those who acquired only Western education in some states of the Northern Nigeria.

Table 4.31 Data on the response and chi-square of Muslims who acquired both western and Islamic education and those that acquired only Western education in the selected States of Northern Nigeria.

Source of variatior	**A**	**D**	**X^2**	**P-value**
Western and Islamic education	25852	9166		
Western education only	19627	2517	1829.4	0.00

Total	45479	11683

$$\alpha = 0.05$$

Since the P-value = 0.00 is less than $\alpha = 0.05$, we shall reject the null hypothesis and conclude that there is significant difference between those that acquired both western and Islamic education and those that acquired only the western education in the practice of *Nafaqah* in the selected States of Northern Nigeria.

Hypothesis 5

H_{05}:There is no significant difference in the practice of *Nafaqah* between those Urban Muslims who acquired Western education and those Urban Muslims who acquired Islamic education in the selected states of the Northern Nigeria

Table 4.32 Data on the response and chi-square of Urban Muslims who acquired Western education and Urban Muslims that acquired only Islamic education in the selected States of Northern Nigeria.

Source of variatio	**A**	**D**	**X^2**	**P-value**
Urban Muslims with western education only	20347	5381	1001.1	0.00
Urban Muslims with Islamic education only	6686	333		
Total	27033	5714		

$$\alpha = 0.05$$

Since the P-value = 0.00 is less than $\alpha = 0.05$, we conclude that the data provide us evidence against the null hypothesis and in favor of the research hypothesis. Hence the research hypothesis is accepted at 5% level of significance. That is, there is significant difference between Urban Muslims that acquired Western education and those that acquired Islamic education only in the practice of *Nafaqah* in the selected States of Northern Nigeria.

Hypothesis 6

H_{06}:There is no significant difference in the practice of *Nafaqah* between those Urban Muslims who acquired both Western and Islamic education and those Urban Muslims that only acquired Islamic education in the selected states of the Northern Nigeria.

Table 4.33 Data on the response and chi-square of Urban Muslims who acquired both western and Islamic education and Urban Muslims that acquired only Islamic education in the selected States of Northern Nigeria.

Source of variation	A	D	X^2	P-value
Urban Muslims with both western and Islamic education	25169	3226	69.8	0.00
urban Muslims with Islamic education only	3092	218		
Total	28261	3444		

$\alpha = 0.05$

Since the P-value = 0.00 is less than $\alpha = 0.05$, we conclude that the data do provide us with evidence to reject the null hypothesis and accept the research hypothesis that

there is significance difference between Urban Muslims with both western and Islamic education and those urban Muslims that had only Islamic education in the practice of *Nafaqah* in some selected states in Northern Nigeria.

Hypothesis 7

H_{07}:There is no significant difference in the practice of *Nafaqah* between those Rural Muslims who acquired both Western and Islamic education and their rural counterparts who acquired only Islamic education in some states of the Northern Nigeria

Table 4.34 Data on the response and chi-square of Rural Muslims who acquired both Western and Islamic Education and Rural Muslims that acquired only Islamic education in the selected states of Northern Nigeria.

Source of variatio	A	D	X^2	P-value
Rural Muslims with both western and Islamic education	20603	8051	223.7	0.00
Rural Muslims with Islamic education only	3323	677		
Total	23926	8728		

$\alpha = 0.05$

Since the P-value = 0.00 is less than $\alpha = 0.05$; we shall reject the null hypothesis and conclude that there is significance difference in the mean response of those rural Muslims that acquired both western and Islamic education with their counterparts that

acquired only Islamic education. The mean value for those that acquired both western and Islamic education is higher than that of those that acquired only Islamic education in the practice of *Nafaqah* in some selected states in Northern Nigeria.

Hypothesis 8

H_{08}:There is no significant difference in the practice of *Nafaqah* between those Rural Muslims who acquired both Western and Islamic education and those of their counterparts in urban areas in some states of the Northern Nigeria.

Table 4.35 Data on the response and chi-square of Rural Muslims who acquired both western and Islamic education and those of their counterparts in Urban areas in the selected states of Northern Nigeria.

Source of variatio	A	D	X^2	P-value
Rural Muslims with both Western and Islamic education	20603	8051		
Urban Muslims with both Western and Islamic education	25169	3226	2518.8	0.00
Total	45772	11277		

$\alpha = 0.05$

Since the P-value = 0.00 is less than $\alpha = 0.05$; we shall reject the null hypothesis and accept the alternative hypothesis and conclude that there is significant difference from the mean of rural Muslims with both western and Islamic education with their counterparts in the urban areas.

4.5 Summary of the Findings

Based on the result of the findings as reflected in this chapter, it is observed that there is significant difference in the practice of *Nafaqah* between the Urban Muslims and the Rural Muslims in the selected states of Northern Nigeria. Results also showed that there is significant difference in the practice of *Nafaqah* between those Muslims who acquired Western Education and those who acquired Islamic Education in the selected states of Northern Nigeria. Findings also revealed that the practice of *Nafaqah* among those Muslims who acquired both Western and Islamic Education is significantly different from that of those who acquired only Islamic Education in selected states of Northern Nigeria. Result of the finding of this study showed that the practice of *Nafaqah* by those Muslims who acquired both Western and Islamic Education is significantly different from the practice of those Muslims who only acquired Western Education in the selected states of Northern Nigeria. The finding in this chapter also revealed that the practice of *Nafaqah* among Urban Muslims who acquired Western Education is significantly different from the practice of *Nafaqah* among Urban Muslims who acquired Islamic Education. Findings in this chapter showed that the practice of *Nafaqah* among urban Muslims who acquired both Western and Islamic Education is significantly different from that of those urban Muslims that only acquired Islamic Education in the selected states of Northern Nigeria. It was also ascertained from the data in this chapter that the practice of *Nafaqah* between those rural Muslims who acquired both western and Islamic Education is significantly different from that of their rural counterparts who acquired only Islamic Education in the selected states of Northern Nigeria. Based on the findings in this chapter, there exists significant difference between the practice of *Nafaqah* among rural Muslims who acquired both western and Islamic Education and those who acquired both western and Islamic

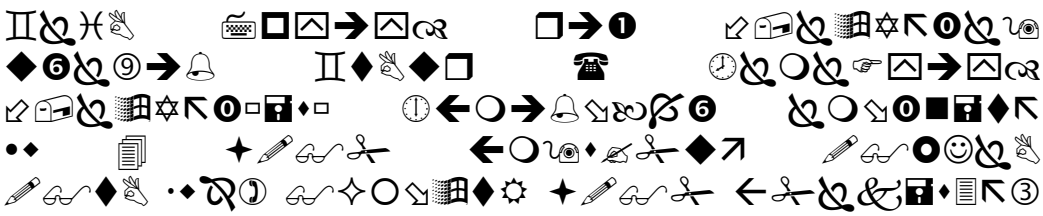
Education in urban areas in the selected states of Northern Nigeria. This signifies that the practice of feeding, clothing, accommodation, medical care and education is significantly different.

4.6 Discussions

Discussions based on each of the null hypothesis tested are presented as follows:

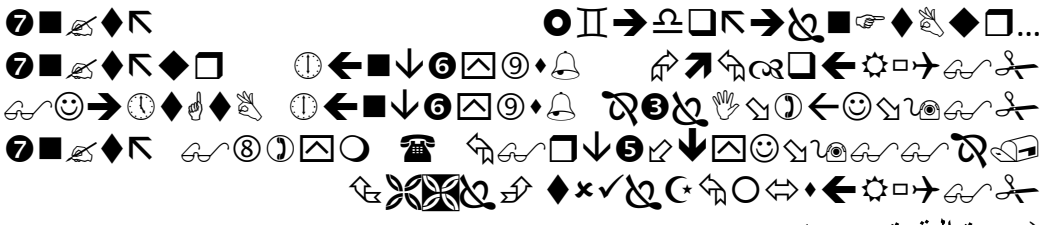
Hypothesis 1

Hypothesis 1 compared the practice of *Nafaqah* between the Urban Muslims and the Rural Muslims in the selected states of Northern Nigeria. Findings on tables 4.28 showed that there is significant difference in the practice of *Nafaqah* between the urban Muslims and the rural Muslims in some selected states of Northern Nigeria, since the chi square table showed the P-value at 0.00 which is less than $\alpha = 0.05$. This implies that the practice of *Nafaqah* of urban Muslims is significantly different from the practice of rural Muslims. It is evident that both urban and rural Muslims practice *Nafaqah* differently base on their understanding of the concept in Islam. This finding agreed with the statement of Al-Jaza'iri (2001:389) when he observed that *Nafaqah* depends upon the status of the person being spent on, whether a city dweller or a rural dweller. It also depends upon the financial ability or inability of the person who is spending. This is also implied by the statement of the Qur'an 65:7 and Qur'an 2:236




(سورة الطلاق ٦)

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. Allah puts no burden on any person beyond what he has given him. After a difficulty, Allah will soon grant relief.

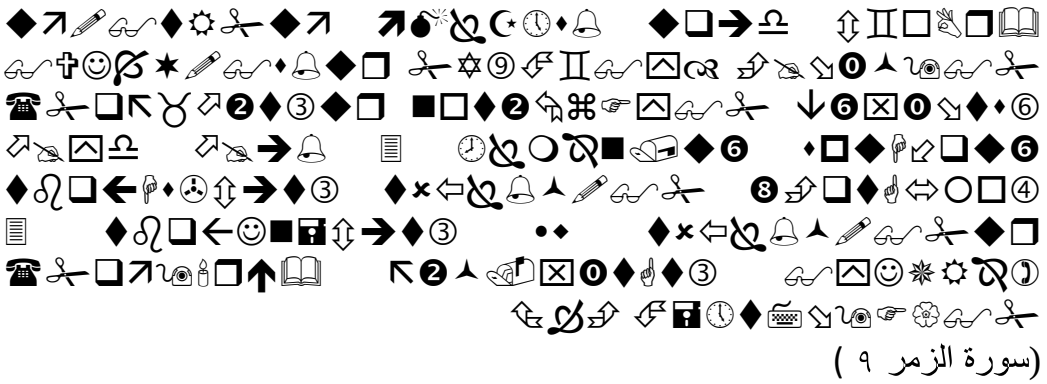

(سورة البقرة ٢٣٦)

But bestow on them (A suitable gift), the wealthy according to His means, and the poor according to His means;- a gift of a reasonable amount is due from those who wish to do the right thing.

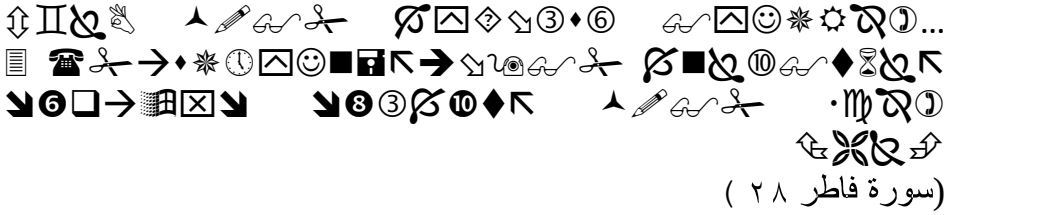
Hypothesis 2

Hypothesis 2 compared the practice of *Nafaqah* between those Muslims who acquired Western Education only and those who acquired Islamic Education only in the selected States of Northern Nigeria. Findings on table 4.29 revealed that the P-value = 0.00 is less than $\alpha = 0.05$. Therefore the null hypothesis is rejected. This indicates that the practice of *Nafaqah* of those Muslims who acquired Western Education only differ significantly with those who acquired Islamic Education only in some states of Northern Nigeria. This result indicates that Islamic Education is a great force in ascertaining the *Nafaqah* practice of the Muslim community. The significant difference identified between those Muslims that acquired Western Education only in some states of Northern Nigeria and those that acquired Islamic Education only in those States may be due to low level of Islamic Education in relation to the practice of *Nafaqah* of those Muslims that acquired Western Education. Those that acquired Western Education may be ignorant of some Nafaqah Practices because of the influence of the education they

acquired. The Qur'an explains that those who have knowledge are not equal to those that do not have. The Qur'an States:


(سورة الزمر ٩)

Is one who worships devoutly during the Hour of the night prostrating Himself or standing (in adoration), who takes heed of the Hereafter, and who places His hope In the Mercy of His Lord - (Like one who does not)? say: "Are those equal, those who know and those who do not know? it is those who are endued with understanding that receive admonition (Qur'an 39: 9).


(سورة فاطر ٢٨)

... Those truly fear Allah, among His servants, who have knowledge: for Allah is Exalted In Might, Oft-Forgiving (Qur'an 35: 28)

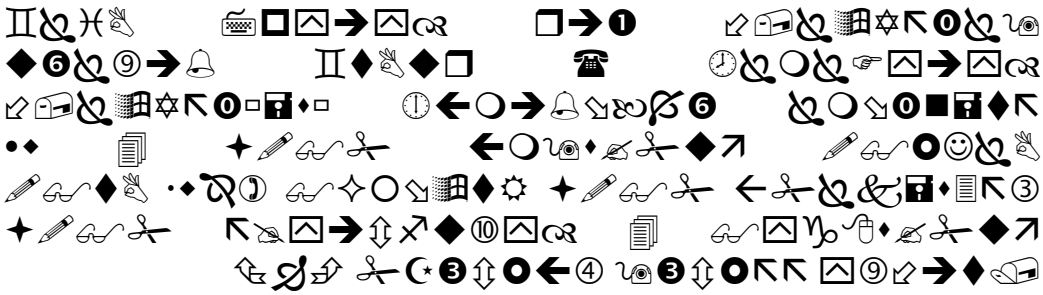
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Hypothesis 3

Hypothesis 3 compared the practice of *Nafaqah* between those Muslims who acquired both Western and Islamic Education and those that acquired only Islamic Education in the selected States of Northern Nigeria.

The chi square table (i.e. table 4.30) shows a P-value = 0.00 less than $\alpha = 0.05$. Therefore, the null hypothesis is rejected in favour of the research hypothesis at 5% level of significance. This indicates that in the present study; there is significant difference in the practice of *Nafaqah* between those Muslims who acquired both Western and Islamic Education and those of their counterparts that acquired only

Islamic Education in the selected states of Northern Nigeria.This result revealed that Western Education can influence a Muslim that have acquired Islamic Education in his practice of *Nafaqah* when he has acquired both Education. As a result of a Muslim's contact with Western Education, he is influenced either positively or negatively. If such Muslim allows himself to be guided by Islamic exhortations and in determining his way of life and his judgements irrespective of his Western Education, then he is influenced positively. Those that acquired both Western and Islamic Education have more advantage in their practice of *Nafaqah* than those that acquired Islamic Education only because of the former's exposure to modern education trend and practices in Nigeria which gives much emphasis to Western Education. This agreed with Oladosun (2007:1) when he observed that education as a product is measured by qualities and characteristics displayed by an educated fellow. A Muslim that acquired both Educations has the advantage of displaying qualities and characteristics of both. The result of this finding is in line with the principle of the Qur'an which addresses the status and position of the *Munfiq* (provider or spender). Qur'an 65:7 states:

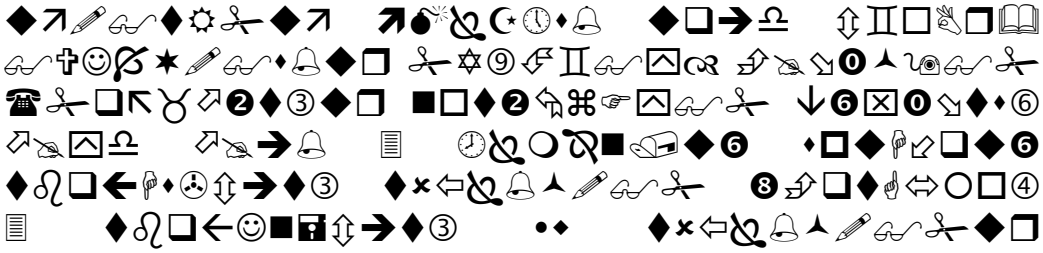


(سورة الطلاق ٧)

> 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. Allah puts no burden on any person beyond what he has given him. After a difficulty, Allah will soon grant relief.

Hypothesis 4

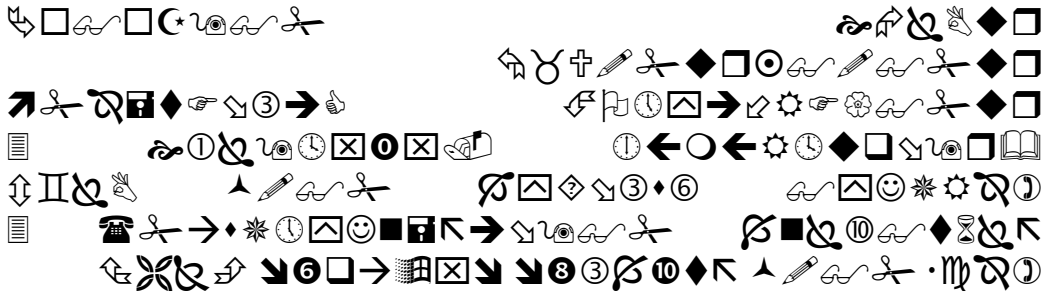
Under this hypothesis, the practice of *Nafaqah* by Muslims who acquired both Western and Islamic Education was compared to those that acquired only Western Education in some states of Northern Nigeria. Table 4.31 revealed the results of hypothesis 4 and the hypothesis was rejected as stated. The table revealed that the P-value is 0.00 which is less than $\alpha = 0.05$. The result indicated that the practice of *Nafaqah* by Muslims who acquired both Western and Islamic Education is significantly different from those who only acquired Western Education in some states of Northern Nigeria.It is a common belief among Nigerian Muslims that those Muslims that acquired Western Education only are not well versed in their religious practices when compared to those that acquired both Islamic and Western Education. In Muslim Communities where there is noticeable development, the indices of such development is rooted in a socio-cultural system that is foreign to Islam i.e the West. In the Western culture, a clear demarcation is always made between the state and religion. Western education in Nigeria is therefore recognized as the normal way of attaining technological advancement needed in this life. Whereas Islamic education is viewed by those Muslims that acquire western education only as a restricted education to the matters of the hereafter only (Bidmos, 2010: 129-130). They therefore paid little or no attention to what Islamic education offers in the areas of human and maternal development. This result has indicated a significant difference in their practices of *Nafaqah* based on the strength of their knowledge. This result agrees with the statement of the Qur'an 39:9 and 35:28 earlier reflected in hypothesis 2 as thus:





(سورة الزمر ٩)

Is one who worships devoutly during the Hour of the night prostrating Himself or standing (in adoration), who takes heed of the Hereafter, and who places His hope In the Mercy of His Lord - (Like one who does not)? say: "Are those equal, those who know and those who do not know? it is those who are endued with understanding that receive admonition (Qur'an, 39:9).



(سورة فاطر ٢٨)

And so amongst men and crawling creatures and cattle, are They of various colours. those truly fear Allah, among His servants, who have knowledge: for Allah is Exalted In Might, Oft-Forgiving (Qur'an, 35:28).

Hypothesis 5

Hypothesis 5 compared the practice of *Nafaqah* among Urban Muslims who acquired Western Education to those Urban Muslims who acquired Islamic Education in the selected States of Northern Nigeria. Finding on tables 4.32 indicates that the P-value is equal to 0.00 and is less than $\alpha = 0.05$. Therefore, the null hypothesis 5 is rejected in favour of the research hypothesis at 5% significant level. This signifies that the practice of *Nafaqah* among urban Muslims that acquired Western Education is significantly different from those urban Muslims that acquired only Islamic Education in some states of Northern Nigeria. The result of this finding agreed with that of Ismail (1977:62) that *Nafaqah* practice should consider the custom of the people and their time and town. Salim (n.d:180) also shared this opinion adding that the differences in the condition,

place and time should be considered in ascertaining enough maintenance to the dependants. These differences could perhaps be identified in the way and manner each Muslim is using his acquired education in bringing up his family and dependants based on his economic status. Experience has shown that some women do not require their husbands to provide soup ingredients because they either have a garden near their compound where they grow soup ingredients such as vegetables, tomatoes and pepper or they are working class women that provide such for their husbands. However, it is not a duty prescribed upon them in *shari'ah* (al-Fawzan, 2001: 451). The difference among the Urban Muslims who acquired Western Education and those who acquire Islamic education only, could be seen in the financial status of both. Most of the Muslims who acquired Western Education are Civil Servants who receive monthly salaries for their subsistence. Whereas those who acquired Islamic Education only, are mostly officially unemployed and they have to look for subsistence through farming or hard labour.

Hypothesis 6

Hypothesis 6 compared the practice of *Nafaqah* between Urban Muslims that acquired both Western and Islamic Education and those Urban Muslims that only acquired Islamic Education in the selected states of Northern Nigeria. When hypothesis 6 was tested, the P-value = 0.00 was less than $\alpha = 0.05$ as indicated on table 4.33. This provided us with evidence that the null hypothesis is rejected. This implies that there is significant difference on the practice of *Nafaqah* between urban Muslims that acquired western and Islamic Education and those of their counterparts that only acquired Islamic Education. These differences are witnessed among the *Munfiqun* in the way and manner they maintain their dependants in the provision of food, clothing and dwelling

Hypothesis 7

Hypothesis 7 was tested and it compared the practice of *Nafaqah* of Rural Muslims who acquired both Western and Islamic Education to their Rural counterparts who acquired only Islamic Education in the selected States of Northern Nigeria. The null hypothesis was rejected because the result shown on table 4.34 signifies that the P-value = 0.00 is less than $\alpha = 0.05$. This implies that the practice of *Nafaqah* among rural Muslims who acquired both western and Islamic Education is significantly different from the practice of *Nafaqah* among their counterparts who acquired only Islamic Education in some states of Northern Nigeria. It is a common experience that those who acquired both Western and Islamic Education are more likely to be employed into white colar jobs than those who acquired Islamic education who are mostly self employed. This can be seen in the result of this finding which showed a significant difference between their practices.

Hypothesis 8

Hypothesis 8 compared the practice of *Nafaqah* among Rural Muslims who acquired both Western and Islamic Education to those of their counterparts in Urban areas in the selected States of Northern Nigeria. Table 4.35 revealed that the p-value = 0.00 which is less than $\alpha = 0.05$. This entails that the practice of *Nafaqah* among rural Muslims with both western and Islamic Education is significantly different from those of their counterparts in the urban areas of Northern Nigeria. This implies that the null hypothesis is rejected in favour of the research hypothesis at 5% level of significance. This finding is in line with the contention of al-Fawzan (2001:449) and Doi,(1984:204) that *Nafaqah* should be observed taking into consideration differences in the custom and norm of the land and the financial status of the provider in the light of the modern

necessities to suit the circumstances of the countries and their living standard. This view is also shared by Murad (2004:391) which according to him *Nafaqah* is judged and seen in the light of ease and difficulty of the people and their condition and custom.

This study investigated the practice of the *Nafaqah* as a social security system in some states of Northern Nigeria. Related studies to this research title were reviewed. Related research studies that were reviewed include that of Gusau (1991), Ghifari (1979), al-Fawzan (2001), Syed, (2009), Chapra (2008), Chapra (2006), Bala (2006), Ibn-Badawy (2009), Haq (1996), Chaudhry (2003), al-Jaza'iry (2001), Azmi (2004), Abdal'ati (2007), Ahmed (2008) and Ghaly (2008). Answers were found for the research questions and eight null hypotheses were tested and the answers to the tests of the hypotheses have been discussed in the present chapter. The practice of Islamic Social Security System with reference to *Nafaqah* in some states of Northern Nigeria is seen in the light of the findings of this research studies. These findings are worthy of consideration for the improvement of *Nafaqah* practice among Muslims in Northern Nigeria.

4.7 Islamic Welfare Institutions Observation Schedule (I.W.I.O.S).

Islamic Welfare Institutions Observation Schedule (I.W.I.O.S) was administered to 22 Islamic Welfare Institutions throughout the selected States of Bauchi; Kaduna, Kano, Katsina, Niger and Sokoto. They include:

1. Islamic Education Trust Minna, Niger State.
2. At-ta'awuun Educational services, Minna, Niger State.
3. Mother and children enhancement Association, Katsina, Katsina State.
4. Da'wah family support Association, Katsina, Katsina State.

5. Ministry of Religious Affairs and Poverty Eradication, Minna-Niger State

6. NASFAT, Zaria Branch, Kaduna State

7. Ministry of Religious Affairs, Sokoto, Sokoto State

8. Ramadan Package, Sokoto, Sokoto State

9. Magatakarda Foundation, Sokoto, Sokoto State

10. Sabilis Salahi School, Sokoto, Sokoto State

11. Nurul Ilmi, Bado Quarters, Sokoto, Sokoto State

12. Ta'awanu Association, Katsina, Katsina State

13. Ofishin Tallafawa Gajiyayyu, Katsina, Katsina State

14. Nasara Association, Tudun Wada, Daura Katsina State

15. Hisbah Board, Kano, Kano State

16. Shariah Commission, Kano, Kano State

17. Kano State Zakat and Hubsi Commisson, Kano State

18. International Institute of Islamic Thought, (IIIT) Kano, Kano State

19. Jama'atu Izalatul Bid'ah Wa'iqamatus-Sunnah (J.B.W.I.S.), Kofar Gombe, Bauchi.

20. Jama'atu Nasril Islam (J.N.I.), Kofar Fada Jum'at Mosque, Bauchi.

21. Bauchi State Ministry for Religious Affairs, Bauchi.

22. Fityanul Islam, Bauchi

Based on the result of the observation schedule, all these institutions practice *Nafaqah* except one i.e. International Institute of Islamic Thought, Kano. They also restricted provision of their *Nafaqah* to feeding and clothing especially during Ramadan. Between 100 and 2000 poor people are fed at specific times in either periodic or regular times, depending on the financial capability of the Islamic welfare institution. The welfare institutions do not provide accommodation to the less priviledged.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

In this chapter, attention is focussed on summary of the research. Conclusions are drawn, some recommendations are made and suggestions are offered for further research. Eight null hypotheses were formulated in order to accomplish the objectives of the present study. The hypotheses were tested using chi square (x^2) test statistical techniques. Lastly, a suggestion for further studies was put forward.

5.2 Summary

This study investigated the practice of *Nafaqah* in some states of Northern Nigeria. A total of 1053 respondents drawn from rural and urban communities of Northern Nigerian states of Kaduna, Kano, Katsina, Niger and Sokoto were involved in this study. A stratified random sampling technique was used to select the rural and urban communities in the states. A 25 item researcher designed questionnaire was administered to the respondents in order to collect data on *Nafaqah* practice from them. Among the variables investigated was *Nafaqah* practice among rural and urban Muslims, among those Muslims who acquired Islamic Education and those who acquired Western education and among those who acquired both Western and Islamic Education. The study was divided into five chapters for effective analysis.

Chapter one of the study gives an introduction and background to the study, statement of the problem, research questions and the hypotheses of the study. Other aspects of the chapter include significance of the study, justification for the study and scope of the study. Related literature to the study were reviewed in chapter two. These include nature and scope of social security system, historical background and development of social security in the west, modern concept of social security, social security system in Nigeria, Northern Nigeria, history of social security in Islam, concept of social security and its scope in Islam, sources of Islamic social security system, objectives of Islamic social security system, the concept of *Nafaqah*, *Infaq* and the practice of *Nafaqah* in the early days of Islam. Jurists' opinion on *Nafaqah* and Sokoto Caliphate literature were also reviewed in relation to the title. Chapter three was dedicated to research methodology made up of research type, population, sample and sampling technique, instruments for data collection, procedure for data collection and procedure for data analysis.

Statistical analysis and interpretation of data were presented in chapter four. A brief analysis of *Nafaqah* in Islam was put forward. This is closely followed by the statistical analysis of each of the hypothesis, discussion of the findings and summary of the findings. The hypotheses were tested as follows:

Hypothesis 1 tested the significant difference in the practice of *Nafaqah* between the Urban Muslim and Rural Muslim in some States of Northern Nigeria. Findings revealed that there is significant difference in the practice of *Nafaqah* between the urban Muslims and rural Muslims. The hypothesis was therefore rejected.

Hypothesis 2 tested for the significant difference jn the practice of *Nafaqah* between those Muslims who acquired Western Education and those who acquired Islamic Education in some States of Northern Nigeria. The result revealed that there is significant difference in the practice of *Nafaqah* between those Muslims who acquired Western Education and those who acquired Islamic Education in some States of Northern Nigeria. The null hypothesis is therefore rejected.

Hypothesis 3 tested for the significant difference in the practice of *Nafaqah* between those Muslims who acquired both Western and Islamic Education and those that acquired only Islamic Education in some States of Northern Nigeria. The result of the findings revealed that there is significant difference in the practice of *Nafaqah* between those Muslims who acquired both Western and Islamic Education and those that acquired only Islamic Education in some Sates of Northern Nigeria. The null hypothesis is therefore rejected.

Hypothesis 4 tested for the significant difference in the practice of *Nafaqah* between Muslims that acquired both Western and Islamic Education and those that acquired only Western Education in some States of Northern Nigeria. The findings revealed that there

is a significant difference in the practice of *Nafaqah* between Muslims who acquired both Western and Islamic Education and those that acquired only Western Education. The null hypothesis is therefore rejected.

Hypothesis 5 tested for the significant difference in the practice of *Nafaqah* between Urban Muslims who acquired Western Education and those of their counterparts who acquired Islamic Education in some States of Northern Nigeria. Result showed that there is significant difference in the practice of *Nafaqah* between Urban Muslims who acquired Western Education and their counterparts who acquired Islamic Education in some States of Northern Nigeria.The null hypothesis is rejected.

Hypothesis 6 tested for the significant difference in the practice of *Nafaqah* between Urban Muslims that acquired both Western and Islamic Education and their counterparts that acquired only Islamic Education in some States of Northern Nigeria. The result of the findings showed that there is significant difference in the practice of *Nafaqah* between Urban Muslims that acquired both Western and Islamic Education and their counterparts that acquired only Islamic Education. The null hypothesis is therefore rejected.

Hypothesis 7 tested for the significant difference in the practice of *Nafaqah* between Rural Muslims who acquired both Western and Islamic Education and their rural counterparts who acquired only Islamic Education in some States of Northern Nigeria. The result of the findings revealed that there is significant difference in the practice of *Nafaqah* between Rural Muslims that acquired both Western and Islamic Education and those of their counterparts who acquired only Islamic Education in some States of Northern Nigeria. The null hypothesis is rejected.

Hypothesis 8 tested the significant difference in the practice of *Nafaqah* between Rural Muslims that acquired both Western and Islamic Education and those of their counterparts in urban areas in some States of Northern Nigeria. Findings revealed that there is significant difference in the practice of *Nafaqah* between Rural Muslims that acquired both Western and Islamic Education and their Urban counterparts that acquired both Education in some States of Northern Nigeria. The null hypothesis was rejected.

5.3 Conclusions

Based on the findings and subsequent discussions of this study, the following conclusions are identified and drawn.

1. The variables reflected in this study are Rural Muslims, urban Muslims, Education (Western Education, Islamic Education or both Western and Islamic Education). Each of these variables affects the practice of *Nafaqah* in some States of Northern Nigeria.
2. The practice of *Nafaqah* among rural dwellers is significantly different from the practice among urban dwellers.
3. Educational background also affects the practice of *Nafaqah* because the practice of *Nafaqah* among Muslims with varying educational upbringing are significantly different. For example, *Nafaqah* practice among Muslims that acquired Western education is significantly different from those Muslims that acquired Islamic education.
4. The practice of *Nafaqah* among Muslims with the same educational background at different locations is significantly different.

5.4 Recommendations

1. *Nafaqah* as a significant form of Islamic social security system should be encouraged by Muslim scholars, judges and Muslim stake holders on *Shariah* issues in Nigeria.
2. The differences in the practice of *Nafaqah* in Northern Nigeria should be considered while making social security decisions in Nigeria.
3. Individual Muslims, philanthropists and Islamic organisations should practice *Nafaqah* in its entirety and based on the principles of *Shariah*.
4. Advocacy programmes should be instituted by Nigerian Government to sensitize Muslims especially in the North to abide by the rules of *Nafaqah* practice.
5. Islamic welfare institutions should be encouraged to provide *Nafaqah* in form of accommodation, healthcare and education to the less-priviledged in addition to feeding and clothing.
6. *Nafaqah* practice should be included as part of integration plan by the Government for Qur'anic Schools (Makarantun allo).
7. Muslim children should be oriented towards *Nafaqah* practice by their parents in order to curb negligence of the practice when they grow up. The providers can achieve this through strict adherence to the rules of *Nafaqah*.

5.5 Suggestions for Further Research

This research delved only into the practice of *Nafaqah* as a form of Islamic Social Security System in some states of Northern Nigeria. However, this research is not exhaustive as other areas are yet to be covered. Such areas include:

1. The practice of Social Security System with special reference to *Zakah* in selected States of Nigeria.
2. Comparative analysis of the practice of *Nafaqah* and *Zakah* in Nigeria.

3. The practice of *hadanah* (custody) and *Rada'ah* (Breast feeding) in the North-West Geo-Political zone of Nigeria.
4. The practice of *Infaq* among Muslims in the Northern parts of Nigeria.
5. Social Security System with reference to the practice of *Waqf* (Endowment) in Nigeria.

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APPENDIX I

AHMADU BELLO UNIVERSITY, ZARIA
FACULTY OF EDUCATION
ISLAMIC STUDIES SECTION

Hassan, Abubakar Kawu
P.hD/EDUC/10860/2007-2008

QUESTIONNAIRE FOR *NAFAQAH* PRACTICE AMONG MUSLIM FAMILY (QNPMF)

Dear Mallam/Alhaji/Hajiya/Malama

This questionnaire has been designed to collect information about the practice of *Nafaqah* (Maintenance) in some states of northern Nigeria. *Nafaqah* here signifies the practice of maintenance in Islam whereby feeding, clothing, shelter, education and medical care are provided by the main provider(s) in the Islamic family system based on *Shari'ah* (Islamic law).

All information given will be confidential and must be treated as such. Therefore feel free to indicate your feelings about the items.

Section A: Biographical data instruction

Please tick the appropriate column

(1) Location of the Muslim Family
a- Rural ( ) b-Urban ( )
(2) Gender of the respondent
a- Male ( ) b- Female ( )
(3) Status in the family
a- Father/Husband ( ) b-Mother/wife ( )
c- Son ( ) d- Daughter ( )
(4) Age
a- 10-18 ( ) b- 19-25 ( )
c- 26-30 ( ) d-30 and above ( )
(5) Educational background
a- Islamic Education ( )
b- Western Education ( )
c-Both Islamic and Western Education ( )

(6) Religion
a- Islam ( ) b- Christianity ( ) c-others ( )

Section B: *Nafaqah* Practice among Muslim Family

Instruction:

Indicate the extent to which you believe in the statement below as practiced by Muslim family in your area:

Key: SA= Strongly Agree

A= Agree

UD= Undecided

D= Disagree

SD= Strongly Disagree

	SA	A	UD	D	SD
1. Fathers provide *Nafaqah* (maintenance) to their male children up to the age of maturity					
2. Fathers do not provide *Nafaqah* (maintenance) to their female children up to the time of their marriage					
3. Parents send their children to School					
4. Breadwinners do not provide adequate feeding to their wards every day.					
5. Children feed their non-Muslim parents if they are poor.					
6. Fathers neither provide accommodation to their children (Male or Female) nor to their wives					

according to their means.					
7. Muslims provide *Nafaqah* to their poor relative(s)					
8. *Nafaqah* responsibility in Muslim family for children is shared between the husband and wife					
9. Fathers respond to their children's sickness.					
10. Muslim parents do not provide dress for their children every year.					
11. *Nafaqah* (Maintenance) of a wife commences after the consummation of Marriage.					
12. *Nafaqah* for a woman who is revocably divorced (one or two pronouncements of divorce) is not provided by her husband during iddah (waiting period).					
13. *Nafaqah* for a woman who is irrevocably divorced (i.e. three pronouncements of divorce), but pregnant is provided by her husband who divorced her.					
14. A husband does not provide *Nafaqah* to his wife especially if she					

is rich					
15. The wife who is irrevocably divorced (i.e. three pronouncements of divorce) cannot claim *Nafaqah* from the husband who divorced her.					
16. Husbands do not provide *Nafaqah* to their sick wives					
17. Husbands neither offset medical bills nor provide medicine to their wives.					
18. A wife does not provide *Nafaqah* to her minor children when her husband (i.e. their father) is alive and he is rich.					
19. A woman separated from her husband through *Lian* (imprecation) can claim *Nafaqah* especially if she is pregnant.					
20. A woman who was divorced through *Khul'* (divorce at the instance of the wife) is entitled to *Nafaqah* if she is pregnant. 21. A woman observing *iddat-ul-wafat* (waiting period for mourning) is entitled to *Nafaqah*.					

22. The maintenance of the wife's servant is not the liability of the husband even if she is of the status that needs a servant.					
23. A Muslim husband feeds his non-Muslim wife.					
24. *Nafaqah* for a divorced/widowed whose parents are alive is provided by her mother after iddah (waiting period) and before she gets married to another husband.					
25. A rich child provides maintenance to his aged father and mother who are poor					

APPENDIX II

Ahmadu Bello University, Zaria
Faculty of Education,
Islamic Studies Section

Hassan, Abubakar Kawu
PHD/EDUC/10860/2007-2008

ISLAMIC WELFARE INSTITUTION OBSERVATION SCHEDULE (IWIOS)

Section A: General Information

1- Name of the Institution: _____

2- State: _____

Section B:

1- Do you provide *Nafaqah* (Maintenance)?
   Yes ( ) No ( )
2- If yes, when did you commence the programme?
3- If yes, how many needy persons have you provided *Nafaqah* to?
   1-100 ( ) 101-500 ( ) 501-1000( ) 1001-2000 ( ) 2001 and above ( )
4- Do non-Muslims benefit from your *Nafaqah*?
   Yes ( ) No ( )
5- If yes, how?
   _____
   _____
6- If No, Why?
   _____
   _____
   _____

Appendix III

Sampling Size Determination from the work of Salant and Dillman (1994:55)

Table 5.1 final sample sizes needed for various population sizes and characteristics, at three levels of precision

Sample size for the 95 percent confidence level

	±3% Sampling error		± 5% sampling error		±10% sampling error	
Population size	50/50 split	80/20 split	50/50 split	80/20 split	50/50 split	80/20 split
100	92	87	80	71	49	38
250	203	183	152	124	70	49
500	341	289	217	165	81	55
750	441	358	254	185	85	57
1,000	516	406	278	198	88	58
2,500	748	537	333	224	93	60
5,000	880	601	357	234	94	61
10,000	964	639	370	240	95	61
25,000	1,023	665	378	234	96	61
50,000	1,045	674	381	245	96	61
100,000	1,056	678	383	245	96	61
1,000,000	1,066	682	384	246	96	61
100,000,000	1,067	683	384	246	96	61

Source: Salant, P. and Dillman, D.A. (1994). **How to conduct your own survey.** New York: John Wiley. Pp.55

How to read this table: For a population with 250 members whom we expect to be about evenly split on the characteristics in which we are interested, we need a sample of 152 to make estimates with a sample error of no more than +- 5 percent, at the 95 percent confidence level. A "50/50 split" means the population is relatively varied. An "80/20 split" means it is less varied; most people have a certain characteristics, a few do not. Unless we know the split ahead of time, it is best to be conservative and use 50/50.

Number in the table refer to completed, usable questionnaires needed for various levels of sampling error. Starting sample size should allow for ineligibles and nonrespondents. Note that when the population is small, little is gained by sampling, especially if the need for precision is great.

Remember! Sampling is just one of the four sources of error and is the only one whose effect we can usually estimate with confidence.