



The Amount of Wife's Maintenance from an Islamic Perspective

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Abstract

A study on the topic of "The amount of wife's maintenance (Nafaqah) from an Islamic perspective" clarified that nafaqah, (maintenance) in its literal sense, means expenses or the necessities of life. In Islamic jurisprudence, it refers to the financial resources spent on covering costs. Items that are included in a wife's nafaqah (maintenance) include wheat flour, foodstuffs like peas, beans, oil, rice, meat, etc., fuel such as wood, oil, gas, cooking utensils like stoves, heating appliances like heaters, and water for drinking, washing, and bathing. Additionally, it includes services such as a servant, clothing, hygiene products, housing, and all other items that a woman may need according to her level of civilization, living environment, and physical and mental condition, taking into account the prevailing customs and the husband's economic situation. It is obligatory for the husband to provide nafaqah (maintenance) for his wife, and the amount is determined by considering the wife's needs, the economic situation of the couple, especially the husband, and the prevailing customs.

Keywords: *Expense; Quantity; Criteria; Wife; Husband and Islam*

Introduction

Praise be to Allah, the Lord of all worlds, and the best outcome is for the righteous. May the blessings and peace of Allah be upon the leader of all messengers, Muhammad, and upon his family and all his companions?

The family is the first foundation of social life, and its lawfulness and well-being play a crucial role in ensuring the health, stability, and elevation of society. Therefore, it has been regarded as a sacred institution in all religions, particularly in the noble religion of Islam. In all legal systems around the world, including Islamic jurisprudence, regulations have been established to protect this foundation and preserve its health and longevity, with the responsibilities of each member carefully defined.

One of the issues that undeniably requires attention is the matter of expenses and the provision of necessities for family members, which is referred to as "nafaqah (maintenance)" in religious terminology.

In Islamic law, as well as in many legal systems, the responsibility for providing nafaqah (maintenance) for family members, especially the wife, is placed upon the man. The amount of nafaqah (maintenance) and the criteria for determining it, which is a subject of disagreement among Islamic jurists, will be briefly discussed in this short article following a scholarly definition of the term nafaqah (maintenance).

Research Method

This research paper has been compiled using the library research method. To complete the content of the topics discussed, electronic resources and reputable, authoritative religious books have been utilized, following accepted scientific methods.

Definition of Nafaqah (Maintenance)

Nafaqah (maintenance) in the literal sense means expenses, costs, and necessities of life (Isfahani, 1412, p. 119; Zabidi, 1414, vol. 13, p. 463).

In Islamic jurisprudential terminology, nafaqah (maintenance) refers to the financial resources spent on covering expenses (Meshkini, 1428, p. 544).

The author of "Jawahir" defines nafaqah (maintenance) as follows: "Nafaqah (maintenance) includes the necessities of the wife, such as food, clothing, housing, a servant, and cooking utensils, which should reasonably correspond to the wife's status in that particular city" (Al-Najafi, n.d., p. 330).

Some scholars define nafaqah (maintenance) in the following way: "Nafaqah (maintenance) in its literal sense means gifting and giving away, while in legal terminology, a wife's nafaqah (maintenance) refers to the husband's financial obligation to provide for the wife's necessities, including food, clothing, housing, and hygiene essentials. This provision must meet societal norms and be reasonable to fully satisfy the wife's livelihood needs" (<https://mehrilawfirm.com>).

Regarding the legal definition of nafaqah (maintenance) Afghanistan's Civil Law explicitly states: "The nafaqah (maintenance) of a wife includes food, clothing, housing, and medical care, proportional to the husband's financial capability" (Ministry of Justice, 1976, Article 118).

A review of religious texts and jurisprudential books reveals that nafaqah (maintenance) consists of food, clothing, and housing. As mentioned in the Quranic verse, *"The duty of feeding and clothing nursing mothers in a fair manner is upon the father of the child"* (Quran, Surah Al-Baqarah, 2:233), this indicates these essentials, but it does not refer to medical expenses. Therefore, it is narrated from Abu Hanifa, may Allah have mercy on him, that in the case of a dispute, the cost of medicine is not the husband's responsibility?

Some authors have said: "Sharia has not specified the components of nafaqah (maintenance) but has made it obligatory for the husband, leaving the determination of its amount to societal norms. Therefore, in matters of medical expenses, one must refer to customary practice. Undoubtedly, society condemns a husband who, despite having the means, neglects his wife's medical treatment and its costs, just as it would criticize a father who fails to provide medical expenses and doctor fees for his children. Therefore, based on customary practice, the cost of medicine and treatment is obligatory for a husband who has the ability to pay. Likewise, the cost of childbirth is also the husband's responsibility" (Al-Badran, n.d., vol. 1, p. 251)

The Amount of a Wife's Nafaqah (Maintenance)

Islamic jurists have differing opinions regarding the determination and amount of a wife's nafaqah (maintenance):

1. The Hanafi scholars believe that Islamic law does not specify the exact amount of a wife's food nafaqah (maintenance). The husband is obligated to provide for her living needs, including food, according to the customs of the time, place, and circumstances. The wealth or poverty of the husband is considered, rather than the wife's condition (Misri, 1371, vol. 3, p. 1423), as Allah the Almighty says: **“Let the man of plenty spend out of his plenty, and the man whose provision is restricted, let him spend from what Allah has given him. Allah does not burden a soul beyond what He has given it. After hardship, Allah will bring ease.”** (Quran, Surah At-Talaq, 65:7).

If the husband fulfills his obligations regarding the wife's food nafaqah (maintenance), (maintenance)the wife has no right to determine the amount and quantity of the food nafaqah (maintenance) for the husband. However, if the husband neglects his obligation to provide the wife's food nafaqah (maintenance) and deceives her, causing harm to her, the wife has the right to request the determination of the amount of nafaqah (maintenance) from the husband and take control of it herself. The amount and quantity of the wife's nafaqah (maintenance) may be determined by the husband or, in some cases, by the court. In this case, the food nafaqah (maintenance) may be specified as commodities such as bread, meat, legumes, etc., or after calculating the necessary commodities, their price may be paid in cash to the wife.

A question that arises in this context is whether the wife is responsible for cooking the food items given to her in kind. If the wife cooks and prepares the necessary items herself, is she entitled to payment or not?

In response to the above questions, it has been stated that the wife's situation is taken into account in these matters. If the wife comes from a family where she does not serve herself and others prepare her food, in this case, cooked and prepared food should be provided for her. Similarly, if the wife is unable to prepare her food due to a reason that prevents her from working, cooked and prepared food should be provided for her. Conversely, if the wife comes from a family where she performs household duties herself and is capable of doing so without any obstacles, she is responsible for preparing her own food. However, she is not entitled to any payment from her husband for performing such duties.

It should be noted that local customs and traditions also apply to the above matter. This means that if the local custom is such that the wife or similar women do not serve themselves and refuse to prepare their food, she has the right to receive the necessary food from her husband in a cooked or prepared form. Conversely, if the local custom is such that the wife performs her duties herself, she is obligated to carry out such tasks.

It is important to note that the wife is only required to perform household duties if she is capable of doing so. Conversely, if performing such tasks within the household is beyond her capacity and ability, she is not obligated to perform them under any circumstances. If such a situation arises, and the husband is financially capable, he should hire a servant to perform these duties for his wife (Adalatkhoah, 1395, p. 248).

If the wife prepares her own necessary food, the husband is obligated to provide the essential tools and equipment such as pots, utensils, heating devices, and anything else needed for cooking and preparing food. The husband is also responsible for providing sufficient water for drinking and use. If the wife is from a place where it is customary for women to fetch water themselves—such as a small village where women carry water—then the responsibility of carrying water falls on the wife, provided that the husband has allowed her to do so. Conversely, if women in that area are not accustomed to fetching

water, the husband is obligated to transport the necessary water by any means possible. Similarly, the husband is responsible for providing sufficient water for the wife's bathing, ablution, and cleanliness. Additionally, the husband must also provide the necessary tools for fetching water, such as a bucket, jug, and other similar items (Al-Jaziri, 1969, Vol. 4, p. 556).

According to the views of Hanafi scholars, a wife needs clothing twice a year, taking into account the seasons. This means that in winter, the wife should be provided with clothing that protects her from the cold, and in summer, clothing should be provided to protect her from the heat. This includes all types of clothing worn on the head and feet, such as scarves, shoes, etc.

According to the Hanafi school of thought, it is necessary for the husband to ensure that the wife resides in a house that is suitable for both parties. This residence should be free from the husband's family members and children. However, an infant who does not understand the concept of sexual relations is an exception, as the presence of such a child in the marital home does not cause harm (Al-Jaziri, 1969, Vol. 4, p. 429).

According to the opinions of the Maliki School, the food allowance for the wife is determined by her needs and habits. The type of food can include meat, bread, grains, and similar items, based on her custom. If the husband is wealthy and accustomed to eating meat daily, he is obligated to provide the necessary meat for his wife as well. If the husband's habit is to consume meat once a week, then a husband of moderate means must provide his wife with a meal containing meat once a week. The husband is also responsible for providing enough bread to satisfy his wife's needs. If the wife is nursing, she will need more food to better nourish and raise her child, and in this case, the husband is obligated to provide additional food. Similarly, according to the Maliki School, if the husband is economically strong, he is obligated to provide his wife with beauty and adornment tools such as creams, henna, combs, and similar items.

According to the Maliki School, the wife requires clothing twice a year according to the state and status of both parties. The clothing should be suitable for the seasons, meaning that in summer, cool clothing, and in winter, warm clothing should be provided by the husband. However, the clothing necessary for the wife to visit her parents and relatives or to attend joyous occasions and weddings is not the husband's responsibility (Al-Jaziri, 1969, Vol. 4, p. 430).

The Maliki School's view on housing for the wife is that the residence must be equipped with all necessary facilities. If it is agreed upon at the time of marriage that the wife will live with other members of the husband's family, this is permissible under two conditions:

- The wife has a private area where the husband's relatives cannot see her in a state of undress;
- The wife does not suffer any harm from the bad behavior or misconduct of the husband's relatives.

If these two conditions are not practically met, the wife can prevent the husband's relatives from living in the marital home. If one of the spouses has a minor child from another marriage, the other spouse can prevent that child from living in the marital home.

According to the Shafi'i school of thought, if the husband is poor, he is responsible for providing his wife with one "mudd" of food each morning. The weight of a mudd in this school is equivalent to the weight of 171 dirhams plus three-sevenths of a dirham. According to this school, the husband is also obligated to provide the necessary water for drinking, cleaning, and bathing if the cause is related to the husband. However, the husband is not obligated to provide water for the wife's bath after menstruation or a wet dream. Additionally, the husband must provide grooming tools such as combs and soap, as well as beauty products such as creams and henna. The husband is also obligated to pay for the wife's bath fees every month or every Friday, depending on the wife's habit, but he is not obligated to provide kohl.

Furthermore, if the wife is accustomed to having meat, fruits, sweets, fish, and halva on the days of Ashura, the husband must add these items to the main food. Similarly, the husband must also cover the cost of coffee and tobacco if the wife is accustomed to them.

According to Imam Shafi'i, the amount of clothing should be sufficient for the wife during each season. The amount and type of clothing for the wife may vary depending on her height, the husband's economic situation, the customs and habits of the people, and the different temperatures of the seasons. Similarly, household items such as rugs, carpets, and mats are considered part of the clothing that must be provided by the husband.

According to the Shafi'i school of thought, the husband is also obligated to provide housing according to the wife's economic situation and status. In this school, the husband's financial condition is not a criterion for determining and choosing the residence. It does not matter whether the residence is owned or rented.

According to the Hanbali school of thought, the husband is responsible for providing food, drink, and everything related to it for the wife. If both parties agree on the type of food, such an agreement is valid. In this case, the food that has been agreed upon must be provided every day at sunrise. Their agreement on the timing of the food, whether to expedite or delay it, is also valid. If the wife is accustomed to eating with her husband, her right to food expenses is waived. If the wife is satisfied with grains, the husband must also pay for the cooking costs. According to this school, the husband is responsible for preparing two meals with meat for his wife each week, with each meal being the equivalent of one Iraqi rital, which is approximately 129 dirhams in weight. Similarly, the husband must provide the necessary water for cleaning, bathing, ablution, drinking, and other uses, and he must provide the means to transport it according to the customs and traditions of the wife's community. Furthermore, if the wife is accustomed to having a servant, the husband is obligated to hire one for her, provided that the servant is not a young and mature individual but should be among women or minors.

According to the Hanbali scholars, the size, amount, and type of clothing should be determined by the wife's condition. Therefore, if women similar to the wife wear silk and satin, the husband is obligated to provide such clothing for his wife. Conversely, if women similar to her are accustomed to wearing cotton, linen, or other fabrics, the husband should provide such clothing according to the wife's condition. In this school, the customs and habits of the people and the weather conditions of different seasons are also taken into account when determining the size, amount, and type of clothing. Similarly, household necessities such as rugs, mats, carpets, blankets, pillows, and the like are considered part of the clothing that must be provided by the husband.

In the Hanbali School, the residence should also be prepared according to the wife's condition and status, equipped with all necessary items such as utensils, rugs, and similar things (Al-Jaziri, 1969, Vol. 4, p. 431-434).

Criteria for Determining Wife's Alimony (Nafaqah)

There is no disagreement regarding the obligation of providing maintenance for the wife when both spouses are either wealthy or poor. In the case of wealth, maintenance is determined according to that level, and in the case of poverty, it is determined according to that condition. However, when one spouse is wealthy and the other is poor, there are two differing opinions:

1. *The Majority of Jurists and One Opinion of Abu Hanifa (May Allah have mercy on him)*: Maintenance is determined based on the condition of both spouses, meaning that an average maintenance level is considered. Therefore, if the husband is wealthy, he is required to provide maintenance that is above the wife's condition but below his own level. If the husband is poor, he is obligated to provide average maintenance; however, since he only has the means to provide at

the level of a poor person, he will give that amount, and the remaining balance will remain as a debt on him.

2. **Only the Husband's Condition is considered**: If the husband is wealthy and the wife is poor, the husband must provide maintenance according to his wealthy status. Conversely, if the husband is poor, he is required to provide maintenance at the level of his poverty. This opinion is also attributed to Abu Hanifa (May Allah have mercy on him).

Both views are considered valid, but the second opinion is preferred to avoid placing a burden beyond one's capacity (Al-Siba'i, n.d., Vol. 1, p. 252).

In relation to the above topic, the civil law of the country states: "The maintenance of the wife shall be provided according to the financial capability of the husband, provided that the maintenance does not fall below the minimum necessary for the wife" (Ministry of Justice, 1976, Article 123).

To determine the maintenance, the judge considers the wife's situation. If it is in her best interest to receive goods and foodstuffs, the judge will order this, but if it is in her best interest to receive money, the judge will order the payment of money. The amount of money is determined according to the local currency, but setting a specific amount permanently is not necessary; it can be determined according to the best interest for each time.

If the husband is an employee with a monthly salary, maintenance is set on a monthly basis. If he is a laborer who receives weekly wages, it is set on a weekly basis. If he is a farmer with an annual crop, it is set on an annual basis.

If it is stipulated in the marriage contract that no specific maintenance will be provided, but rather that they will share meals, and the husband will provide one set of clothing in winter and another in summer, this condition will not be upheld. The wife may later request the determination of maintenance (Al-Jaziri, 1969, Vol. 4, p. 668).

Conclusion

In linguistic terms, "nafaqah (maintenance)" means expenses and necessities for livelihood. In Islamic jurisprudence, it refers to the funds used to cover these expenses.

This includes items such as wheat flour, foodstuffs (e.g., chickpeas, beans, oil, rice, meat), fuels (e.g., wood, oil, gas), cooking appliances (e.g., stoves), heating devices (e.g., heaters), water for drinking, washing, and bathing, servants, clothing, hygiene products, housing, and all other items that a wife needs based on her level of civilization, living environment, and physical and mental condition. These are provided based on the prevailing customs and the economic situation of the husband.

All Islamic jurists agree on the obligation for a husband to provide maintenance for his wife. The amount of maintenance is determined by considering the wife's needs, the economic status of both spouses, especially the husband, and the prevailing customs.

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