

**SAFE MOTHERHOOD AND FAMILY INSTITUTION: AN ISLAM
PERSPECTIVE**

By

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ABSTRACT

Safe motherhood demands the provision of health care for a pregnant mother during pregnancy and after child birth. This results in the birth of healthy children and protection of the right to health of the mother and that of her child. The family is the first institution of the child and the provision of safe motherhood is directly linked to safe motherhood because a good family provides safe motherhood to woman and in the end changes the dynamics of the demography of the people. Demography is not restricted to the population of a people but includes the fertility rate, migration, health condition etc., hence directly linked to the family institution and safe motherhood. This paper examines the concept of safe motherhood and the importance of the family institution viz-a-viz the demography of Nigeria from an Islamic perspective. The paper found that the states with higher Muslim population have higher fertility rate. Islam does not discourage child birth or population growth but expects that children should be given training and care so that they can be good ambassadors of Islam and their families. It is therefore suggested that Muslims should give priority in building a strong family institution by investing heavily in safe motherhood and good child upbringing. A doctrinal methodology was adopted in this research.

INTRODUCTION

Brining benefit and preventing harm is one of the cardinal foundations of Islam. Islam promotes actions that help save life and prevents all forms of damages against the woman. To this end, save motherhood which advocates for high quality medical attention in all stages of motherhood comes with huge benefits to the mother, child, family and the society. This is in addition to the fact that its absence lead to negative consequences.

Family is undoubtedly a globally accepted and respected institution globally. All civilizations and creeds recognize the institution of family. Marriage is considered the get way to the establishment of the family institution. The family institution is as old as humanity. Prophet Adam (AS) and his wife Hauwa are recognized as the first human beings in the world and indeed the first family. Marriage, as a social institution, is essentially a civil contract. And as a civil contract it rests on the same footing as other contracts. Its validity depends on the capacity of the contracting parties, which according to Islamic law, consists in having majority (bulugh) and discretion. Family institution is very important from the lenses of Islamic law as it comes with several benefits and serves as the basis of the existence of the human race. It is the backbone of legitimate procreation and creates opportunity for family bond and relationships.

MEANING OF SAFE MOTHERHOOD

Safe motherhood encompasses a series of initiatives, practices, protocols and service delivery guidelines designed to ensure that women receive high-quality gynecological, family planning, prenatal, delivery and postpartum care, in order to achieve optimal health for the mother, fetus and infant during pregnancy, childbirth and postpartum.¹ This shows that safe motherhood is directly linked with health issues, which makes it paramount to X-ray the right to health under Islamic law

RIGHT TO HEALTH

Several definitions have been provided to the right to health. It depends on the angle from which one looks at it. It has been defined to mean “a state of being sound or whole in body, mind or soul” or it may either be “freedom from pain or sickness.”²

Health can therefore be said to be a “state of complete physical, mental or social well being and not merely the absence of disease or infirmity and by declaring that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without discrimination.³ The World Health Organisation (WHO) re-echoes that “governments have a

¹ <http://www.policyproject.com/matrix/SafeMotherhood.cfm> VISITED 11/2/2021

² www.medicalnewstoday.com (Visited 22/2/2021)

Garner A.G., *Blacks Law Dictionary* 8th Edition, Thomson West, USA (2004) p737

³ Onyegu, R., *Amanuensis on the Right to Health* in Nigeria, Socio-Economic Rights Initiative (SERI), Lagos (2005) pviii

responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.”⁴

Ladan opined that the term right to health is widely understood to cover access to wide range of conditions necessary for the attainment of health such as food, housing, safe water, sanitation, health working conditions and a healthy environment.⁵

Islam considers the right to health as a very important right because the worship of Allah can only be done under a healthy state of body and mind.⁶ Mothers deserve good health for the overall good of her child and the society.. This important right of the mother must therefore be respected to the latter. Where the right to health is not adequately protected, the end result will be endangering the mother/child’s life or putting them in a state of permanent disability.

Accordingly, Allah is the provider of good health. Believers are expected to do their best in order to preserve their health and pray to God for a lasting and good state of health. The Qur’an states to the effect that “And when I am ill, it is He who cures me”⁷ The protection and respect for the child’s right to health commences even before his birth. This is by ensuring that the expecting mother is given adequate care and protection so that the fetus is delivered unharmed.⁸ Al-Th‘alabiy opined that attributing cure to Allah is a mark of respect and the believer is expected to take all the practical steps towards attainment of good health.⁹

The right to good health derives its importance from two factors that are inherent in human nature and the nature of the universe.¹⁰ The first is mentioned in the Glorious Qur’an in the following words “He has raised the Heaven high, and He has set the balance of everything so that you might not

⁴ Paragraph 10 of the Preamble to the Constitution of WHO

⁵ Ladan M.T., quoted by Onyegu R. Op. Cit. pviii

⁶ Muhammad ibn ‘Abi ibn Ayyub Damashky, *Al-ibb al-Nabawiy*, (Beirut: Daral-Fikriy, nd), at 18.

⁷ Qur’an, *al-Shuara*:80

⁸ Arfat, S., “Islamic Perspective of Children’s Right: An Overview”, (2013), Vol. 2, No. 1, Asian Journal of Social Sciences and Humanities, at 300.

⁹ Muhammad ibn Ibrihim al-Th‘alabiy, *Kashf al-Bayan*, vol. 7, (Beirut: Dar I’ya al-Turath al-‘Araby, 2002), at 166. Imam ibn Kathir, *Tasfir Qur’an al-‘Azim*, vol. 6, (KSA: Dar al-‘Uayyibatu Linashri wa al-Tawz‘i, 1999), at 380.

¹⁰ Al-khayat, M.H., *Health as Human Right in Islam*, (Cairo: World health Organisation, 2004), at 15.

transgress the balance. Give just weight and fall not short in the balance.”¹¹ These verses speak about the ‘balance’ God has implanted in the nature of the universe, with all its structural, environmental and biological set-up, including human life.¹² They thus draw our attention to the fine balance that applies to everything in the universe. It also makes clear that any distortion of this fine balance, whether it is by excess on one side or shortage on the other, deliberate or accidental, may lead to extremely bad results that may rebound on man himself before affecting other things.¹³ Similarly, the Qur’an says further to the effect that “Mankind, it is against your own souls that your offences rebound.”¹⁴

The other factor concerns the original condition in man’s creation, which is that of his moulding in an upright status, as indicated in this divine address to man¹⁵: “O man, what has lured you away from your gracious Lord who created and moulded you and gave you an upright form.”¹⁶ Other Qur’anic verses give the same indication thus “Praise the name of your Lord, the Most High, who creates and proportions well.”¹⁷ “By the soul and its moulding.”¹⁸ “We indeed have created man in the fairest form.”¹⁹

A cursory look at the items or consumables prohibited by Islam will reveal that there are health risks in the consumption of most of them especially for pregnant women. For example alcohol,²⁰ pork,²¹ blood,²² dead animals, etc ²³ have far reaching health risks to human beings. Alcohol for example leads to several diseases like cancer, hypertension and hepatitis. It is equally responsible for the death of millions of people worldwide. The effect is even more serious on pregnant and nursing mothers. Alcohol intake at young age affects the development of the brain thereby leading to

¹¹ Qur’an, *al-Rahman*:7-9

¹² Al-khayat, n. 174, at 15.

¹³ Ibid

¹⁴ Qur’an, *Yunus*:23.

¹⁵ Al-khayat, n. 174, at 15.

¹⁶ Qur’an, *al-Infitar*:6-7.

¹⁷ Qur’an, *al-A’ala*:1-2.

¹⁸ Qur’an, *al-Shams*:7.

¹⁹ Qur’an, *al-Teen*:4.

²⁰ Allah prohibited the taking of alcohol in Qur’an, *al-Maidah*:90-91.

²¹ Qur’an, *al-Maidah*:3.

²² Qur’an, *al-Maidah*:3.

²³ See Qur’an, *al-M’idah*:3.

abnormality in life. It is equally a major cause of under aged pregnancies, violence and crime among young men and women.²⁴

The importance of health in Islam need not be over emphasised. That informed the fact that even obligatory acts of worship cease to be compulsory on a sick person if he cannot perform them. For example, fasting is a compulsory act of worship in Islamic law and forms part of the fundamental pillars of Islam, yet Allah exempts the sick from doing it. The Qur'an states to the effect that:

“[Fasting for] a limited number of days. So whoever among you is ill or on a journey [during them] – then an equal number of days [are to be made up]. And upon those who are able [to fast, but with hardship] – a ransom [as substitute] of feeding a poor person [each day]. And whoever volunteers good [i.e., excess] – it is better for him. But to fast is best for you, if you only knew.”²⁵

Though fasting is one of the five pillars of Islam, a pregnant woman is allowed by shari'ah to leave the fasting of the month of Ramadan if the fasting can be a threat to the health of the mother or her fetus.²⁶

The Qur'an equally gives a pilgrim the option of fasting or feeding the poor or offering sacrifices if he is in ill health and cannot shave his head.²⁷ This benevolence is part of the concern and importance of health in Islam. In fact, even during armed conflict, Allah has given consideration to the ill, lame and the blind. The Qur'an has categorically mentioned that these categories of persons are not under any obligation to participate in the armed struggle. The Qur'an states to the effect that

“There is not upon the blind any guilt or upon the lame any guilt or upon the ill any guilt [for remaining behind]. And whoever obeys Allah and His Messenger – He will admit him to gardens

²⁴ Johns Hopkins University, Consequences of Under Age Drinking http://www.camy.org/factsheets/sheets/consequences_of_underage_drinking.htm viewed on 7 November, 2013.

²⁵ Qur'an, *al-Baqara*:184.

²⁶ Muhammad ibn Hassan Shaybany, *Jamii Saghir wa Sharhu Nafiu al-Kabir*, (Beirut: np, 1406AH), at 141; Jamul al-Den ibn 'Abd Al-Wahid, *Sharhu al-Kabir*, (Beirut: Dar al-Fikr, nd), at 175; Muhammad al-Khutaib Al-Sharbiny, *Mughny al-Muhtaj wa arifat al-Ma'any al-Fazu al-Munhaj*, (Beirut: Dar al-Fik, nd), at 118.

²⁷ Qur'an, *al-Baqarah*:196.

beneath which rivers flow; but whoever turns away – He will punish him with a painful punishment.”²⁸

The concessions provided for the sick under the shariah are numerous²⁹ and the general principle is that “Allah intends for you ease and does not intend for you hardship...”³⁰

The importance of healthcare in Islam is further emphasised by the Prophet (PBUH). He urged the faithful to seek medication to cure their sickness. He was reported to have said: “For every disease there is cure and if the sick (person) makes use of medication, he will be cured by the will of Allah.”³¹ It was also reported that a nomad came to the Prophet (PBUH) and said:

“O the messenger of Allah! Do we need to use medication? He replied: Yes, O servants of Allah seek medication, indeed Allah the Most High did not create disease without cure except one (disease)”. They asked him what that disease was? He replied “old age.”³²

He was even more concerned about prevention before the cure and control after the outbreak when he said: “When you hear of epidemic in a land do not go there and if you were there do not go out.”³³ In another Hadith narrated by Imam Bukhari on the authority of Abu Huraira (R.A) the Prophet (PBUH) said: “Run away from a leper as you run away from a lion.”³⁴

Health stands as second in importance to faith under Islamic law. The Prophet (PBUH) says: “Second to faith, no one has ever been given a greater blessing than health.”³⁵ Another Hadith gives us the proper perspective of the essential things in life: “Whoever of you gets up in the morning feeling physically healthy, enjoying security and having his food for the day is like

²⁸ Qur'an, *al-Fath*:17, see also Qur'an, *al-anfal*:91.

²⁹ Other examples include the use of dry ablution for the sick see Qur'an, *al-Nisa*:43

³⁰ Qur'an, *al-Baqara*:185

³¹ Ibn Qayyum Al-Jauziyyah, *al-Tibbu an-Nabawi*, (Beirut: Dar al-Fikr, n.d.), at 8.

³² Ibid

³³ Ibn Qayyum al-Jauziyyah, *Zadul Mi'ad fi Hadyi Khairul'Ibad*, vol. 3. (Beirut: Dar-al-Fikr, 1972), at 75.

³⁴ Al Jauziyyah, n. 195, at 8.

³⁵ Tirmithi, M., Vol.5, hadith 3558.

one who has the world at his fingertips.”³⁶ By contrast, health places on us a great responsibility, for which we are accountable to God.

BENEFITS OF SAFE MOTHERHOOD

Safe mother saves lives, provides better health conditions, prevents disabilities, saves cost and protects the future generation. Whereas unsafe motherhood consists in maternal mortality or morbidity due to preventable pregnancy and childbirth-related causes. Safe motherhood decreases maternal and infant mortality and morbidity. Although, most maternal and infant deaths can be prevented through safe motherhood practices, millions of women worldwide are affected by maternal mortality and morbidity from preventable causes.³⁷

MEANING OF FAMILY

Family otherwise referred to as al-usarah in Arabic is a group of people brought together by marriage or relationship of consanguinity or affinity. The predominant way of creating a family is through marriage. After a marriage is contracted, the couple make the family. All children of the marriage form part of the family. Similarly, wives of children of a family also form part of the extended family. Family can therefore be nuclear family or extended family. While the former refers to the husband, wife and their children, the latter extends to uncles, aunties and grand parents. The Qur'an has mentioned situations where certain families are mentioned and special status is given to them. The Qur'an states "Allah has chosen Adam, Nuhu and the family of Ibrahim and Imran over all generations"³⁸ Islam has recognized the importance of maintaining family relations and considers it paramount. The Holy Quran says, "And be careful of [your duty to] God in whose name you demand [your rights] from one another, and [to] the ties of relationship; surely God is ever watchful over you!".³⁹ A whole chapter of the Qur'an is dedicated to a family and captioned the family of Imran. The family of Ibrahim is a blessed family that produced several prophets including Muhammad (SAW).⁴⁰

³⁶ Ibn Majah, Vol. 2, hadith 4141.

³⁷ <http://www.policyproject.com/matrix/SafeMotherhood.cfm> VISITED 11/2/2021

³⁸ Qur'an Surah ali-Imran:3

³⁹ Qur'an Surah Nisa 4:1

⁴⁰ Prophet Yakub, Ishaq, Ismail, Yusuf, Muhammad etc are all from the progeny of Ismail. See surah Al-An'an

CREATING A FAMILY

Marriage is a key path towards the creation of the family under Islamic Law. Wedlock is a tradition of the traditions of Allah (the Exalted) in the creation and in formation of human beings, in the world of the animals or the plants.⁴¹ Allah says

*“And of everything we have created pairs: that Ye may receive instructions”*²

Allah says further:

*“Glory to Allah, who created in pairs all things that the earth produces as well as their own (human) kind and (other) things of which they have no knowledge”*³

It is the pattern which Allah (the exalted) had chosen for the reproduction and for the propagation, the continuous of the life, after he had prepared both spouses and had made it easy for them, in which each one of them performs an active role in manifesting this goal.⁴

To this effect Allah says:

*“O mankind! We created you from a single (pair) of a male and a female”*⁵

Allah says further

*“O mankind! Reverence your guardian lord, who created you from a single person created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women”*⁶.

Marriage is a concrete bond and a sacred partnership, and Islam emphasizes that it continue lasting and binding! And so it sets down obligations, which,

⁴¹ Sabiq S., Fiqhu Sunnah Vol.2, Dar El-fikr Beirut, (1996) p363

² Qur'an 51:49

³ Qur'an 36:36

⁴ Sabiq S. op cit pg363

⁵ Qur'an 49:13

⁶ Qur'an 4:1

if they keep to them, will make them happy in their married life, and live comfortably in cool shades⁷

Marriage in Arabic it termed “Nikah”⁸ meaning contract. The Holy Qur’an equally referred to it as *mithaqan Ghaliza*⁹ meaning a strong covenant. Simply put, marriage in Islamic law is a voluntary contract between a man and a woman giving rise to rights and obligations.

Islam believers that if the foundation of the family is strong, the society will be strong. Allah states.

*“O mankind! Be dutiful to your land, who created you from a single person (Adam) and from him (Adam) He created his wife (Hauwa (Eve)) and from them both, He created many men and women; and fear Allah through you demand (your mutual rights) and (do not cut the relations of) the whom (kinship) surely Allah is ever an all watcher over you”*¹⁰

In a similar vein, Allah says:

And among His signs is that he created for you wives from among yourselves that you may find repose in them, and He has put between you attention and mercy verily in that are indeed signs for a people who reflect.¹¹

It was narrated by Anas (my Allah be pleased with him) that the messenger of Allah (SAW) said “when a man marries, he has fulfilled half of his religion so let him fear Allah regarding the remaining half”.¹²

The prophet was also reported to have said

“O you young people, he who amongst you that is capable of supporting a wife should marry, because it covers the eye and

⁷ Al-Qaradawy; Introduction to know Islam: AD Daawat UL- Islamiyyah Book Center; Lagos (1995) P217.

⁸ See Qur’an 33:49

⁹ Qur’an 4:21

¹⁰ Qur’an 4:1

¹¹ Qur’an 30:21

¹² Quoted in Doi A.I, Basis of Shari, 9, Gaskiya Corporation Zaria, (1981) p169

*protect the farj (reproductive organ) but those who are incapable should delve into fasting for it protects”.*¹³

In Islamic law, marriage is one of the two things that makes sexual relation valid between a man and a woman. The Holy Qur'an provides:

*“And those who guard their chastity (i.e private parts), from illegal sexual acts except their wives or (the slaves) that their right hand possess. For them, they Are free from blame”*¹⁴

In Islamic law, a marriage becomes valid only with a guardian, legality of marriage between the couples, formal statement of offer and acceptance¹⁵ two witnesses and dowry¹⁶.

Though the power of *ijbar* is a well-established principle of Islamic law, consent of parties is necessary for the validity of marriage. The prophet (SAW) said “A widow and the divorced woman shall not be married until her order or ordained and the virgin shall not be married until her consent is obtained.”²⁰ In another narration, the prophet (SAW) repudiated a marriage when a virgin girl came to the Holy prophet (SAW) and said that her father had her married against her wishes and the prophet (SAW) gave her the right to repudiate the marriage.²¹

With respect to divorced woman, the Qur'an is categorically clear thus:

And when you divorce a woman and they have come to the end of their waiting period, hinder them not from marrying other men if they have agreed with each other in fair manner.²²

Almighty Allah equally says:

¹³ Bukhari M, Sahih Bukhari chapter 2 Hadith 10

¹⁴ Qur'an 23:56 see also Qur'an 70: 29

¹⁵ Ambali M.A., The practice of Muslim family law in Nigeria (2nd ed) Tamaza publishing company limited (2003), Zaria pg 147.

¹⁶ Ambali M.A. Op cit P155

²⁰ Ibid

²¹ Doi A.I., Sharia The Islamic La. Taha publishers, London (1984) pg 122

²² Ibid

“O you who believe, it is not lawful for you to inherit women against their will”²³

In a family, the husband is the head of the family and he is expected treat other members of his family justly. The Qur'an states:

"Husbands are the protectors and maintainers of their wives because God has given the one more strength than the other, and because they support them from their means."⁴²

The Qur'an tells us at several places on the equality of men and women before God and in His judgment in the Hereafter. For example: "If any do deeds of righteousness - be they male or female - and have faith, they will enter heaven. And not the least injustice will be done to them."⁴³

IMPORTANCE OF FAMILY

The family is so important that the sharia looks at it as a source of earning several good things thus

- i. Procreation
- ii. Sexual satisfaction
- iii. Contentment
- iv. Relationship
- v. Love
- vi. Care
- vii. Reward

Demography and the Family Institution

Nigeria is one of the populous countries in the world. It is equally the most populous country in Africa. It is said that one out of every five black man is a Nigerian. The family is the building block and the basis of demography, it is therefore important to examine this important aspect of the family institution.

²³ Qur'an 2:232

⁴² Al Nisa 4:34

⁴³ Al Nisa 4:124

Meaning of Demography

the study of statistics such as births, deaths, income, or the incidence of disease, which illustrate the changing structure of human populations.⁴⁴ the composition of a particular human population. the statistical study of human populations especially with reference to size and density.⁴⁵

Nigerian Demography

The name Nigeria was created by Britain following the amalgamation of the Northern and Southern protectorates in 1914.⁴⁶ Before the coming of the colonial masters, the Nigerian people existed as different, independent and unrelated entities. Muslims constitute the majority population in the Northern part of the country.⁴⁷ Islam came to Northern Nigeria through Kanem Borno Empire. The activities of Arab merchants who came to the region for trading were instrumental to the spread of Islam in Borno.⁴⁸ Other parts of Northern Nigeria (Hausa Land) also came into contact with Islam through trading.⁴⁹ Though the Hausa community accepted Islam, they however mixed the practice of Islam with traditional idol worshipping. This resulted in the waging of jihad on the Hausa Kings by Sheikh Usman Dan Fodio in order to sanctify the practice of Islam in Hausa land. After the Sokoto Jihad, most part

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https://www.google.com/search?source=hp&ei=AOMkYMW9MliwUq2ColgP&iflsg=AINFCbYAAAAAYCTxEMtztCYU7Btg0aGV-m949sPcrtne&q=meaning+of+demography&oq=meaning+of+demography&gs_lcp=CgZwc3ktYWIQA1CN1AFYg5UCYJugAmgAcAB4AIABAIgBAJBAJgBAKABAaoBB2d3cy13aXo&scient=psy-ab&ved=0ahUKEwjFvavGreHuAhUImBQKHS0BCPEQ4dUDCAc&uact=5 visited 11/2/2021

⁴⁵ <https://www.merriam-webster.com/dictionary/demography>

⁴⁶ It is argued that the reason for the amalgamation was not just political but also economic. There was need for £100,000 subvention annually to pay wages in the north and which was hoped to be generated from the £200,000 surplus of the southern protectorate. See Daniels, F.A., "Historical Survey of Amalgamation of the Northern and Southern Police Departments of Nigeria in 1930", (2012), Vol. 8 No.18, European Scientific Journal, at 211.

⁴⁷ Abdulkadir, M.S., "Islam in the Non-Muslim Areas of Northern Nigeria, C. 1600-1960", (2011), Vol. 1 No. 1, Ilorin Journal of Religious Studies (IJOURLS), at 2.

⁴⁸ Sam Houston State University, available at http://www.shsu.edu/2his-ncp/kanem-Born_o.html viewed on 24 October, 2013.

⁴⁹ African Studies Centre, Islam in Nigeria, available at <http://www.ascleiden.nl/?q=content/webdossiers/islam-nigeria> viewed on 24 September, 2013.

of the Hausa land embraced Islam and actively practiced shariah.⁵⁰ Some parts of the North have a significant population of Christians.

Christianity reached the North through the activities of Christian missionary activities. The activities of the missionaries started from the North Western part of the North which borders the Southern part of the country. The presence of the colonial administration has significantly tamed the spread of Islam in Nigeria thereby giving a green light for the spread of Christianity in the North. The colonial administration through various policies stopped the implementation of shari'ah, especially Islamic criminal law in the Northern part of the country.⁵¹ Though significant part of the North practiced Islam, there is however a significant number of Christians and even idol worshippers in the North.

Before the arrival of the British conquerors, the Nigerian societies have a system of judicial and political administration. Mainly, there are chiefly and chiefless societies.⁵² In the North, Sokoto and Kanem Borno empires had a formal and rigid system of administration. The kingship was hereditary and a hierarchical order existed where the emirs were assisted by deputies.⁵³ Islamic law was applied in both private and public lives of the people and as such certainty in the administration of justice was pronounced amongst the people.

The Western part of Nigeria was dominated by the Yoruba speaking people.⁵⁴ In Yoruba land, Oba was the head of government and he was assisted by deputies like their Northern counter parts. It has mainly a patriarchal outlook, customs and traditions were respected and put to practice in the administration of government and judiciary.⁵⁵ Islam reached Yoruba

⁵⁰ Mahmud A.B., (July, 2000), Adoption and Implementation of Sharia Legal System in Zamfara State. Paper presented at the Jamatul Nasrul Islam sponsored seminar on Sharia in Jigawa State.

⁵¹ Odeh, L.E., "The Resurgence of Sharia Issue in Contemporary Nigeria 1999-2009", (2010), Vol. 9 No. 1&2, Benue Valley Journal of Humanities, at 3.

⁵² Tobi, N., *Sources of Nigerian Law*, (Lagos: M.J. Professional Publishers Ltd, 1996), at 1.

⁵³ Like Waziri, Kinandi, etc. see El-Yakub, K., "An Auto-Ethnographical Study of Integration of Kanuri Traditional Health Practices into the Borno State Health Care System" (Ph.D. Thesis, Durham University, 2009), at 52.

⁵⁴ The Yoruba people now occupy the south western part of Nigeria. They are immigrants from a region where they came under the influence of Arabs, ancient Egyptians, Etruscans and even the Jews. The Arab movements were believed to have influenced their immigration to their present location. See Biobaku, S., The Pattern of Yoruba History available at www.disaukzn.ac.29/webpage/dc/asjan58.14/asjan58.14.pdf viewed on 25 September, 2013.

⁵⁵ Tobi, n. 7, at 2.

land close to the 18th Century even before the Sokoto jihad.⁵⁶ Some learned Islamic scholars came to Yoruba land by 1830 through Ilorin.⁵⁷ Muslims constitute the majority population in Yoruba land up to this date.⁵⁸ Christian missionary activities arrived in the South Western part of Nigeria in the 18th Century. The activities of the Christian Missionaries in the region have significantly resulted in setting back the pace of the spread of Islam in the region.

The South Eastern part of Nigeria on the other hand is dominated by the Igbos.⁵⁹ The Igbos in the Southeast was chiefless in nature. It had institutions which were more republican in structure and function. The council of elders was charged with the administration of justice in accordance with the custom and culture of the people. The council of elders was seen as the fountain of justice and was assisted by officials in the enforcement of law and order.⁶⁰ Islam reached the South Eastern part of the country following the jihad of Usman Dan Fodio.⁶¹ A place like Auchi is dominated by Muslims.⁶² Generally, the South Eastern Nigeria is dominated by non-Muslims.⁶³ This is

⁵⁶ Fafunwa, A.B., *History of Education in Nigeria*, (UK: George Allen and Unwin Ltd, 1979), at 57.

⁵⁷ Like Ahmad Qifu and Uthman bin Abubakar who came to Ilorin during the reign of Oluyedun and established large Islamic schools. Ibid

⁵⁸ Idol worship is still found in the South Western part of the country. Unfortunately Muslims equally participate or combine idol worship with Islam for example the worship of *Osun* deity.

⁵⁹ They are equally referred to as Igbos. They are one of the largest ethnic groups in Africa making up 17% of the Nigerian population. They are equally found in significant number in Equatorial Guinea and Cameroon. See <http://ucr.edu/egneref/igboz.htm> viewed on 26 September, 2013.

⁶⁰ Ibid at 3.

⁶¹ Shehu Usman Danfodio is the leader of the Sokoto Caliphate. He led the Sokoto jihad on the Hausa emirs and succeeded in establishing an Islamic state. See Islahi, A., Shehu Usman Dan Fodio and his Economic Ideas http://mpr.ub.uni-muenchen.de/40916/1/MPRA_paper_40916.pdf. viewed on 25 January, 2014.

⁶² Oseni, Z.I., Modern Islamic and Arabic Studies in Bendel State of Nigeria, available at <https://www.unilorin.edu.ng/publications/zioseni/Journal%20Institute%20of%20MuslimMinority%20Affairs.doc> viewed on 28 September, 2013.

⁶³ Uchendu, E., Being Igbo and Muslim: The Igbo of South-Eastern Nigeria and Conversions to Islam, 1930s to Recent Times, available at <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=7780660> viewed 20 September, 2013.

due to the activities of the Christian Missionary in the region that succeeded in converting most part of the region to Christianity.⁶⁴

Nigeria became an independent state in 1960 and Lagos was made the capital of Nigeria.⁶⁵ Nigeria suffered under military dictatorship for 16 years.⁶⁶ Thirty months of civil war between Nigeria and South Eastern part of the Country resulted in the death of over 1 million people.⁶⁷

Nigeria is believed to be Africa's most populous country and the most populous black nation in the world with over 160 million people.⁶⁸ This population comprises of over 500 ethnic groups.⁶⁹ Muslims make up 50 percent of the population, Christians 40 percent and 10 percent traditional religion.⁷⁰ Nigeria is a secular state; the Constitution states that "The Government of the Federation or of a state shall not adopt any religion as state Religion."⁷¹ Following the democratization of Nigeria, some states have attempted to adopt shariah law as their state law.⁷² This is in accordance with the right to religious freedom guaranteed by the Nigerian Constitution.⁷³

Nigeria is one of the most densely populated countries in Africa, with approximately 200 million people in an area of 923,768 km (356,669 sq mi), and is also the country with the largest population in Africa¹ and the sixth largest population in the world. Approximately 50% of Nigerians are urban dwellers, with the rate of urbanization being estimated at 4.3%. Nigeria is home to over 250 ethnic groups, with over 500 languages,^[2] and the variety

⁶⁴ There is still the practice of idol worshipping in the South East, though not pronounced as in South West.

⁶⁵History Central, available at www.historycentral.com/Africa/NigeriaIndep.html viewed on 4 October, 2013.

⁶⁶Freedom House, available at <http://www.freedomhouse.org/report/freedom-world/2013/nigeria> viewed on 4 October, 2013.

⁶⁷ Ibid

⁶⁸ The North has around 60% of the total population of Nigeria which is around 100 Million people. See Population Reference Bureau, available at www.prb.org/Articles/2006/IntheNewsTheNigerianCensus.aspx viewed on 1 October, 2013.

⁶⁹ Hausa Fulani has the lion share with 29%, Yoruba 21%, Igbo 18%, Ijaws 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5% see Miles, J., *Customary Islamic Law and its Development in Africa*, (UK: African Development Bank, ND), at 105.

⁷⁰Naira Land Forum, www.nairaland.com/274676/nigerian-population-50-muslim-40 viewed on 2 October, 2013.

⁷¹ Section 10 of the 1999 CFRN (as amended).

⁷² Many states in Northern Nigeria adopted the shari'ah criminal law after Nigeria returned to a democratic government in 1999.

⁷³ Section 38(2) of the 1999 CFRN (as amended).

of customs, and traditions among them gives the country great cultural diversity. The three largest ethnic groups are the Hausa 27.4% of the population; along with the Yoruba 21% and Igbo 18%.⁷⁴

infrastructure." He also stated that the population "grew substantially from 17.3 in 1967 to 49.4 per cent in 2017."

	Total population	Population aged 0–14 (%)	Population aged 15–64 (%)	Population aged 65+ (%)
1950	37 860 000	41.7	55.3	3.0
1955	41 122 000	41.6	55.6	2.8
1960	45 212 000	41.6	55.6	2.8
1965	50 239 000	41.9	55.2	2.9
1970	56 132 000	42.6	54.6	2.8
1975	63 566 000	43.4	53.8	2.8
1980	73 698 000	44.0	53.2	2.8
1985	83 902 000	45.0	52.2	2.8
1990	95 617 000	44.9	52.3	2.9
1995	108 425 000	44.1	53.0	2.9
2000	122 877 000	43.5	53.7	2.8
2005	139 586 000	43.6	53.7	2.7
2010	159 708 000	44.0	53.2	2.7

Fertility data as of 2013 (DHS Program):

State	Total fertility rate	Percentage of women age 15–49 currently pregnant	Mean number of children ever born to women age 40–49
Abuja	3.8	8.3	4.7
Benue	5.2	13.0	6.8
Kogi	4.2	9.4	5.7

⁷⁴ https://en.wikipedia.org/wiki/Demographics_of_Nigeria visited 11/2/2021

Safe Motherhood and Family Institution: An Islamic Perspective

State	Total fertility rate	Percentage of women age 15–49 currently pregnant	Mean number of children ever born to women age 40–49
Kwara	5.1	7.2	5.2
Nasarawa	5.4	10.8	5.8
Niger	6.1	14.8	5.8
Plateau	5.4	11.2	5.6
Adamawa	5.8	15.6	6.7
Bauchi	8.1	16.9	8.4
Borno	4.7	12.7	5.2
Gombe	7.0	14.3	7.9
Taraba	6.0	10.6	7.1
Yobe	6.6	13.4	7.4
Jigawa	7.6	15.1	7.6
Kaduna	4.1	21.0	5.7
Kano	6.8	12.6	7.7
Katsina	7.4	17.3	8.4
Kebbi	6.7	16.9	8.2
Sokoto	7.0	14.1	7.3
Zamfara	8.4	17.0	8.7
Abia	4.2	7.3	5.0
Anambra	4.2	6.0	4.7
Ebonyi	5.3	9.1	7.1
Enugu	4.8	8.4	5.9
Imo	4.8	8.3	5.0
Akwa Ibom	3.9	5.3	5.4
Bayelsa	4.5	11.3	6.1
Cross River	5.4	9.1	5.5
Delta	4.1	10.6	5.6

State	Total fertility rate	Percentage of women age 15–49 currently pregnant	Mean number of children ever born to women age 40–49
Edo	4.4	6.3	5.7
Rivers	3.8	9.5	4.9
Ekiti	4.3	7.0	5.2
Lagos	4.1	7.2	4.3
Ogun	5.4	10.6	4.9
Ondo	5.2	9.1	5.2
Osun	4.1	6.8	4.3
Oyo	4.5	11.9	5.1

Source: Demographic and Health Surveys (DHS)

Position of sharia on Population

Under Islamic law, family planning is allowed but not obligatory except where not doing it leads to harm, that has led increase in the population of Muslim population states over states with less Muslim population.⁷⁵

Conclusion

Islam is a complete way of life. It aims to bring benefit and prevent harm. Safe motherhood protects the mother, the child and the society. It is therefore part of fulfilling the Islamic principle of maqasid al-sharia (objectives of sharia) to provide for safe motherhood. Family is a very important institution and several ways exists through which family can be established. Sharia advocates for protection of the family and provides a lot of reward for the existence of the family.

Nigeria is marked high in population growth, it is the most populous black nation in the World. The fertility rate is higher in the Muslim states compared to other parts of the country. It is equally the states with the poorest population and lesser in development. Islam does not kick against child spacing as is equally interested in a population that is productive, educated and well organized.

⁷⁵ Maegin G, Et al,

<http://pure.iiasa.ac.at/id/eprint/13485/1/The%20changing%20religious%20composition%20of%20Nigeria.pdf>