



The Scope of Wife Maintenance (Nafaqa) in Confronting Emerging Needs of Contemporary Life: A Comparative Study in Imami Jurisprudence and Sunni Schools of Law

Dr. Sayed Moslem Hosseini Adyani¹; Shahriyar Baghirov²

¹ Faculty Member, Al-Zahra University, Iran

² PhD Student in Comparative Jurisprudence, Iran (Corresponding Author)

<http://dx.doi.org/10.18415/ijmmu.v13i2.7380>

Abstract

This study, entitled “The Scope of the Wife’s Maintenance (Nafaqa) in Confronting the Emerging Needs of Contemporary Life: A Comparative Study in Imami Jurisprudence and Sunni Schools of Law,” seeks to clarify the extent to which the institution of maintenance, based on its classical foundations, is capable of adapting to the profound transformations of modern lifestyles, and how newly emerging needs—such as ordinary medical care, education, housing and modern domestic services, transportation, and communication and digital technologies—can be analyzed and incorporated within the framework of the wife’s maintenance. In the first section, the general Qur’anic and Sunna-based evidences are examined, demonstrating that, according to the revealed texts, the wife’s maintenance constitutes a fixed financial right owed by the husband. This right is grounded in criteria such as *bil-ma’rūf* (according to what is customary and appropriate), *mā yakfiki* (what suffices you), and the rule “*liyunfiq dhū sa’atin min sa’atihi... lā yukallifu Allāhu nafsān illā mā ātāhā*”. This framework is designed such that customary practice, the woman’s social status, and the ordinary standard of living—together with the husband’s financial ability—are taken into account simultaneously. The second section investigates the divergent views of Imami jurisprudence and the Sunni schools concerning the criteria for determining the amount and scope of maintenance. Imami jurists consider maintenance a financial right arising from a valid marriage contract and normal *tamkīn*, and they adopt a composite criterion incorporating the husband’s economic condition, the wife’s status, and customary norms. By contrast, a significant portion of Sunni jurisprudence analyzes maintenance primarily within an exchange-based framework tied to *tamkīn* and *iḥtibās*, although custom and the circumstances of both spouses also play a substantial role in determining the amount and quality of maintenance. The third section applies these general principles to the emergent needs of contemporary life, showing that, based on the aforementioned texts and foundations, ordinary healthcare, basic education, housing equipped with essential amenities, part of transportation expenses, domestic services that remove hardship, and a minimal level of communication and internet access may—within the bounds of custom and the husband’s financial capacity—be included among the obligatory components of maintenance. The study concludes that both jurisprudential systems possess the foundational capacity necessary for expanding the scope of maintenance in response to emerging needs. However, the right-based approach characteristic of Imami jurisprudence, in comparison with the exchange-based approach prevalent in much of Sunni jurisprudence, offers a clearer and more coherent basis for transforming these emerging needs into enforceable financial rights.

Keywords: *Wife’s Maintenance (Nafaqa); Emerging Needs of Contemporary Life; Scope of Maintenance; Custom and Ma’rūf; Tamkīn and Iḥtibās; Family*

1. Introduction

The institution of a wife's maintenance (*nafaqa al-zawja*) is one of the fundamental pillars of the family system in Islamic jurisprudence. It is linked both to the husband's *qiwāma* (authority and responsibility of family leadership) and to the protection of the wife's livelihood and dignity within marital life. Qur'anic verses such as “*And upon the father of the child is their provision and clothing according to what is customary (bi-l-ma'rūf)*” and “*Let him who has abundance spend out of his abundance; and he whose provision is restricted—let him spend out of what God has given him. God does not burden any soul except with what He has given it*”, together with traditions such as “*Take from his property, in accordance with what is customary, what suffices for you and your child*” and “*And they (your wives) have the right to provision and clothing from you according to what is customary*”, indicate that maintenance is not merely an ethical recommendation but a financial right of the wife. This right is structured on the principles of *ma'rūf* (customary reasonableness) and sufficiency, within the bounds of the husband's financial ability, and is tied to the norms of the time and the wife's social status rather than to a fixed list of traditional items.

Contemporary transformations—ranging from the expansion of formal and higher education, to the increasing complexity of healthcare services, the changing patterns of housing and household necessities, and the growing dependence on transportation and communication and digital tools—have altered the definition of an ordinary standard of living. These changes raise a significant question for Islamic jurisprudence: to what extent can the scope of a wife's maintenance be expanded or reinterpreted?

This article adopts a comparative approach between Imāmī jurisprudence and the Sunni legal schools in three stages. First, it revisits the general Qur'anic and Prophetic evidences and the overarching principles governing maintenance. Second, it analyzes the divergence between the two legal traditions in determining the criteria for the amount and scope of maintenance—namely, the rights-based conception in Imāmī jurisprudence versus the exchange-based tendency found in a substantial portion of Sunni jurisprudence. Finally, it applies these classical principles to the emerging needs of contemporary life—such as ordinary healthcare, basic education, housing with essential facilities, household services, and a customary level of communication and internet access—to demonstrate how, within traditional doctrinal frameworks, the wife's maintenance can be understood and implemented in a manner that reflects the realities of modern Muslim family life.

2. Concepts

Before entering into the jurisprudential and comparative analyses, it is first necessary to clarify the two key concepts—“maintenance (*nafaqa*)” and “emerging needs of contemporary life”—in order to establish the conceptual framework of the discussion.

2–1. The Concept of Maintenance (Nafaqa)

In its linguistic sense, *nafaqa* derives from the root “**nafaqa**”, which originally denotes spending wealth and using it to meet the needs of life. Lexicographers define *nafaqa* as “the living expenses and what a person spends on his dependents,” and consider its plural to be *nafaqāt*. Ibn Manẓūr, in *Lisān al-'Arab*, under the entry “*nafaqa*,” classifies it among the terms relating to spending wealth and providing for the necessities of livelihood, and his discussion indicates that *nafaqa* in Arab usage is intrinsically connected to the continuity of life and the maintenance of family existence (Ibn Manẓūr, 1414 AH, vol. 10, p. 357).

In jurisprudential terminology, *nafaqa* refers to covering the living expenses of those whose support is legally obligatory from one's own property. Jurists, in defining *nafaqa*, have generally emphasized that it is not limited to food and clothing but encompasses the totality of ordinary necessities of life. For example, Wahbah al-Zuhaylī writes that, in Islamic law, *nafaqa* consists of providing food, clothing, housing, and their equivalents for those whose living expenses the Sharī'a has placed upon a person (al-Zuhaylī, 1409 AH, vol. 10, p. 7348). 'Abd al-Raḥmān al-Jazīrī, in *al-Fiqh 'alā al-Madhāhib al-Arba'a*, when discussing maintenance, considers

nafaqa to include food, clothing, housing, and related needs such as water, household items, hygiene supplies, and all that is customarily deemed essential for daily living (al-Jazīrī, 1406 AH, vol. 4, p. 553).

The synthesis of these definitions shows that *nafaqa*, in jurisprudential usage, is a relative and custom-based concept whose concrete manifestations vary according to time and place, although its core elements—food, clothing, and housing—remain constant.

2–2. The Concept of Emerging Needs in Contemporary Life

The term “*emerging needs of contemporary life*” refers to the set of material requirements and service-based necessities that have arisen as a result of scientific and technological developments and the transformation of lifestyle in the modern era. These needs either did not exist in the past or were not regarded as customary or essential. Matters such as access to healthcare services and basic insurance, formal and higher education, housing equipped with essential facilities, household services that reduce domestic workload, ordinary means of transportation, communication tools, and customary access to the internet constitute the most prominent examples of these needs. Each of these plays a direct role in safeguarding livelihood, health, and human dignity within the context of modern family life.

3. General Evidences (Qur’an and Sunnah) and the Overarching Principles Governing the Scope of Maintenance

Any examination of the scope of a wife’s maintenance would be incomplete without reference to the general Qur’anic and Prophetic texts, for these very sources both establish the principle of the wife’s entitlement to maintenance and articulate the criteria—such as *ma’rūf* (customary reasonableness) and the husband’s financial ability—that determine its content, extent, and relationship to *qiwāma* (the husband’s responsibility for family leadership) and the structure of the household. Accordingly, it is necessary first to reconstruct the Qur’anic and Prophetic conception of maintenance and its limits, so that a coherent jurisprudential and legal assessment regarding the emerging needs of contemporary life may be developed on the basis of these foundational principles.

3–1. The Qur’an

The first Qur’anic text that plays a pivotal role in this discussion is the verse of *qiwāma*. God states:

“Men are caretakers of women by virtue of what God has given some over others and by virtue of what they spend of their wealth.” (al-Nisā’ 4:34)

This verse grounds the husband’s *qiwāma* over his wife upon two foundations: first, the natural and social distinctions and assigned responsibilities between the sexes; and second, explicitly, “what they spend of their wealth.” Commentators of both the Sunni and Imami traditions have stated that one of the most significant manifestations of this *spending (infāq)* is the wife’s obligatory maintenance. A man’s authority and responsibility within the family are conditioned upon bearing its financial burdens; *qiwāma* is therefore not a ceremonial privilege devoid of practical responsibility (Ṭabāṭabā’ī, 1995, vol. 4, p. 543).

The *infāq* mentioned here is not a rigid obligation confined to minimal food and shelter; rather, it encompasses whatever is reasonably necessary, in each time and place, for the sound and customary management of family life. *Qiwāma* cannot be realized without providing the set of real needs required for the wife and the family. This opens the door—naturally and textually—to extending the scope of maintenance to new needs, provided these needs fall within the domain of social custom (*urf*) and *ma’rūf*.

Another verse that establishes a direct link between family conduct and the criterion of *ma'rūf* is the well-known command concerning conjugal association:

“And live with them in accordance with what is customary (bi-l-*ma'rūf*).” (al-Nisā' 4:19)

This command covers both the ethical and the economic dimensions of marital life. A marriage in which the wife is deprived of the basic amenities that the social environment regards as integral to dignity and ordinary well-being—even if the formal structure of marriage remains intact—fails to meet the standard of *ma'rūf* (Ṭabāṭabā'ī, 1995, vol. 4, p. 402). Jurists have inferred from this verse that just as physical harm and verbal degradation violate *ma'rūf*, so too does confining a woman to a level of material deprivation that is socially considered humiliating. Such deprivation may justify legal claims and, in extreme conditions, even grounds for dissolving the marriage. This directly shapes our understanding of the minimum standards of maintenance in any given era.

A particularly explicit Qur'anic text regarding maintenance is verse 233 of Sūrat al-Baqarah, revealed in the context of nursing mothers and the obligation of the child's father:

“And upon the father is their provision and clothing, in accordance with what is customary (bi-l-*ma'rūf*).” (al-Baqarah 2:233)

The phrase “their provision and clothing” identifies food and clothing as core elements of maintenance, but immediately qualifies them with “bi-l-*ma'rūf*.” Thus, the nature and amount of provision and clothing are not determined by a fixed historical list but by what a sound social custom recognizes as appropriate, for women of comparable status, in that time and place. Many jurists—Sunni and Imami alike—have drawn upon this formulation to define maintenance as “what is customarily required of food, clothing, housing, and the like.” The emphasis on *'ādatan* (customarily) and *ma'rūf* is what permits maintenance to vary across eras according to prevailing circumstances.

The Qur'an also specifies an important criterion regulating the amount of maintenance: the husband's financial ability. Verse 7 of Sūrat al-Ṭalāq reads:

“Let the affluent man spend according to his means; and let he whose provision is restricted spend from what God has given him. God does not burden any soul beyond what He has given it. God will bring about ease after hardship.” (al-Ṭalāq 65:7)

The verse clearly indicates, first, that an affluent man is obliged to provide maintenance proportionate to his means; he may not keep his wife at a materially inferior level while he himself enjoys financial ease. Second, one whose provision is limited must spend from what God has given him, and no more. Jurists derived from this verse key principles such as “hardship brings facilitation” and “no undue burden.” For the scope of maintenance, this verse plays a moderating role: it allows the expansion of maintenance based on custom and new needs, while preventing the imposition of unlimited financial expectations beyond the husband's genuine means.

Another layer of Qur'anic guidance concerns women's independent financial rights alongside the obligation of maintenance. Verse 32 of Sūrat al-Nisā' states:

“For men is a share of what they have earned, and for women is a share of what they have earned.” (al-Nisā' 4:32)

And verse 7 of the same sūrah declares:

“For men is a share of what parents and close relatives leave, and for women is a share of what parents and close relatives leave—whether small or great—a determined share.” (al-Nisā’ 4:7)

Together, these verses affirm women’s independent financial ownership in matters of income and inheritance (Maybodī, 1992, vol. 2, p. 489; Makārem Shīrāzī, 1995, vol. 3, p. 362). The verse regarding dowry further reinforces this autonomy:

“Give women their dowries as a free gift (*niḥla*). But if they, of their own accord, remit any part of it to you, then enjoy it in satisfaction and ease.” (al-Nisā’ 4:4)

This verse obligates giving the dowry directly to the woman as a sincere and unconditional gift, and permits the husband to benefit from any part of it only if she willingly and wholeheartedly gives it up (Ṭabrisī, 1984, vol. 5, p. 16).

The cumulative implication of these verses for the scope of maintenance is that maintenance is not instituted in exchange for depriving women of financial independence. Women may own and control their income, inheritance, and dowry, yet still possess the right to claim maintenance proportionate to *ma’rūf* and the husband’s means. Therefore, the mere fact that a woman has her own income cannot, by itself, negate the husband’s obligation of maintenance—except to the extent that she voluntarily chooses to assume part of the expenses or waive her right.

3–2. The Sunnah

Following the Qur’anic framework, the Prophetic Sunnah ﷺ, through numerous hadiths, both confirms the wife’s right to maintenance and clarifies the criteria of *ma’rūf* and *sufficiency* in a more concrete manner. One of the clearest examples is the case of Hind, the wife of Abu Sufyan. It is reported in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim* that Hind approached the Prophet ﷺ to complain about her husband’s stinginess, as he did not provide sufficient maintenance for her and their children. The Prophet ﷺ responded with the famous statement:

“Take from his wealth, in a manner that is customary (*bi-l-ma’rūf*), what suffices you and your children.” (Muḥammad ibn Ismā‘īl, 1400 AH, p. 1714, Hadith 7180)

This brief statement establishes two fundamental conditions: first, maintenance must be in accordance with customary and socially approved standards, avoiding both extravagance and extreme stinginess; second, the criterion for maintenance is *sufficiency* in life—covering the real needs of the wife and children rather than merely keeping them alive. Most importantly, the Prophet ﷺ permitted Hind, in case of her husband’s refusal, to take this sufficient amount directly from his wealth. This situates maintenance as a tangible financial right, not merely an ethical recommendation.

Another significant narration is the Prophet’s Farewell Sermon, recorded in *Ṣaḥīḥ Muslim* and other collections, which concisely articulates the mutual rights of husband and wife. Part of the sermon states:

“Fear God regarding women, for you have taken them under the trust of God, and you have made lawful their private parts by the word of God. And for them is their provision and clothing in a manner that is customary (*bi-l-ma’rūf*).” (Muslim ibn Ḥajjāj, 1400 AH, Hadith 2809, p. 432)

In this narration, the wife’s maintenance and clothing are explicitly described as a fixed right (*lahunna ‘alaykum*) of the wife, and the qualifier *bi-l-ma’rūf* is reiterated. Placing this qualifier alongside the emphasis on women as a trust in men’s care demonstrates that providing customary maintenance is not only a legal obligation but also part of fulfilling a divine trust and achieving God-consciousness within the family. Any

interpretation of maintenance that results in the humiliation or deprivation of women would contradict the spirit of this hadith.

The Prophetic Sunnah further addresses the prioritization of financial expenditure, highlighting the high importance of family maintenance. In a hadith describing a man with a few dinars, recorded in sources such as *Ṣaḥīḥ Ibn Ḥibbān*, *Sunan Abī Dāwūd*, and others, the Prophet ﷺ instructs in sequence:

“Spend it on yourself,” and if another dinar is available, “spend it on your wife,” followed by “spend it on your children,” and in other narrations continues: “spend it on your servant,” concluding with “You know best.”

This chain of guidance illustrates that, according to Shari‘ah, after fulfilling one’s personal necessities, the next priority is the wife, then the children, followed by the servant. The inclusion of the servant indicates that expenditures beyond basic food and clothing—where socially necessary—can legitimately and preferentially fall within the domain of permissible spending. From this principle, a connection can be made to modern household services and contemporary alternatives to domestic servants.

4. Differences between Ja‘fari and Sunni Fiqh regarding the Criteria for the Amount and Scope of Maintenance

In Ja‘fari (Imamiyyah) jurisprudence, the starting point in discussing a wife’s maintenance (*nafaqa*) is its recognition as an **independent financial right**, which becomes obligatory on the husband as soon as a valid marriage contract is concluded and the wife is accessible (*tamkin*). It is not merely a voluntary gift or ethical favor. Muḥaqqiq Ḥilli, in *Sharā‘i‘ al-Islām*, summarizes this principle in his well-known statement:

“The wife’s maintenance becomes obligatory with a valid contract along with her being accessible (*tajāb nafqat al-zawja bi-l-‘aqd al-ṣaḥīḥ ma‘ tamkīnuhā min nafsihā*).” (Ḥilli, 1408 AH, p. 291)

This concise phrase carries several important points: first, maintenance is **obligatory (wājib)** on the husband, not merely recommended or based on good conduct; second, its establishment is triggered by the **valid marriage contract and customary accessibility**, not by other conditions such as the wife’s poverty or employment; third, in the Ja‘fari framework, maintenance is viewed as a **debt enforceable against the husband**, so that in case of refusal, the wife can seek judicial enforcement. Consequently, anything that, based on texts, custom, or general rules, falls within the scope of maintenance can be elevated from a “moral recommendation” to a **legally enforceable right**, which is especially significant when considering emerging needs such as customary medical care, partial education, or suitable housing.

Regarding the **criteria for determining the amount of maintenance**, two main tendencies are identifiable in Ja‘fari fiqh, both grounded in customary norms and Qur’anic injunctions on maintenance. The first focuses on the **status and habits of the wife**, i.e., her social and economic level before marriage, the type of food, clothing, housing, and even servants traditionally afforded to her. Muḥaqqiq Ḥilli explicitly states regarding servants that if the wife comes from a family where a servant is customary, the husband is obliged to provide one:

“If she is from those for whom a servant is customary, then maintenance for the servant is also obligatory.” (Ḥilli, 1405 AH, p. 487)

This shows that the standard of maintenance is not limited to the minimum for lower social classes; rather, the **wife’s social standing and pre-marital habits** must also be considered. Hence, if a wife grew up in an affluent household, the husband cannot reduce her maintenance to the lowest level without her consent but is obliged to preserve her accustomed standard as far as he is able.

Conversely, another group of Jaʿfari scholars, including Shaykh Ṭūsī, emphasize the **husband's financial capacity** as the primary criterion. In *al-Nihāya* and other works, Shaykh Ṭūsī states:

“The consideration in determining maintenance is the husband's financial condition, whether ease or hardship (*al-iʿtibār fī qadri al-naḥaqa bi-ḥāl al-zawj yusran wa ʿusran*).” (Shaykh Ṭūsī, 1373 AH, *Bāb al-Nafaqāt*)

Accordingly, a financially constrained husband cannot be obliged to provide maintenance beyond his means, even if the wife's pre-marital status was higher. The Qurʾanic verse “*Let those of means spend according to their means, and those whose provision is limited spend of what God has given them...*” (Talaq 65:7) reflects this limit.

Some later Jaʿfari scholars, such as Fayd Kāshānī, attempt to reconcile these approaches. In *Tafsīr al-Ṣāfi*, under this verse, he explains that while the husband's financial capacity sets the **upper and lower limits**, the wife's **social status and customary norms** remain relevant in determining the specifics of *rizq* and *kiswah*. This produces a **composite criterion**: the husband's capacity outlines the overall framework, and the wife's status and prevailing custom determine the type and level of maintenance within that framework. Practically, this allows for expansion of maintenance to include emerging needs (education, healthcare, communication, etc.) in higher social strata, provided the husband can afford it without undue hardship.

In Sunni fiqh, the foundations and perspectives differ slightly. Although Sunni scholars also agree on the husband's obligation to provide maintenance, many adopt a **reciprocal approach** linking maintenance to *tamkin* (the wife's accessibility and provision for the husband's conjugal rights). In Maliki, Shafīʿi, and Hanbali texts, the wife's maintenance is often conditioned upon **complete surrender of herself to the husband**. For example, Ibn Qudamah writes in *al-Mughni*:

“Maintenance becomes obligatory for the wife when she fully surrenders herself to her husband (*tujibu al-naḥaqa lil-zawja idhā sallamat nafsahā ila zawjiha taslīman tamman*).” (Ibn Qudamah, 1400 AH, Vol. 4, p. 101)

Thus, in Sunni fiqh, entitlement to maintenance is more closely tied to *tamkin*, whereas in Jaʿfari fiqh, although *tamkin* is relevant, the main emphasis is on the **valid marriage and customary marital life**.

Nonetheless, Sunni scholars also consider **custom and the spouses' status** when determining the amount and scope of maintenance. Al-Kāshānī (Hanafi) notes in *Badaʿi ʿal-Ṣanāʿi* that maintenance should reflect prevailing custom and the condition of the spouses:

“What is considered is what custom has established for someone of similar status (*wa al-muʿtabar fihā mā jarā bihi al-ʿurf fī ḥaqq mithlihā wa mithlihi*).” (Al-Kāshānī, 1408 AH, Vol. 4, p. 32)

Similarly, Ibn ʿĀbidīn emphasizes that the amount and type of maintenance depend on local custom and the condition of both husband and wife, noting that earlier prescriptions with fixed amounts (e.g., several *mud* of wheat) were illustrative rather than universally binding (Ibn ʿĀbidīn, 1412 AH, Vol. 3, p. 613). Maliki texts, such as *al-Mudawwana* and its commentaries (*Sharḥ al-Kharshī*), also stipulate that food, clothing, and housing vary according to region and circumstances, with the benchmark being what is suitable for a couple of similar standing (Al-Kharshī, 1419 AH, Vol. 2, p. 221).

Another important distinction is that many classical Sunni texts explicitly condition the **continuation of maintenance on complete surrender and obedience**, e.g., compliance with residing at the husband's home. Scholars such as An-Nawawī (Shafīʿi) and Ibn Qudamah (Hanbali) state that if the wife refuses without a valid excuse, she is considered *nashiza* (disobedient) and her right to maintenance ceases (An-Nawawī, 1421 AH,

Vol. 6, p. 176; Ibn Qudamah, 1400 AH, Vol. 3, p. 481). This links maintenance more strongly to obedience and *tamkin* in Sunni jurisprudence, contrasting with the Jaʿfari emphasis on **contractual and customary marital obligations**.

Regarding the **effect of the wife's wealth** on maintenance, Jaʿfari scholars generally maintain that the wife's maintenance is her right **regardless of her wealth**. The wife's wealth does not nullify her entitlement, and any voluntary contributions she makes are considered charitable or loans. In Sunni texts, although the majority deny any obligation for the wife to contribute to the husband's expenses, some minor opinions note that the wife's wealth may influence the husband's contribution or the recommendation for her voluntary participation. As summarized in Ghabbari (2022):

“The opinion of the majority is that the wife is not obliged to spend on her husband except voluntarily (*al-qawl bimā dhahab ilayhi al-jumhūr min ‘adam wujūb infaq al-zawja ‘alā zawjiha, illā mā tabarra‘at bihī min nafsihā ‘alā wajh al-nadb*).” (Ghabbari, 2022, p. 5)

This demonstrates that in both schools, the wife's spending on the husband is **voluntary**, yet the Jaʿfari emphasis on the **legal right and enforceable claim** allows for broader translation of maintenance obligations into judicially enforceable claims, whereas in Sunni classical fiqh, many modern needs remain within the domain of recommendation (*mustahabb*) or customary norms (*ma rūf*) unless codified by contemporary law.

5. Application of General Rules of Nafaqah to Emerging Needs of Contemporary Life

Relying on prior jurisprudential rules, the first domain of emerging needs to examine is **healthcare, medical treatment, and insurance**. In the classical period, most medical expenses were either minimal or provided in limited and traditional forms; however, in today's world, lack of access to conventional and minimally adequate medical services creates serious “harm” (*ḍarar*) and hardship (*ḥaraj*) for women and families. Although the Qurʾanic verses on nafaqah do not explicitly use the term *treatment* (*‘ilāj*), when God places the provision of sustenance and clothing of women under the responsibility of the child's guardian “in a customary manner” (*bi-l-ma rūf*, Al-Baqarah 2:233) and reiterates the principle that “God does not burden any soul beyond what He has provided it” (Al-Talāq 65:7) in the context of nafaqah, it is clear that anything conventionally necessary for maintaining bodily health, sustaining life, and preserving dignity falls within the meaning of *provision* and *sufficiency*. In contemporary times, without access to minimal medical facilities, the “sufficiency of life” cannot be realized.

Moreover, the hadith *lā ḍarar wa lā ḍirār fī al-Islām* (“There is no harm and no reciprocating harm in Islam”), recorded in sources such as Sunan Ibn Mājah, establishes a jurisprudential principle whereby an obligation cannot be imposed in a manner that causes serious harm or loss to the obligated person or others. If a husband's refusal to cover conventional medical costs exposes a wife to physical or psychological harm, such refusal is incompatible not only with custom and *ma rūf*, but also with the principle of *lā ḍarar*. Accordingly, in Imāmī jurisprudence, which regards nafaqah as a woman's financial right and a debt upon the husband, there is strong grounds to assert that “necessary and conventional medical treatment” and a “minimal level of insurance coverage deemed customary for such a family” fall within the scope of obligatory nafaqah. Indeed, Imāmī jurists define nafaqah as “*what is customarily needed in terms of food, clothing, housing, and the like*”, and the term *wa-nawḥuhā* provides the potential for extension to medical treatment. In Sunni jurisprudence, relying on the Hadith of Hind—“*Take from his wealth, in a manner customary, what suffices you and your children*”—it can similarly be argued that if, by contemporary standards, provision of basic healthcare is essential for the sufficiency of women and children, refusal to provide it is incompatible with this criterion and may be considered the husband's responsibility. Although in some classical texts treatment is not explicitly listed as part of nafaqah and often regarded as recommended (*mustahabb*), contemporary legislation in Sunni-majority countries (e.g., Jordan's Personal Status Law, which includes medical and educational expenses of children as essential nafaqah) demonstrates that this principle can be extended.

The second domain is **education and schooling**. During the early periods, general literacy levels and the structure of education were not comparable to today; thus, it is natural that initial texts on nafaqah primarily addressed food, clothing, and housing. However, when the Qur'an emphasizes the husband's financial responsibility due to provision (*qiwāmah*, An-Nisā' 4:34) and stabilizes women's sustenance and clothing *bi-l-ma'rūf* (Al-Baqarah 2:233), while also confirming women's financial independence: "*For men is a share of what they earn, and for women is a share of what they earn*" (An-Nisā' 4:32), the question arises whether, in a society where basic education is essential for economic and social participation and preserving personal dignity, it can be excluded from conventional nafaqah. Although there is no explicit textual evidence in hadith that education is part of women's nafaqah, the emphasis on knowledge in narrations such as "*Seeking knowledge is obligatory upon every Muslim*" and the Prophet's ﷺ practice of teaching women in the mosque indicate that education is positively valued in Sharia. Combining this spirit with the rule of *bi-l-ma'rūf*, it may be argued that in societies where primary and secondary education for girls is considered a conventional necessity, deprivation from such education constitutes a violation of dignity and social hardship. Therefore, standard educational expenses (books, stationery, transportation, registration fees) may fall under family nafaqah, indirectly representing the husband's financial responsibility toward his wife and children. Particularly in Imāmī jurisprudence, which considers the "status of the woman" alongside the husband's situation and prevailing custom, it can be argued that a reasonable portion of higher education costs may be deemed a necessity rather than luxury. In Sunni jurisprudence, although classical jurists often treated education as a general virtue rather than part of nafaqah, contemporary legislation that includes education alongside healthcare under essential nafaqah indicates that, based on custom and *ma'rūf*, basic education can be regarded as obligatory, while luxurious or costly education remains in the domain of mutual consent and extra generosity.

The third domain is **housing and modern household necessities**. In classical jurisprudence, housing is a fixed component of nafaqah, and jurists specify that the husband must provide accommodation appropriate to the wife's status. For instance, Ibn Qudāmah states: "*She is entitled to housing suitable for her status*" (Ibn Qudāmah, 1400 AH, Vol. 4, p. 101). This phrase implies that housing is not merely four walls but a level of facilities and conditions proportionate to the woman's status and societal custom. Today, a "habitable residence" is generally inconceivable without running water, electricity, gas, conventional heating and cooling systems, a suitable bathroom and toilet, and minimal essential appliances (refrigerator, stove, sometimes washing machine). A house lacking these essentials is considered unsuitable, even humiliating, by contemporary standards. Taking expressions such as *bi-l-ma'rūf* (Al-Baqarah 2:233; An-Nisā' 4:19) and *bimā yalīqu b-mithlihā* seriously, these facilities at a minimal level are components of obligatory housing rather than luxury. In Imāmī jurisprudence, similar to the discussion regarding household servants, which makes provision of a servant obligatory for women accustomed to having one ("*If she is from among those accustomed to having a servant, providing the servant is also obligatory*", Muḥaqqiq Ḥillī, Sharā'i' al-Islām, chapter on nafaqah), custom, habit, and the woman's status play a significant role in determining the level of housing and related services. Accordingly, today, Imāmī scholars can argue that providing minimal essential household facilities forms part of the wife's nafaqah. Sunni jurisprudence, although classical texts focused on walls, roofs, and housing independence, similarly allows for inclusion of minimal modern necessities under obligatory housing based on customary standards and the principle of appropriateness.

The fourth domain is **transportation and commuting expenses**. In classical jurisprudence, there was no clear example beyond the wife accompanying the husband for required travel or court visits. Today, in many cities, a woman without access to public or private transportation cannot visit doctors, conduct essential shopping, take children to school or clinics, or reach necessary offices. Using nafaqah criteria of customary sufficiency and avoidance of hardship, as in the Hadith of Hind, "*Take from his wealth, in a manner customary, what suffices you and your children*", transportation expenses required for essential family needs may be included within family nafaqah. In Imāmī jurisprudence, with its emphasis on the wife's entitlement, this interpretation is readily acceptable. In Sunni jurisprudence, while no explicit text exists, recognition of custom and *ma'rūf*, and the fact that many jurists regard a husband as responsible for his wife's travel for obligatory matters, supports the inclusion of essential commuting expenses, though luxury vehicles remain outside

obligatory nafaqah and fall under mutual consent and additional financial capacity, except in rare cases of severe hardship.

The fifth domain is **household services and modern substitutes for domestic servants**. Classical jurisprudence, particularly in Imāmī texts, explicitly mentions a “servant” as a component of nafaqah for women accustomed to such services. In Sunni jurisprudence, for women of noble birth or the sick, providing a servant is also emphasized. In contemporary life, the concept of a resident servant has largely been replaced by hourly domestic services, childcare, and household appliances such as washing machines, dishwashers, and vacuum cleaners. If the classical rationale for providing a servant was to preserve dignity and relieve severe hardship, the same rationale applies: when household workload, number of children, and the woman’s employment make performing all domestic tasks without support difficult, the husband is obliged either to provide a servant (even hourly) or equivalent effective tools to alleviate hardship. In Imāmī jurisprudence, considering the flexibility of financial rights (e.g., converting property to debt), it is entirely defensible for a wife to choose, instead of a resident servant, a washing machine or hourly domestic assistance, and have these counted within nafaqah. Sunni jurisprudence similarly allows this, provided that these services or tools reflect customary necessity rather than luxury.

The sixth domain is **communications, internet, and digital tools**, undoubtedly the newest and most debated area in the extension of nafaqah. Classical jurists had no concept of such tools; however, principles such as reference to custom, *ma’rūf*, and avoidance of hardship allow for their jurisprudential analysis. Today, in many societies, without access to a basic communication device (e.g., a simple mobile phone or landline) and some level of internet connectivity, administrative tasks cannot be performed, medical appointments cannot be booked, children’s education cannot be followed, and even ordinary family communications are disrupted. If nafaqah is understood as providing “customary life sufficiency,” and the Hadith of Hind is considered, it is difficult to deny that minimal communication devices and internet access constitute essential needs in this era. In Imāmī jurisprudence, access to a basic communication device and a customary level of internet enabling essential family functions falls within obligatory nafaqah. Equipping a wife with multiple luxury devices or high-cost internet services beyond necessity falls outside obligatory nafaqah, remaining a matter of mutual consent and additional financial capacity. Sunni jurisprudence, relying on the same customary standards and the objectives of Sharia in preserving family welfare, can adopt the same distinction.

Results

1. The institution of spousal nafaqah, based on the general texts of the Qur’an and Sunnah, constitutes a fixed financial right of the wife against the husband. Its scope is determined according to criteria such as *ma’rūf* (customary norms), sufficiency, and the husband’s financial capacity. From the outset, it is designed not as a rigid, itemized list of obligations but rather with reference to prevailing social norms and the variable conditions of human life.
2. Both the Imāmī jurisprudential system and the Sunni schools consider custom, the woman’s social status, and the husband’s circumstances in defining the amount and content of nafaqah. However, while Imāmī fiqh treats nafaqah as a financial right arising from marriage and customary sexual access (*tamkin*), a significant part of Sunni jurisprudence analyzes it more within the framework of exchange with *tamkin* and retention.
3. The Imāmī emphasis on the wife’s entitlement, coupled with a composite criterion of the husband’s financial condition, the wife’s status, and social custom, provides greater flexibility to extend the scope of nafaqah as a legally enforceable right to address emerging contemporary needs, such as conventional healthcare, education, well-equipped housing, and household services.
4. In Sunni fiqh, although the link between nafaqah and *tamkin* is stronger, recognition of customary norms and *ma’rūf*, together with contemporary legislation, demonstrates that the same principles can effectively extend the scope of nafaqah in practice to a level compatible with modern living conditions. Nonetheless, part of this extension sometimes remains within the realm of recommended norms (*mustahabb*) or legal obligation.

5. Based on these principles, it can be concluded that spousal nafaqah in Islamic thought is a dynamic institution adaptable to changes in lifestyle. When criteria such as *ma'rūf*, avoidance of harm (*lā ḍarar*), preservation of the woman's dignity, and consideration of the husband's financial capacity are applied consistently, many emerging needs can be encompassed within obligatory nafaqah or, at minimum, within the family's protected financial rights.

References

The Holy Qur'an.

1. Abidin, Muhammad Amin ibn. (1412 AH). *Radd al-Muhtar 'ala al-Durr al-Mukhtar*. Beirut: Dar Sader.
2. Ibn Qudamah, Abd Allah ibn Ahmad. (1400 AH). *Al-Mughni*. Beirut: Dar al-Ma'rifah.
3. Ibn Manzur, Muhammad ibn Makram. (1414 AH). *Lisan al-'Arab*. Beirut: Dar Sader.
4. Albani, Muhammad Nasir al-Din. (1419 AH). *Sahih Sunan Abu Dawud*. Kuwait: Ghras Publishing and Distribution.
5. Jaziri, Abd al-Rahman. (1406 AH). *Al-Fiqh 'ala al-Madhahib al-Arba'ah*. Beirut: Dar Ihya' al-Turath al-'Arabi.
6. Al-Hakim al-Nisaburi, Muhammad ibn Abd Allah. (1400 AH). *Al-Mustadrak 'ala al-Sahihayn*. Beirut: Maktabat Ahl al-Bayt.
7. Hilli, Ja'far ibn Hasan. (1408 AH). *Shara'i' al-Islam fi Masail al-Halal wa al-Haram* (2nd ed.). Qom: Ismailian Institute.
8. Hilli, Yahya ibn Sa'id. (1405 AH). *Al-Jami' lil-Shara'i'*. Qom: Al-Sayyid al-Shuhada Institute.
9. Al-Kharshi, Muhammad. (1419 AH). *Sharh al-Kharshi 'ala Mukhtasar Khalil*. Beirut: Dar al-Turath al-Islami.
10. Al-Zuhayli, Wahbah. (1409 AH). *Al-Fiqh al-Islami wa Adillatuh*. Damascus: Dar al-Fikr.
11. Al-Tusi, Muhammad ibn al-Hasan. (1373 SH). *Al-Nihaya* (Bab al-Nafaqat). Qom: [Publisher not specified].
12. Bukhari, Muhammad ibn Ismail. (1400 AH). *Al-Jami' al-Sahih*. Cairo: Dar al-Nahda.
13. Muslim, Muslim ibn al-Hajjaj. (1400 AH). *Al-Sahih*. Kitab al-Aqdiya, Bab Qadiyat Hind bint Utbah; Kitab al-Hajj, Bab Hajj al-Nabi.
14. Tabatabai, Muhammad Husayn. (1374 SH). *Al-Mizan fi Tafsir al-Qur'an*. Qom: Islamic Publications Office, Society of Seminary Teachers of Qom.
15. Tabarsi, Fadl ibn Hasan. (1350–1363 SH). *Majma' al-Bayan fi Tafsir al-Qur'an* (M. Bistuni, Trans.). Tehran: Farahani Publications.
16. Fayeze Ghabari, Sana' Atif. (2022). *Infaq al-mar'a 'ala zawjiha wa furuu'uha wa usuluha wa atharu dhalika 'ala qiwamat al-rajul 'alayha fi al-fiqh al-islami*. *Al-Majalla al-'Arabiyya lil-Nashr al-'Ilmi*, 47.
17. Fayz Kashani, Muhsin. (1400 AH). *Tafsir al-Safi*. Qom: Maktabat Ahl al-Bayt.
18. Jordanian Personal Status Law, No. 15. (2019). Amended 2019.
19. Al-Kasani, Ala al-Din. (1408 AH). *Bada'i' al-Sana'i'*. Beirut: Dar al-Turath al-Islami.
20. Makarem Shirazi, Naser. (1374 SH). *Tafsir Nemooneh*. Tehran: Dar al-Kutub al-Islamiyyah.
21. Maybudi, Ahmad ibn Muhammad. (1371 SH). *Kashf al-Asrar wa 'Iddat al-Abrar*. Tehran: Amir Kabir Publications.
22. Al-Nawawi, Yahya ibn Sharaf. (1421 AH). *Al-Majmu'*. Beirut: Dar al-Fikr.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal. This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).