

**COMPARATIVE STUDY OF WIDOW'S RIGHT TO INHERITANCE BETWEEN
ISLAMIC AND CUSTOMARY LAWS: A CASE STUDY OF ZURU PEOPLE IN
KEBBI STATE**

BY

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**A DISSERTATION SUBMITTED TO THE DEPARTMENT OF ISLAMIC
STUDIES AND SHARI'AH, FACULTY OF ARTS AND ISLAMIC STUDIES,
BAYERO UNIVERSITY, KANO, IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTER OF
ARTS (M.A.) ISLAMIC STUDIES**

**DHUL-QADAH/1439AH
JULY, 2018**

DECLARATION

I hereby declare that this work is the product of my research efforts undertaken under the supervision of Dr. Aminullahi Adamu El-Gambari and has not been presented anywhere for the award of a degree or certificate. All sources have been duly acknowledged.

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CERTIFICATION

This is to certify that the research work for this dissertation and the subsequent write-up: *'Comparative Study of Widow's Right to Inheritance between Islamic and Customary Laws: A Case Study of Zuru People in Kebbi State'* (**Atika Muktar - SPS/15/MIS/00040**) were carried out under our supervision.

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ACKNOWLEDGEMENTS

All praise is due to Allah (سبحانه و تعال) praise Him and seek His help and asked for His forgiveness. I am highly gratitude to Allah (سبحانه و تعال) the creator and sustainer of the universe, who in His infinite mercy and guidance granted me the ability to undertake this research, work and complete the course. May Allah (سبحانه و تعال) continue to shower His mercy and blessing upon His beloved servant and messenger, Muhammad (ﷺ) his companions and the members of his house hold and all those who follow his guidance to the Day of Judgment?

The successful completion of this study would not have been possible without the help and assistance received from many people and institutions during the conduct of the research. I am grateful to the management of Bayero University, Kano and the Department of Islamic and Shari'ah for giving me opportunity and conducive environment to study. I must also register my appreciation to our Head of Department Dr. Moh'd Babangida Moh'd for his dedication and commitment to the development of our department. I would also like to appreciate the assistance and encouragement of Postgraduate Coordinator Dr. Nuhu Usman Abdullahi Giwa.

I must express my deep and sincere appreciation to my supervisor Dr. Aminu El-Gambari, internal examiner Dr. Ibrahim Muazzam S. Maibushirah and my external examiner Professor Badamasi Larai Yusuf for their constructive criticism, patience and thorough supervision and guidance during the course of this research which has gone a long way in enhancing the quality of this work. I also wish to express my gratitude to the Secretary of the Department, our Departmental Librarian as well as the entire staff of our Department both academic and non academic May Allah (سبحانه و تعال) shower His mercy and blessing upon them Ameen.

I sincerely appreciate the prayers, support and understanding of my entire family more especially my beloved mother, sisters, brothers and the entire family of late Alhaji Mukhtar Abdullahi Diri.

I also ask Allah (سبحانه و تعال) to bless those who directly or indirectly contributed their quota towards the successful completion of this research work more especially M.G. Ahmed and Murtala Hammadi

I must register my appreciation to the management of Secondary School Management Board (SSMB), under Kebbi State Ministry of Education for granting me study leave and financial assistance, which immensely contributed towards the success of this study. I must also appreciate administrators, teaching staff, non-teaching staff and students of Dr. Amina Abbakar Government Girls College, Birnin Kebbi for the encouragement, support and understanding.

Finally, I asked Allah (سبحانه و تعال) to forgive my mistake and short coming in this work in general - Alhamdulillah.

Atika Muktar

DEDICATION

This research work is dedicated to the loving memory of Late Father Alhaji Muktar Abdullahi Diri may his soul continued to rest in perfect peace. May Allah (S.W.A.) grant him Jannatul-al-Firdaus.

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GLOSSARY

Achifawa	=	A language in <i>Zuru</i> .
Alwasa	=	Name of a village in <i>Kebbi State</i>
Badakkare	=	<i>C'lela</i> man
Bori	=	Traditional religion
C'lele	=	The <i>Dakarkari</i> language's name
D'biti	=	Traditional/cultural Festival in <i>Zuru</i> emirate
Dandawa	=	A language in <i>Zuru Emirate</i>
Danko-Wasagu	=	One of the local government under <i>Zuru</i> Emirate
Dukawa	=	A language in <i>Zuru</i> emirate
Dukku Hill	=	A hill in <i>Kebbi State</i>
Fakai	=	One of the local government under <i>Zuru</i> Emirate
Faradha	=	A fixed share
Gbagy	=	Local government area in Nigeria
Girmace	=	Shire in <i>Zuru</i> emirate
Golmo	=	Services for in-law
Gomunu copo	=	God for giving rainfall
Gonuan menke	=	God of earth
Gotomo	=	Name of a village in <i>Kebbi State</i>
Kalalah	=	Person who died leaving behind only brothers and sisters
Kambari	=	A language in <i>Zuru</i>
Kanta	=	Name of the <i>Kabawa</i> leader
Kirishi	=	Traditional settlement in <i>Zuru</i> emirate
Laya	=	Amuter
Lelna	=	The people of <i>Zuru</i> or <i>Dakarkari</i>
Magiro	=	Traditional worship called Baba the ancestors
Nagwamatse	=	Name of traditional warrior
Sakaba	=	local government under <i>Zuru</i> Emirate
Surame	=	First place of settlement of <i>Kebbi</i> people
Uhola	=	Traditional/Cultural Festival in <i>Zuru</i> emirate
Walki	=	Leather cloth
Yadato	=	Virgin girl
Zabarmawa	=	A language in <i>Zuru</i> emirate.

ABBREVIATIONS

ABU	=	Ahmadu Bello University
AC	=	Apostolic Church
BBC	=	British Broadcasting Commission
CEDAW	=	Convention on the Elimination of All forms of Discrimination against Women
ECWA	=	Evangelical Church of West Africa
FGDS	=	Focus Group Discussion Schedule
JIBWIS	=	Jama'atu Izalah Bi'dah wa'ikamatis Sunnah
LGA	=	Local Government Area
LMA	=	Law of Marriage Act
NECO	=	National Examinations Council
NGO	=	Non-Governmental Organization
RCM	=	Roman Catholic Mission
RFI	=	Radio France International
UDHR	=	Universal Declaration of Human Rights
UMS	=	United Missionary Society
VOA	=	Voice of America
WAEC	=	West African Examination Council
WEEP	=	Widows Empowerment and Entrepreneurship Program
BUK	=	Bayero University Kano.

ABSTRACT

This study conducted comparative analysis of widows' right to inheritance between Islamic and Customary laws among *Zuru* people of *Kebbi* State. This study employed historical, analytical and descriptive research methods as a guide throughout the work. The study used in-depth interview to collect true life story from 20 widows living in each of the four communities of *Zuru* people (i.e. *Danko-Wasagu*, *Fakai*, *Sakaba* and *Zuru*). Comparative analysis between Islamic law of inheritance and customary/traditional practices of *Zuru* people was carried out. The study found that, most of the widows living among *Zuru* people has been deprived of their right to inheritance upon the death of their husbands because; they decides to remarry or thinking that they may remarry again in future. Results from comparative analysis proved that Islamic law (*Shari'ah*) recognizes the right of women (i.e. widows) and even daughters to inheritance. But, the customs and traditions of *Zuru* people denied them these rights by recognizing the right of a male (either son, elderly brother etc) only. Also, customary law does not specify the rate or specific share of the woman (widow) with respect to inheritance if at all she will be given a share of her husband's property. But, the Glorious Qur'an has prescribed the share allotment of woman (widow) in every situation. Furthermore, the customary and traditional practices of *Zuru* people recognize the right of Full Brother, Half Brother, Uttering Brother, So of Son, Paternal and Maternal Uncles and even Grandfather to inheritance. But, they disregards the right of women (either wife, daughter, son of daughter, full sister, half sister & uttering sister, mother, and grandmother) to inheritance. Finally, there are number of verses in the Glorious Qur'an, *Hadith* and volumes of *Ijima-ul-Ulama* that specify the percentage of shares a woman (widow) is entitled to from the estate or wealth left behind to her husband (either with or without parents, brothers, and children). This has given women (widows) right for a specific share of wealth or property ownership from that which their husbands left. But, the customary law of *Zuru* people does not specify any form of shares or percentage for widows. This customary law practice of *Zuru* people becomes applicable because; they don't take inheritance cases to any law, *Shai'ah* or magistrate courts.

CHAPTER ONE INTRODUCTION

1.1 Background to the Study

During the pre-Islamic civilizations, women were generally denied any right to inheritance (which includes inheritance to property), as a result of this act, money, property and other valuables would not be transferred to woman from her husband after his death. Similarly, only matured elder sons were entitled to inheritance, since they were the ones who fought and defended their tribe in times of war. However the Qur'an has addressed women's issues fourteen hundred years ago by creating some reforms to improve the status of women through these reforms do not seem to be genuinely practiced in some few Muslim societies today.¹

In Northern part of Nigeria, which is largely dominated by Muslims, women's inheritance is governed by Islamic law. Under the *Shari'ah* law, women can acquire and retain their own property, pass it on to their heirs, and can inherit from their deceased parents, husbands, brothers, sisters, daughters and other relations. Under the personal law code of the *Shari'ah*, the share of inheritance a female receives is half as much as the male heirs. A widow, though, has the right to only one-quarter of the estate if her deceased husband has no descendants and one-eighth if there are heirs. If there is more than one widow, this one-eighth portion is shared between them²Islam grants women the right to inherit from their parents or relatives and specifies an obligatory share for them. Allah the Almighty Says:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ
وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا ﴿٧﴾

For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much -- an obligatory share (Quran, 4:7).

¹ Sahah-uddin A. (2003). "Justice of Islam in the Rules of Inheritance"; which was published by Aminu Kano Collage of Islamic Legal Studies Kano State; pp: 1-230.

² Nwaebuni (2013)

Muslim jurists believe that this verse establishes a general inheritance rule for both men and women. They also believe that this verse establishes a new norm that was not known before; that is granting women the right to inheritance. In Islamic *Shari'ah*, there are three grounds for inheritance: marriage, blood relations and emancipation (Nisah; ch. 4).

As at the time of this study, *Kebbi* State has enjoyed 27 years of independence from former *Sokoto* State. The state gained independent on 17th August 1991. *Kebbi* state popularly known as Land of Equity consists of Four (4) emirate councils: *Gwandu*, *Argungu*, *Yauri* and *Zuru* with the total of 35 districts. *Kebbi* state is highly dominated by Hausa and Fulani people with some member of *Lelna*, *Dukkawa*, *Kambari*, *Fakkawa* ethnic communities among others. Based on the aforementioned, *Zuru* emirate is part of the emirate councils in *Kebbi* state; as such *Zuru* Local Government is the city or capital of *Zuru* emirate. *Dakarkari* is the popular name of people from *Zuru* that is why this study refers them to as *Zuru* People.

Zuru people are called *Dakarkari* and are known for their prevalence traditional belief system and traditional practices. *Zuru* people practices certain kind of traditional festivals such as *D'biti* festival, *Uhola* festival, and *Kirishi* traditional settlement.³ As popular saying goes, 'Traditional practices are directly influenced by once belief'. *Zuru* people practices different kinds of religion namely: Islam, Christianity and Traditional Religion (also so known as *Al'Adu*). People across *Kebbi* state and beyond have been and continue to see *Zuru* people as traditionalist.

Zuru people are portrayed as traditionalist because of their over century traditional practices. *Zuru* people are known for their Shrine (or temple) practices; where they do their worships which they inherited from their ancestors and their forefathers. These Shrines are mostly located in *Manga*, *Zanga* and *Dogga*. *Zuru* people that hold these beliefs of Shrine practices do dedicate them to specific Deity, Hero, Martyr, Saint or particular Public Figure for what they called 'awe or respect'. According to most of this traditionalist, they hold on to their Shrines in order to solve their problems. These have been the way of life for *Zuru* people till the coming of various Islamic preachers to the area. The coming of the Islamic preachers set a landmark for Islamic development and practices among *Zuru* people. With the gradual development Islam through

³ Bako, A. (2000). "Transition and changes in religion and belief system in *Zuru* emirate" A research project submitted to department of history in Usman Dan Fodio University Sokoto; pp: 1 -90.

these preachers like *Darika* and *Izalah* group, many *Zuru* people begin to stop worshipping Shrines, water and idols made from stones and woods. Yet, majority of *Zuru* people holds on to the traditional practice with respect to inheritance.

In line with the above background, this study conducted a comparative analysis of widow's inheritance between Islamic and customary laws by making reference to *Zuru* people of *Kebbi* State. Widows for the purpose of this study are those legally married women who lost their husband by death. This research considered the right to these women to inherit a title, property, or an estate left by behind by her deceased husband. According to Islamic laws, a widow has right to inherit her husband after death, she receive $\frac{1}{4}$ of the estate if the husband has no children and get $\frac{1}{8}$ of the estate if the husband has children. Both according to customary tradition of *Zuru* people, A widow is not entitle to any portion or share of her deceased husband, the elderly son of the deceased person in the family will inherit everything, unless if he decided to give them (widow and younger children) something. These *Zuru* people did this to the widow if she refused to remarry someone from her deceased husband's family (in order to take care of the children). But, if she (widow) decide to marry again or thinking that she will re-marry again in future, then she (widow) will have no title or right to inheritance.⁴

Based on the forgone, there is a need to highlight few of the general rules of inheritance in Islam namely: (a) The share of the male is double that of the female (b) A Muslim cannot bequeath more than one-third of his or her total property. (c) If all heirs claiming the property are equally near in terms of the relation to the deceased, they all have an equal share in the property. A closer heir excludes the more distant one; (d) A woman is entitled to inherit property as a daughter, widow, grandmother, mother; (e) A widow is entitled to one-eighth share of her husband's property when there are children and one-fourth share when there are none; (f) A daughter gets half of whatever share her brother gets. In case she has no brother, she is entitled to a share of half the property; (g) A mother will get one-third share of her sons property when there are no children and one-sixth when there are children; and brothers and sisters. (h) The maternal grandmother will get one-sixth the share of the total property only if there is no

⁴ Bako, A. (2000). "Transition and changes in religion and belief system in Zuru emirate" A research project submitted to department of history in Usman Dan Fodio University Sokoto; p; 200.

mother.⁵ Furthermore, Women inherit by prescribed share in eight cases, while Men inherit in four cases only.

1.2 Statement of the Problem

The glorious Qur'an improved the status of women by qualifying their rights and title to inheritance as well as identifying their share of inheritance in clear terms (see Nisah, Ch. 11; 12; & 176). Despite the above verses in the glorious Qur'an, widows among *Zuru* people usually faces lot of problems after the death of their spouse. After the death of their husband, the family members do not assist those (widows) in any way. As results of these, many of their children (orphans) were drop out of school; whole, some engage themselves into hulking business in order to assist their family.

Widows among *Zuru* people greatly suffer a lot and engaged themselves to very dangerous activities in order to raise their children. These widows used to stay hungry and just to make sure their children have eaten, some used to follow men (in form of prostitution) so that they will get something (like money) to feed their children. Some of the widows find themselves into serious thinking that will lead them to fall into illness. At this points, it can be understood that some of the problems widows do faces among *Zuru* people are related to basic necessity of life such as food, cloth, shelter, education, health and sense of belonging etc.⁶ These problems that widows faced among *Zuru* people are clearly explained in the following sub-sections.

Food: Many widows and their children used to wake-up in the morning without having anything for them and their children to feed from; as such they resort to small businesses that they do to have something to put into their own mouth or to feed.⁷

Clothing: Many don't have any money to feed themselves and their children, how would they think of cloth that is why you find most of these widows bagging on the street for help.

⁵ Tarahaat (2007)

⁶ Prince Bawa, K. and Amos (2014). "The Zuru people: An attempt to authenticating issues relating to the history of Zuru people". P 65.

⁷ Prince Bawa and Amos (2014): Pp.72.

Shelter: Most of the men died without owning a house for their family, they usually rent a house to say, after the husband died the widows find it difficult to pay the rent, for that the land lord would ask them to move out, without knowing any place to go.

Education: Most of the widow's children were drop out of schools because they were unable to pay their school fees, as they try very hard to have something to eat.⁸

Health: Some widows and their children used to fall ill without any money to buy medicine or settling the hospital bills, many of them died out of that illness.

Sense of Belonging: Most of the widows who desire to remarry and have sense of belonging as a human being with another life partner find it difficult to remarry considering the number of children they are left with the issues surrounding the children's wellbeing.

However, the survey carried out by Centre for Islamic Legal Studies, Ahmadu Bello University, Zaria in 2005 revealed that 40.81% of female respondents did get their share in inheritance. However, such women were generally not given control and authority over the property. The women who were either denied share in inheritance or who succeeded in getting their right mostly faced challenges owing to customary practice, complex legal system and procedure. Literature proved that, owing to customary practices most women are forced to withdraw their right to inheritance in favour of male family members seemingly voluntarily or under compulsion. Similarly, a widow loses her right of inheritance, if she remarries outside the family of her deceased husband, getting her share in husband's inheritance. However, in case a widow has already acquired her share and wants to remarry outside her husband's family, she is mostly made to transfer her share to male family member of her deceased husband⁹. Based on the aforementioned, it can be deduced that the major problems of this study are:

- i) Widows have been frequently denied that main way to acquire and control property, which significantly undermines their economic security and independence, as well as their access to economic opportunities in *Kebbi*.

⁸ Prince Bawa and Amos (2014): Pp. 50.

⁹ Centre for Islamic Legal Studies, Ahmadu Bello University, Zaria (2005). "Promoting women's rights through Sharia in Northern Nigeria"; Pp: 6-33

- ii) There are some cases where widows were given their due right. But, authority over such right is denied;
- iii) Many Western ideologists claimed that, the property distribution in Islam is not fair; as men get double of women share; and
- iv) Some Muslim women in Northern Nigeria have been subjected to practices that violate their inheritance rights.

Nevertheless, inheritance right is one of the most ignored gender issues owing to biased interpretations of religious directives and deep-rooted patriarchal customary practices denying women their due right. If they are at all given a share in inheritance, often possession and authority over it is denied. This problem is aggravated owing to inadequate policies/laws, inefficient implementation, enforcement system and absence of monitoring mechanism. Lack of political will is also a contributing factor to this situation.

Equality between men and women in the distribution of inheritance has become a major concern¹⁰. The current Western ideology claimed that, the property distribution in Islam is not fair¹¹. Because, according to Islamic jurisprudence, a son will get a share which equals the share of two daughters (Quran, ch 4:11) The husband will get half of the deceased wife's share if she does not have any child while the wife will get one-fourth of the deceased husband's share if he does not have any child¹². When the deceased has only one son, he is entitled to the whole property¹³, but if the deceased left only one daughter then the maximum she is entitled to have is half of the property, and the remainder will be distributed among the brothers and sisters of the deceased. Based on this, many claim that woman's property sharing in Islamic *Shari'ah* is not equal to man¹⁴.

However, Muslim scholars argue that the property right of the woman in Islam is fair¹⁵. The property distribution is made based on the role and responsibility of man and woman in the

¹⁰ Shatzmiller, 1995

¹¹ Barlow and Akbarzadeh, 2006

¹² Uthaimin 1983, p. 45; Bagovi 1999, vol. 3, p. 130

¹³ Atiyah 2008, p. 137

¹⁴ Steinzor, 2003

¹⁵ Labib 1995, p. 7; Al-Tabari 2000, vol. 8, p. 2 70

Muslim society¹⁶. In the Islamic social system, a man has more responsibility than a woman¹⁷. A man is responsible for providing *nafaqah* (money that the husband has to provide to the wife for her sustenance) to his wife and children¹⁸. Moreover, Muslim scholars point out that Islamic inheritance distribution is comprehensive. It is in line with the above problems, this study conducted comparative analysis of widow's right to inheritance between Islamic and Customary Laws among *Zuru* people in Kebbi State.

1.3 Aims and Objectives

This study primarily conducted comparative analysis of widow's right to inheritance between Islamic and Customary Laws among *Zuru* people in Kebbi State. Specific objectives of the study are:

- i) To explore the ways in which widows among *Zuru* people are deprived of property inheritance upon the death of their husbands;
- ii) To established the widows in demanding for their rights of property inheritance left by their husbands towards the development of *Zuru* people;
- iii) To identify the consequences of denying or depriving widows their right to property inheritance upon the death of their husbands among *Zuru* people; and
- iv) To suggest effective ways for ensuring that, the right of widows to inherit a property upon the death of their husbands are exercised.

1.4 Significance of the Study

Considering the significant roles played by Islamic law of inheritance towards sustaining the social and economic wellbeing of women, there is needed to study within the contemporary environment like the topic under examination. Thus, this study did a comparative analysis of widow's rights to inheritance between Islamic and customary laws among *Zuru* people of *Kebbi* state. Therefore, the results and findings would be of great importance to many individuals, entities and corporate organization both at local and international levels.

¹⁶ Al-Qurtubi 1964, vol. 5, p. 168

¹⁷ Dangor, 2001

¹⁸ Al-Tabari 2000, vol. 8, p. 270

Firstly, findings and results from this study significantly in the yarn for reform by Muslims with the aim to rediscover the true meaning of Islamic principles of inheritance. It is only through liberal interpretation that Islamic law of inheritance can meet the traditional (customary) challenges which have been a great barrier to the enhancement of human rights in all Islamic communities.

Secondly, it is expected that this study will boost and alarm the need for Muslims to lead the way and discover the true meaning of Qur'anic verses while resorting to doctrine of *Ijma*, which offers consensus about the right of widow to inherit a property left by her husband. Thirdly, at the end of this study, readers should be able to understand that Islam, by its nature, is not an obstacle to a true equality between men and women or true religious equality. Hence, a careful study of past Muslim civilizations, through the Golden Age of Islam, can attest to this.

The results and findings from this research would be significantly beneficial to the general public more especially the Northerners. This is so; because; the study will highlight the danger and consequences of poor widowhood practices. Since majority of the people now understand the vital roles played by women towards economic development, better governance, peace and progress of communities and their household's development, this study tries to investigate the implications of denying them the basic means to socio-economic freedom. The general public will understand from this study that, when a widow is poorly treated, the future progress of the deceased household is endangered.

This study and its findings would be significantly important to widows and general Muslims in *Zuru* emirate and *Kebbi* state at large; because of its ability to diagnoses various cases of widows inheritance and point out major Islamic and customary laws practices that has been reformed to accommodate widows while sharing the property left by their deceased husbands. Similarly, general Muslims in *Zuru* people would be significantly benefits from this study based on its ability to shade more light on the economic advantage of allowing widows to exercise their due right to property inheritance.

1.5 Scope and Limitation

By scope, this research work is comparative in nature on the widow's rights to inheritance between Islamic and customary laws. This study was conducted among *Zuru* people of *Kebbi*

state. Therefore, this study concentrates on widows living among *Zuru* people. Impliedly, this research work limited to traditional practices by *Zuru* people in relation to widows' inheritance

Since it is very difficult to obtain documented information on forms and nature of traditional practices by *Zuru* people in relation to widow's inheritance, the researcher obtained true life study of some selected widows living among *Zuru* people as at the time of the study. This true life story was collected through Focus Group Discussion (FGDs) with the selected widows at different times. As such, issues found and conclusions drawn at the end of the study is limited to widow's rights to inheritance under Islamic and customary laws.

1.6 Methodology

This study used historical, analytical and descriptive research methods. The use of historical method was imperative to the present study because of the need for the study to provide historical sketch of Kebbi state and *Zuru* people. Similarly, the study employed analytical method in order to connect factors and variables which made conditions of widows less than imperative among *Zuru* people in Kebbi state. Finally, the researcher adopted descriptive research method to enable the study to give accurate description of the situation and the rights of the widows among *Zuru* people in Kebbi State.

Notwithstanding, the primary source of data collection to the study is true life story with Twenty (18) widows living among *Zuru* people in *Kebbi* State. Since *Zuru* people spread across four (4) communities namely: *Zuru*, *Danko Wasagu*, *Sakaba* and *Fakai*; this study selected Five (4) widows living in each of these. These Twenty (18) widows were used for Focus Group Discussion (FGD). Primacy was given to the subject matter of inheritance during discussions. The researcher promised these widows that, whatever will be the outcome of the research from these study areas would be used in extrapolating for the entire *Zuru* people in *Kebbi* State.

1.7 Chapter Conclusion

This chapter presents general introduction of the study and its major variables. Under background to the study, it was established that glorious Quran has addressed women's issues fourteen hundred years ago by creating some reforms to improve the status of women through these reforms do not seem to be genuinely practiced in some few Muslim societies today. Yet,

majority of *Zuru* people holds on to the traditional practice with respect to inheritance. The rest of the background to the study introduces the Islamic law with respect to widow's right to inheritance as well as traditional practice of *Zuru* people that oppose this law. Under statement of the problem, it was explained that despite the verses in the glorious Qur'an, widows living among *Zuru* people usually faces lot of problems after the death of their spouse. After the death of their husband, the family members do not assist those (widows) in any way. As results of these, many of their children (orphans) were drop out of school; whole, some engage themselves into hulking business in order to assist their family.

In line with the study's background and problems, the study was designed and conducted comparative analysis of widows' rights to inheritance between Islamic and Customary Laws with reference to *Zuru* people of *Kebbi* State. This study set four (4) objectives to be achieved at the end of the study. The relevance of this study and its findings too many individuals, entities and corporate organization both at local and international levels has been explained in the chapter. The rest of the chapter explains the contributions of the study to body of knowledge; scope and limitation of the study as well as methodology adopted by the study for the purpose of data collection and presentation.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter provides review of literature and existing studies that were found relevant and related to the subject matter under study as well as its major variables. It is expected that, this literature review will form the empirical basis based on which conclusions will be drawn therein.

2.1 Literature Review

In order to determine the literature gap between the present and existing studies as well as the uniqueness of the study, there is a need to extensively and critically examine and review studies that are relevant and related to the subject matter under investigation. Hence, review of empirical studies is provided in this section with a view to ascertain the contribution intends to be made by the researcher and the study on the comparative study of widows inheritance between Islamic and customary laws legal perspectives. It should be noted that, empirical studies are reviewed both at local and international level in order to ensure comprehensive empirical survey.

Maibushrah (1998)¹⁹ conducted a study on the “Distribution of Inheritance in Islam and its Application in Kano state”. The study was carried out in the Department of Islamic Studies, Bayero University Kano. The aim of his study was to showcase the rules, principles and procedures used in the distribution of inheritance according to Islamic (*Shari’ah*) law. Hence, the research was found relevant especially in my chapter four.

Another literature is Yahaya in (2003)²⁰ Titled: “The status of women in Islam with regard to inheritance: An Analysis of the favours conferred on them, a case study of some selected court cases in Kano state”. This study was Department of Islamic Studies, Bayero University Kano. The research was able to explain issues related to women and some selected cases in Kano state, which is relevant to the current research especially in my chapter three.

¹⁹ Ibrahim M.S Maibushrah (1998). “Distribution of inheritance in Islam and its application in Kano state” in partial fulfillment of the requirement for the award of Master of Arts(MA) in Islamic Studies Bayero University, Kano.

²⁰ Yahayya, A. (2003). “The status of women in Islam with regard to inheritance: An analysis of the favours conferred on them, a case study of some selected court case in Kano State”.

Similarly, Yakubu (2012)²¹ carried out a research on “A comparative study of inheritance between *Shari’ah* and customary practice of *Gbagy* and *Koro*”. This study was also conducted in the Department of Islamic Studies, Bayero University, Kano. The study was able to discuss major and important issues on inheritance and compares them between *Shari’ah* and Customary practices of *Gbagy* and *Koro*. The research is also relevant to present research as it will guide the researcher to explore more in explaining things in detail which are left by him.

Abdur’ra’uf (2012)²² conducted a comparative study between customary and *Shari’ah* view of divorce among the Muslim of Iwo Local Government, Osun State of Nigeria. The study was conducted in the Department of Islamic Studies, Bayero University, Kano. This study narrates various contributions to the case of divorce among the Muslims of Iwo L.G.A in Osun. The study is relevant to current research work as its comparative analysis between Islamic and customary laws of *Zuru* people.

Ibrahim (2010)²³, wrote on “Muslim Women of Kano City and Society problems: An Islamic Solution”. The study was carried out in Department of Islamic Studies, Bayero University, and Kano. The researcher was able to discuss many issues related to Muslim women in Kano state and their social, economic, political and religious rights in Islam. The research is related to the present research because it discusses about women problems and the present study is talking about widow’s right to inheritance a property and the conflict between Islamic and customary laws practice in *Zuru* people.

Diri (2007)²⁴ studied “Inheritance and Disposal of Property under Islamic Law”. The study was conducted in College of Basic and Advanced Studies in *Yelwa Yauri*, *Kebbi* State. This study has extensively discussed some important issues about distribution of property (in form of inheritance) which is relevant to the present research more especially in my chapter four.

²¹ Yahayya, D.O. (2012). “A comparative study of inheritance between *Shari’ah* and customary practice of *Gbagy* and *Koro*” in the Faculty of Arts and Islamic Studies, Department of Islamic Studies; Pp: 10-130.

²² Abdur’ra’uf, T.A. (2012). “A comparative study between Customary and *Shari’ah* view of divorce among the Muslim of Iwo local gov’t of Osun State of Nigeria” as partial fulfillment of the requirement for the award of master of Arts in Islamic Studies; Pp: 1-120.

²³ Ibrahim, A.S. (2010). “Muslim women of Kano city and society, problems: An Islamic solution” as partial fulfillment of the requirement for the award of M.A in Islamic Studies in Bayero University, Kano; Pp: 1-100.

²⁴ Diri, R.M. (2007). “Inheritance and distribution of property under Islamic law” as partial fulfillment of the requirement of award of Diploma in Civil Law, Collage of Basic and Advance Studies, *Yelwa Yauri*; Pp: 1-60.

Furthermore, Abubakar (2004)²⁵ conducted a “Survey on the Islamic Law of Inheritance and the Distribution of Estate of a Testate and on Intestate Persons”. The study was carried out in Faculty of Law, Usmanu Dan Fodiyo University Sokoto. This study discussed every aspect of inheritance in general, which will be useful in my chapter four.

Another important book written by Bichi (2005)²⁶ “Rabon Gado Hukuncin Allah”. The author writing his book in Hausa language, which is a great achievement bring so many issues inheritance and explain them, What Almighty Allah (SWT) ordered under inheritance verses, and the shares taken by each and every person involved. This book is relevant to the current research work because it deals with issues related to inheritance.

Similarly, Sanusi (2011)²⁷ write a book titled: “A Comparative Study of Customary and Islamic Laws of Inheritance in Yaroba Land”. The author discussed so many issues in *Yaroba* land and did comparison between *Yaroba* Customary law and Islamic laws of inheritance, His book is related to the present study since the study compares between Islamic and Customary laws of *Zuru* people of *Kebbi* State by discussing their tribes, cultures, and religious activities.

Another book published by Ibrahim in (2001)²⁸ titled: “An Introduction to Islamic Law of Inheritance (Question and Answer)”. The writer explains some issues on inheritance and latter put some question and answer for the readers to understand the concept and principals better. This book is relevant to present research work because it deals with inheritance strictly.

Another important book written by Doi (2007)²⁹ titled: “*Shari’ah: The Islamic Law*”. This book was divided into chapters like *Shari’ah*, family relation, crime and punishment, and inheritance and disposal of property. The book touches most aspects of human life and in chapter four the author discussed extensively about inheritance. The book is also relevant to the current research because its touches inheritance.

²⁵ Abdulkadi, A. (2004). “A surveys the Islamic law of inheritance and the distribution of estate of a testate and on intestate person”. This study was conducted for the award of Bachelor of Law Deree (LLB) in Shari’ah and Common Law, Usman Danfodio University, Sokoto; Pp: 1-165.

²⁶Bichi, H.A. (2005). “*Rabon Gado Hukuncin Allah*”. Published by Aminu Collage of Islamic Legal Studies, Kano; Pp: 1-70.

²⁷ Sanusi, M.A. (2011). “A Comparative Study of the Customary and Islamic Law of inheritance in Yoruba Land “published in Nigeria; Pp: 1-150.

²⁸Ibrahim, M. (2001). “*An introduction to Islamic law of inheritance (question and answers)*”. Published by Islamic Council for Development and Humanitarian Service (ICODEHS) Accra, Ghana; Pp: 1-112

²⁹Dol, A.I. (2007). “*Shari’ah the Islamic Law*”. Published in Kurmi Market Kano, Nigeria; Pp: 1-220.

Another relevant book written by Ali-lakhy (2003)³⁰ titled: “Justice of Islam in the Rules of Inheritance”. The author of this book is a known and renowned author on inheritance, there for his book is also relevant to the research work but the author discourse inheritance in general which is very useful to the present research work.

Ali-Khan in (2005)³¹ wrote a book titled: “Islamic Law of Inheritance”. The author mentioned some important issues on inheritance like general principles, exclusion, impediment, distribution and special rules. The author did his best, which is relevant to current research work, would differentiate between inheritance of men and women.

Al-Qaira-wan³²(1984) in his “Risala” book, touches every aspect of human worship, he mention many things that a Muslim need to know in order to worship Almighty Allah. Chapter 39 of the book discussed issues of inheritance like the shares giving to each and every person and who will exclude who, what is the reason for the exclusion, he also bring some tradition of the Prophet (SAW). Al-Qaira-wan’s book is very useful to the current research on conceptual and principals clarification.

Khan in (2011)³³ wrote a book on “How to Calculate Inheritance”. The author discussed significant issues of law of inheritance, but he concentrates much on the mathematical and arithmetic formulation for calculating of a deceased property. His work is very relevant to the present study, even thought the researcher does not intend to concentrate on calculation only.

In another paper written by Mzee (2016)³⁴, he argued that, the illegitimate child has no right to inheritance from his biological father. His paper revealed that, there are many ways for these illegitimate children to be given something which can help for their life. Such ways are: under Islamic law a person is allowed to convey his estate through a will which doesn’t exceed 1/3 of whole estate. Again, we have seen that Islamic law allows its followers to convey a property

³⁰Sahahuddin, A. (2003). “*Justice of Islam in the Rules of Inheritance*”. published by Aminu Kano Collage of Islamic Legal Studies Kano State; Pp: 1-230.

³¹ Khan, M.M.A. (2005). “*Islamic Law of Inheritance*”. Published under Faculty of Law, Aligarh Muslim University; Pp: 1.180.

³² Qairawan, A.M. (1984). “*RISALA*”. A Malaki Shari’ah text, M.A (Classical Arabic) publishing company Zari’a printed by Gaskiya Corporation Zari’a; Pp: 300.

³³Khan, S.A. (2011). “*How to Calculate Inheritance*”. Published by Nizamuddin West Market, New Delhi, India; Pp: 1-80.

³⁴Mzee (2016). Addresses the question of inheritance according to Islamic law and the position of an illegitimate child under Islamic law.

through a gift to anyone they wish. So by observing that, it was argued that a will and a gift can be used by a person before his death to convey some of his property to those children who have no right to inherit him. He therefore recommended that, it is a time now for different institutions which deal with rights of children to educate and encourage people the option which the Islamic law provides in relation to an illegitimate child. It is only by doing this; these innocent children will have a better and assurance of their future life.

Amos in (2014)³⁵ published a book titled: “The *Zuru* People”. The Author explains the historical development, religion, cultures, and language of *Zuru* emirate. His work is relevant to the current research because the current study was conducted on right of widow’s to inheritance in reference to *Zuru* people of *Kebbi* state, their history, language, religion, and culture were needed; the book would be useful more especiall in my chapter three.

Consequently, Danladi (1989)³⁶ wrote a book on “Some Aspect of Islamic Law of Succession”. The author explain some issues in law of inheritance like disqualification from intestate succession, distribution of estate, father’s father and mother’s mother special problems of Rad and Awl. His research would be relevant to the current research but the researcher puts more concentration on widow’s right of inheritance.

Also Bako (1990)³⁷ provides “transition exchanges in religions and belief system in *Zuru* emirate”. The Author also explains the changes in religion and belief system in *Zuru* people. His work is relevant to the current research work because the research discussed religious belief system in *Zuru* people but the presents study would continue further by discussing some festivals in *Zuru* people too. The book would be usefull in my chapter three.

Abdullahi (2014)³⁸”A history of *Kasar Fakai* from the 1850s to 1996” M.A Dissertation, Department of history Usman Dan Fodio University Sokoto, explain all the historical aspect of

³⁵ Amos, P.B.K. (2014). “*The Zuru People*”. An Attempt to Authenticating Issues relating to the History of Zuru People and the Origin of C’lola as a Language of the People”; pp: 1-109.

³⁶ Keffi, S.U.D. (1989). “*Some aspect of Islamic law of succession*”. Center for Islamic Studies institute of Administration, Ahmadu Bello University Zaria, Kurmi Market Kano (1989; Pp: 1-95.

³⁷ Bako, A. (1990). “*Transition exchanges in religious and belief system in Zuru emirate*” in Augie, R.A. “Studies in history of the people of Zuru emirate”; Pp: 1-140.

³⁸ Abdullahi, Y.A. (2014). “A history of *Kasar Fakai* from 1850 to 1996”. MA Dissertation, Department of History Usman Dan Fodio University Sokoto; Pp: 62.

Fakai town from 1850 to 1996. His research would be relevant to my own research because *Fakai* is one among the area of *Zuru* people, the research touches all.

Finally, Ibn Husai (2006)³⁹ wrote a book “*Sirajur Salik*” the author wrote his book in Arabic language in which he explain many issues in Islamic *Shari’ah* and in volumes. All the rules of *Shariah* was guided in the book in which many judges are using them. His work was relevant to current work.

2.2 Chapter Conclusion

This chapter presents review of literature and studies that were found related and relevant to the study with the view to determining the literature gap between the present study and literature studies as well as the uniqueness of the study. According to the review, it can be noted that, there are quite number of studies conducted in relation to inheritance. For instance, Maibushrah (1998); Yahaya (2003); Yakubu (2012); Ibrahim (2010); Abdur’ra’uf (2012); Diri (2007); Sanusi (2011); and Abubakar (2004). Similarly, number of textbooks that related to the topic under study was reviewed in the chapter. The authors of these books among others are Bichi (2005); Ibrahim (2001); Doi (2007); Ali-lakhy (2003); Ali-Khan (2005); Khan (2011); and Amos (2014). These studies and textbooks were consulted by the study for conceptual clarification and empirical evidence.

³⁹ Assayid Usthman ihn Husai (2006). “*Sirajur Salik*” *Al ju’ali al Maliki*; Vol.2 printed by Daarul Pick; Pp: 238-Line 9.

CHAPTER THREE

HISTORICAL BACKGROUND OF KEBBI STATE

3.0 Introduction

This chapter presents historical development and emergence of Islamic and customary laws in *Kebbi* state generally and among *Zuru* people in particular. Specifically, the chapter contains historical background of *Kebbi* state, in which geographical location, weather and climate, people and culture, as well as traditional festivals were provided. The chapter explains the real founders of *Kebbi* town as well as the religion practiced by the people of *Kebbi* before the advent of Islam. In addition, this chapter further described the period of Dan *fodio* Jihad under development of Islam in *Kebbi* state. Consequently, the chapter reviews the historical background of *Zuru* people Known as *Dakarkari*, their culture and different religions practiced by *Zuru* people. Finally, the chapter enumerates the development of Islam among *Zuru* people by categorizing it to pre-Islamic and Islamic period.

3.1 Historical Background of Kebbi State

The present *Kebbi* was derived its name from the word *Kabbi* or *Kabawa* (in plural). Traditionally, *Kabbi* was amongst the state categorized as *Banza-Bakwai* states of Hausa land. According to the *Kabbi* kingdom was one of the *Banza-Bakwai* (seven bastards) or seven “illegitimate” areas. The rulers of those states were supposed to trace their lineage to a concubine of Hausa founding father popularly known as *Bayajidda*⁴⁰

The first historical reference dates back to the time when the area came under Songhai rulers during the reign of Sunni Ali (1464-1492). Mohammad *Kanta*, a Hausa immigrant from *Kuyambana* in southern *Katsina* become de factor military governor of the Songhai sub-province of *Kabbi*, and declared his independence in 1516. During this period, *surame*, of which the massive walls still survive, was the capital of the kingdom.⁴¹

Kabbi became a major power in the region resisting Songhai attacks, expanding into the *Yauri* and *Nupe* lands to the south and defeating attempts by the *Borno* Empire to invade and occupy

⁴⁰ <https://en.n.wikipedia.org/.../20/05/2017>.

⁴¹ [www.cometonigeria.com/.../kebbi state/20/05/2017](http://www.cometonigeria.com/.../kebbi%20state/20/05/2017).

the state, However, after *Kanta's* death in 1556, his son and successor *Ahmadu* did not attempt to force the issue. By the end of the sixteenth century *Kabbi* had become a minor kingdom.⁴²

Kebbi state was created out of the former *Sokoto* State on 17 August 1991. The State has a total population of 7,137,989 people as projected from the 2006 census, within 21 Local Government areas. The state has Sudan and *sahel*-savannah. The southern part is generally rocky with the River Niger traversing the state from Benin to *Ngaski* LGA. The northern part of the state is sandy with the River Rima passing through *Argungu* to *Bagudo* LGA where it empties into the River Niger. Agriculture is the main occupation of the people especially in rural areas, Crops produced are mainly grains; animal rearing and fishing are also common, Islam is the dominant religion with some significant number of Christianity.⁴³

Kebbi State (slogan: Land of Equity) consists of four emirate councils: *Gwandu*, *Argungu*, *Yauri* and *Zuru*, and 35 districts. *Kebbi* State is mainly populated by Hausa people, with some members of *Lelna*, *Bussawa*, *Dukawa*, *Kambari* and *Kamuku* ethnic communities. The people of *Kebbi* are predominantly Muslims who practice Islam as a religion. *Kebbi* State shares boundaries with *Sokoto* State in the North-Eastern axis, *Zamfara* State on the Eastern part, Niger state in the Southern part and Republic of Niger in the Western part. In other words, *Kebbi* State is bordered by *Sokoto* State to the North and East, Niger State to the South, *Dosso* Region in the Republic of Niger to the North-west and the Republic of Benin to the West.

Kebbi state is endowed with economically viable rivers such as the Niger and the *Rima* for the development of fisheries activities. Fishing has always been one of the key occupations of the inhabitants of the state. Also environmental factors as well as the largest concentration of cattle and other animals have made the state a basic raw materials source for diary-products industries. The mineral resources in the state include limestone, salt, clay and gypsum⁴⁴. *Kebbi* State is governed by three administrative structures, the state, local government and the emirate councils. The State structure revolves around the Executive, the Legislature and the Judiciary.

⁴² [www.cometonigeria.com/.../kebbi state/20/05/2017](http://www.cometonigeria.com/.../kebbi%20state/20/05/2017).

⁴³ Physical setting "online Nigeria". Retrieved 2010-10-08.

⁴⁴ http://www.nigeriagallery.com/Nigeria/States_Nigeria/Kebbi_State.html (2017)

3.1.1 Geographical Location of *Kebbi* State

The official capital city of *Kebbi* state is *Birnin Kebbi*, a city located in north western Nigeria which also doubles as the headquarters of *Gwandu* emirate. It is an ancient town dating back to the 14th Century located between latitude 108^N and 1315^N and longitude 330^E and 602^E.

Constitutionally, *Kebbi* state has twenty one local government areas. The chairman and his councilors represent the executive arm of the local government areas. The state Local Government Service Commission appoints and posts administrative secretaries, accountants and other auxiliary staff. The administrative secretary serves as secretary to the Council. Each LGA has eight key departments. These include: administration, finance, education, works, social welfare, health, agriculture and natural resources and information. Each of these is headed by an elected councilor.⁴⁵

3.1.2 Weather, Climate, People and Culture

Kebbi State enjoys a tropical continental type of climate and this is largely controlled by two air masses, namely tropical maritime and tropical continental, blowing from the Atlantic and the Sahara desert respectively. These air masses determine the two dominant seasons wet and dry. The wet season lasts from April to October in the south and May to September in the north; while the dry season lasts for the remaining period of the year.⁴⁶

The mean annual rainfall is about 800mm in the north and 1000mm in the south⁴⁷Temperature is generally high with means annual temperature of about 26^{Oc} in all locations. However, during the cold season (December to February) the temperature can go down to about 21^{Oc} and up to 40^{Oc} during the month of April to June. Night temperatures are generally lower with relating humidity for most of the year except during the wet season when it reaches on average of eighty percent. This explains the hot, dry environment which is in sharp contrast to a hot humid environment in the southern part of Nigeria⁴⁸

⁴⁵ http://www.nigeriagallery.com/Nigeria/States_Nigeria/Kebbi_State.html (2017)

⁴⁶ <http://www.onlineriegeria.com/kebbi-state/ixzz40TIVUrL4/25/05/2017>.

⁴⁷ Muhammad Kanta. "Encyclopedia Britannica". Retrieved 2010-10-08.

⁴⁸ Calling, R.O. (1990). African History: Western African History. Markus Wiener Publisher p.62.

With an estimated population of about 7.1 million, *Kebbi* State has diverse ethnic groups and the dominant among are Hausas, Fulanis, *Kabawa*, *Dakarkaris*, *Kambaris*, *Gungawa*, *Dandawa*, *Zabarmawa*, *Dukawa*, *Fakkawa* and *Bangawa*⁴⁹. These ethnic groups speak diverse languages and dialects, with the Hausa language spoken all over the state.

However, there are minority groups of Christians and traditional worshippers particularly to the southern part of the state. These ethnic diversities and religious differences notwithstanding, the people of *Kebbi* live in peace with one another.

3.1.3 Religion and Traditional Festivals in *Kebbi* State

A festival is an event ordinarily celebrated by a community and centering on some characteristic aspect of that community and its religion or traditions. In *Kebbi* state, the popular traditional festivals are International Fishing Festival (*Argungu*), *Uholo* Festival, *Karishi* Traditional Settlement and *Girmace* Shrine (*Zuru*). These are the major traditional festival and ceremonies that are periodically celebrated in *Kebbi* as explained in the following paragraphs.

Eid-El Fitr Celebration

Eid al-Fitr simply refers to “festival of breaking the fast”, marking the end of the Muslim holy fasting month of Ramadan. It is, therefore, an official holiday in all Muslim-majority countries across the world. In *Kebbi* State, *Eid-al-Fitr* is known as *Sallah*, a celebratory time to give thanks to God, to commune with friends and family over food and festivities, and to remember those less fortunate (*See Appendix A*). Traditionally, in this part of the world, it is the father’s duty to purchase fabric for everyone in the household during the first week of Ramadan in advance of *Eid* preparations. If a woman is married, however the duty falls on her husband to provide the *Eid* fabrics.

The *Eid Al Fitri* celebrates the end of the holy month of Ramadan, a period of fasting from dawn to dusk each day. The festival is a time to give charity to the poor, and to celebrate the completion of Ramadan with family and friends.⁵⁰

⁴⁹ <http://www.cometonigeria.com/region/north-west/kebbi-state/05/08/2017>.

⁵⁰ <http://www.cometonigeria.com/region/north-west/kebbi-state/05/08/2017>.

Eid-El Kabir Celebration

Eid-El Kabir is also known as Eid al-Adha and it is an Islamic festival to commemorate the willingness of prophet Ibrahim (Pbuh) to follow Allah's (God's) command to sacrifice his son. Muslims around the world observe this event. At *Eid al-Adha*, many Muslims make a special effort to pray and listen to a sermon at a mosque. They also wear new clothes, visit family members and friends and may symbolically sacrifice an animal in an act known as *Qurbani*. This represents the animal that Ibrahim sacrificed in the place of his son (*See Appendix B*).⁵¹

In *Kebbi* State, the *Eid al Kabir* popularly called *Sallar Layya* is an important religious holiday celebrated by all Muslims across the state to commemorate the willingness of Abraham (*Ibrāhīm*) to sacrifice his son Ishmael (*Ismāʿīl*) as an act of obedience to God, before God intervened to provide him with a ram to sacrifice instead. A ram, goat, sheep, cow or camel is sacrificed, with the family eating part of the meat and donating the rest to the poor (*See Appendix B*). The festival is celebrated on the tenth day of *Dhu al-Hijjah*, the last month in the Islamic calendar.⁵²

Maulid Celebration

Mawlid or Maulid is a celebrated event in the Muslim world, to honour the birth and arrival of the Prophet Muhammad (PBUH). Agreed, the Prophet and his companions did not celebrate their birthdays (*Maulid*) out of modesty so that it does not become mandatory. Therefore, it is strategic for Muslims to create more interactive forums to proffer solutions to their problems and tolerate those who celebrate *Maulid* with the objective of teaching the great characters of the Prophet and his companions, to exchange views and enlighten the *Ummah* to overcome the many challenges which are doggedly driven by a great section of the Western media.⁵³

The International Fishing Festival of Argungu

The *Argungu* fishing festival is the culmination of a four (4) days cultural event in *Kebbi* state. Thousands of fishermen line up like an ancient army, carrying their traditional nets and gourds at the sound of a gun; they pound to words the narrow river *Matan Fada* and leap into the water.

⁵¹ <http://www.cometonigeria.com/region/north-west/kebbi-state/05/08/2017>.

⁵² <http://www.onlinnigeria.com/kebbi-state/ixzz40TIVUrL4/07/08/2017>.

⁵³ Muhammad Kanta. "Encyclopedia Britannica". Retrieved 2010-10-08.

They have just one hour to catch the biggest fish; the festival is not limited to the fishing alone. During the festival there are various cultural, Musical and sporting events as well (*See Appendix C*).⁵⁴

The *Uhol*a Festival of *Zuru*

Another interesting festival in *Kebbi* state is *Uhol*a festival of *Zuru* people. This is a yearly festival of thanks given to Allah for sparing their lives and giving them a good harvest. The festival is normally held around December/January in all towns and villages of *Zuru* area. It is at this festival that some age groups of teenage boys are considered matured to go into manhood, while some age groups of girls also were considered matured to go womanhood. The festival takes two to three days of colorful events such as dances, music, wrestling exhibition of works of art and crafts. It holds in the ancient cities of *Zuru* area. During this festival, the locals move to the ancient city which is normally situated at a hilly area because of defense against invaders.⁵⁵

Kirishin* Traditional Settlement in *Zuru

Karishi town is situated around *Sakaba* town in *Sakaba* local government. This settlement is a traditional one and has not been changed. The people there still hold to the traditional belief and customs. It is hilly and the people come down for anything needed outside the town. They have big holes known as wells surrounding their town and watchmen all the day against invaders. The ruler of these people is seen only once a year by his subjects. He only comes out once a year during the *Uhol*a festival.⁵⁶

Girmace Shirine* in *Zuru

This is a rational shrine where a pond of water is surrounded by thick trees, and there in the water, are many crocodiles. This is a place of worship, the local inhabitants and many others visit this place with gifts to make sacrifices and to make special requests to the shrine.⁵⁷

⁵⁴ H.A.S. Johnson (1967). "The *Kebbi* war" chapter 18, the Fulani empire of Sokoto, oxford university press pp.187-195.

⁵⁵ <https://www.dailytrust.com/.../1680.../kan.../10/06/2017>.

⁵⁶ <https://www.dailytrust.com/.../1680.../kan.../10/06/2017>.

⁵⁷ <http://www.cometonigeria.com/region/north-west/kebbi-state/11/06/2017>.

3.2 Islam and its Development in *Kebbi State*

This section tries to presents the advert and development of Islam as a religion in *Kebbi state*. It is very important to note that, Islam has been embraced since before the creation of *Kebbi state*. Therefore, for the purpose of this study, the study explains Islam in *Kebbi state* right from the *Jihad of Usman dan Fodio* of 1804–1808, which resulted in the creation of the *Sokoto Caliphate (Kebbi State inclusive)*.

Before the Jihad, the people of *Kebbi state* were already Muslim because their leader *Kanta* was a Muslim, who comes from Songhai through Islamic conquest. However at that time people don't have much knowledge about it, and they used to mix up Islam with traditional religion (*Bori*).⁵⁸

3.2.1 The Jihad of *Usman Dan Fodio*

The *Uthman dan Fodio* jihad eventually started in 1804 and lasted till around 1810. Perhaps the most remarkable thing to note about the Jihad was its success in *Gobir* and most parts of Northern Nigeria. By 1810, the Jihad had succeeded in the old *Habe* states of *Katsina, Daura, Kano* and *Zaria*. Although it failed in *Borno*, three emirates: *Gombe, Hadejia* and *Katagum*, were nevertheless established. The establishment of new emirates continued till 1859. The war began when *Usman dan Fodio*, a prominent Islamic scholar and teacher, was exiled from *Gobir* by the king *Yunfa*, one of his former students. *Usman dan Fodio* assembled a Fulani army to lead in jihad against the Hausa kingdoms of the north of Nigeria⁵⁹. The forces of *Usman dan Fodio* slowly took over more and more of the Hausa kingdoms, capturing *Gobir* in 1808 and executing *Yunfa*. The war resulted in the creation of the *Sokoto Caliphate*, headed by *Usman dan Fodio*, which became one of the largest states in Africa in the 19th century. His success inspired similar jihads in Western Africa.

Furthermore, the declaration of the Jihad of 1804 has also been explained in terms of socio-economic problems that were prevalent in Hausa land prior to the Jihad. It has been suggested that the Jihad was a revolt against the illegal and excessive taxation imposed on the masses by

⁵⁸ <http://www.cometonigeria.com/region/north-west/kebbi-state/11/06/2017>.

⁵⁹ Hiskett, M. (1994). "The Sword of Truth" *The Life and Times of the Shehu Usman dan Fodio* Abubakar, *Notes on Sakkwato Jihad*, 37.

the governments of the *Habe* states which was widely criticized by *Usman dan Fodio*⁶⁰. Some of the erratic taxes were the cattle tax (*Jingali*), market tax, rent for the use of grazing lands imposed on the *Fulanis* and the collection of increased tributes from farmers. These illegal extortions, especially the cattle tax, were vehemently opposed and criticized by the Fulani pastoralists. It may therefore be argued that the heavy taxation levied on the peasantry alienated the peasants from the ruling class and may partly explain the rationale for the *Uthman dan Fodio* led Jihad.

Historians and political observers have attempted to explain the reasons or factors for the success of the jihad against embellished Hausa dynasties. One of such factors as identified by Adeleye (1971:600) was the charisma of *Shehu, Uthman dan Fodio*. It was noted that *Uthman dan Fodio*, being a learned theologian and a pious Sufi, heir to a tradition of learning and social respectability in his family, had all the makings of a charismatic leader. His towering personality would rightly explain the success with which he coordinated the scattered across Hausa land. His leadership qualities enhanced the success of the jihad⁶¹. Equally important for the success of the jihad was the ideological factor. The basic doctrine which the *Shehu* explained and elaborated upon in his numerous pamphlets and books is as follows:

*A Muslim should not willingly dwell in a land of unbelief, but if he has the means at his disposal, should migrate from it to the abode of Islam, should wage the jihad against those in the Abode of war (the unbelievers). This is the more urgent if the unbelievers are making pretence of Islam which may lead others astray or are claiming their actions to be in the name of Islam while in fact they contradict the law of Islam. Furthermore, Muslims should come to the aid of other Muslims who are being attacked or oppressed by unbelievers.*⁶²

Another remarkable force that enhanced the success of the jihad was the large followership enjoyed by *Uthman dan Fodio*. By the turn of the 19th century, the *Shehu's* power had grown considerably that he had groups of supporters scattered throughout *Gobir, Zamfara* and *Kebbi*

⁶⁰ Milsome p.8; Afe, 26

⁶¹ Adeleye, R. A. (1971). "Hausaland and Borno" in Ajayi, J.F.A. and Crowder, M (eds), History of West Africa, Vol 1 (2nd. ed), London, Longman Group Ltd

⁶² Hunwick, J.O. (1966). "The Nineteenth Century Jihads" in Anene J.C and Brown, G.N (eds), Africa in the Nineteenth and Twentieth Centuries, Ibadan, Ibadan University Press.

who were willing to come to his support in time of trouble. It was this widespread allegiance to him and his ideals which was to be crucial when the final clash with authority came in 1804. The superior morale and determination of the Shehu's forces that fought for their survival as a group and for their faith was another decisive factor for success. The Islamic scholars and disciples fought fiercely, not minding death, which they even saw as a ladder to martyrdom⁶³.

The *Uthman dan Fodio* Jihad also resulted in the flowering of Islam in *Hausaland* and the consolidation of Muslim culture first in *Hausaland* and then in non-Hausa areas such as *Nupe*, *Ilorin* and parts of the *Benue* valley region⁶⁴. Prior to the Jihad, Islam was essentially a royal religion. However, the Jihad ensured its flowering among the Hausa peasantry who had little or no experience of Islam before, The Jihad also led to the emergence of a lingua franca over a large area of Nigeria. Ikime has asserted that with the triumph of Hausa language over *Fulfude*, Hausa language became the everyday language of the caliphate, though Arabic remained the language of Islam. The British recognized this lingua franca over a large area of northern Nigeria and made use of it as the official language of native administration. This has promoted the unity of the north⁶⁵.

Furthermore, the *Uthman dan Fodio* Jihad could be said to have brought unity to *Hausaland*. It would be recalled that through inter-state wars, Hausa states had for centuries tried without success to impose an imperial authority which could guarantee political order, stability and unity among the *Habe* states. Fortunately, the Jihad, by enthroning Islam provided the much-needed suprastate ideology for integration among the Hausa states. The Jihad brought a new peace to the north. The intermittent and internecine wars were brought to an end⁶⁶.

3.2.2 Sir Ahmadu Bello (*Sardauna* of Sokoto)

Sir Ahmadu Bello (*Sardauna* of sokoto) was born in 12 June 1910 in Rabban of sokoto state, he was the son of a district head and heir to the Sokoto emirate. His great grandfather was sultan Bello, son of the revered Usman Dan Fodio who founded the Fulani Empire, which was the largest in sub- saharan Africa. Some times between the age of three and five, Ahmadu Bello

⁶³ Isichei, E. (1983), *A History of Nigeria*, London/Lagos/New York, Longman.

⁶⁴ kime, O. (1985). In *Search of Nigerians: Changing Patterns of Inter-Group Relations in an Evolving Nation State*, Presidential Inaugural Lecture, Historical Society of Nigeria, Nsukka).

⁶⁵ Ikime, op.cit:14

⁶⁶ Adeleye (a) op.cit 601; Ikimeop.cit II

began his Qur'anic studies. According to Sarkin Rabah Abdullah, Ahmadu went to Qur'an school (makarantar allo) under liman Abu-Bakr who had inherited the imamship of Ribbah from his father. He completes the Qur'an and started reading some basic religious books. Then he was send to western school but he continued in katsina on some Arabic books. Where he come back included al- izziyya, Tawhid, Al-Akbar, Al-Qurtabi, Ashmawi. He died in 15 January 1966 in a coup which toppled Nigerian post independence government. He still serves as premier of northern Nigeria at the time. That was the first coup in Nigeria history.⁶⁷

Religious Contributions of Sir Ahmadu Bello

Sir Ahmadu Bello contributes in religious activities they are as follows:

1. Pilgrimage: During the early independence period, the *Sardauna* continues to go on pilgrimage twice each year, for Ummarah and during hajj. He continues to be accompanied by large encourage of northern leaders and friends.⁶⁸
2. International Muslim organization: part of the international dynamics within the Muslims world between (1960) and (1965) include the competition between Egypt (United Arab Republic) and Saudi Arabia. The *Sardauna* tries to maintain good relations with the other groups.⁶⁹
3. Travel to Muslim and African countries: During the early independence period the *Sardauna* travels extensively throughout the Muslim world including North Africa as well as sub-Sahara Africa. His personality is such that can deal with all types of heads of state. His objective in these travels is to look for area of co-operation and to consolidate fraternal ties of friendship. He often gets involvement in problem solving or diplomatic activities.⁷⁰
4. The Jama'atul Nasril Islam and council of members: on January 15, 1962, the Acting Grand Khadi (Abu-Bakr *Gummi*) convenes a Panel of scholars in Kaduna, the meetings consider, from an Islamic viewpoint, the federal government on pilgrimage, in light of increasing restrictions and complain from the government of Saudi Arabia and Sudan regarding Nigerian pilgrimage. Later after *Sardauna* and Abu bar *Gummi* return to

⁶⁷ John, N. Paden (1986) "Ahmadu Bello Sardauna of sokoto, Zaria Hudahuda publishing company. P.548-549.

⁶⁸ John, N. Paden (1986); P. 530.

⁶⁹ John, N. Paden (1986); P. 533.

⁷⁰ John, N. Paden (1986); P.544.

pilgrimage and organization is formed called the society for the victory of Islam (Jama'atul Nasril Islam) JNI. The organization build mosques, and encourage Islamic center of learning, membership is open to all Muslims. The sultan Bello mosques in Kaduna are the center for JNI and a building nearer the mosques is used as offices.⁷¹

3.3 Historical Background of Zuru People (*Dakarkari*)

Where *Dakarkari* “c’lele” did come from: There are three hypothetical accounts on how and where *Zuru* people really come from. The *lelna* people mistakenly called the *Zuru* people or *Dakarkari*. The *lelna* people came from *Katsina*, *Kebbi* and *Zamfara*.

Katsina: The *lelna* people actually come from *Darka* in Senegal. That may have informed the name *Dakarkari* and over the years some of them migrated to *Katsina*, while some migrated toward *Dukku* (hill) in *Kebbi* state. There seems to be evidence that the *lelna* people lived in multi ethnic environment around *Katsina*.⁷²

Ibrahim *Badakkare* a *c’lela* man whose name was bastardized for *Badankari* ruled *Katsina* around the 16th century. That is to say, before he was confirmed a king, his parent must have lived in that area for hundreds of years. In fact, one would not be wrong to say the ruling classes of the *Katsinawa* are of *lelna* extract.⁷³

Some group of *lelna* people where presume to have migrated to *Dukku* hill in *Kebbi* state from *Katsina*. Hence, the name *dukkawa* who are direct extraction of proto-*lelna* people.

Dukku Hill: Those who migrated from *Kastina* to *Dukku* Hill deforested the area. According to captain *Danbaba* Rtd, after some years in *Dukku* hill, the chief of *Argungu*, one fate day went to see the chief of *Dukku*, who was a *c’lela* man and reported to him about the misunderstanding between himself, *Sarkin Doso* was plan to stage war against him. He humbly requested that the chief of *Dukku* should assist him with

⁷¹John, N. Paden (1986) “Ahmadu Bello Sardauna of sokoto, Zaria Hudahuda publishing company. P.549.

⁷² Prince Bawa.k. Amos (2014) “the zuru people “an attempt to authenticating issues relating to the history of zuru people, origin of c’lela as a language.p.5.

⁷³ Prince Bawa. K. Amos (2014); P. 5.

his men to enable him fight against *Sarkin Doso*. The chief of *Dukku* agreed and they fixed a date as to where they would meet.⁷⁴

On that day the *lelna* people, *Kingawa*, laid an ambush against the *Zabarmawa* people in west of *Dukku* hills between the town of TARASA and *Arewa Dandi*, as instructed by the chief of *Dukku*. Another group of *lelna* called the *Kingakwa* laid an ambush at north-west of *Argungu*. While they were laying ambush, they saw people passing by a few meters from where they were positioned. in their language of c'lela they said, "got to Bo Na na" the *Kabawa* people that were with the *lelna*, on hearing "Got tab bo na na" could not pronounce it. Instead, they said "Gotomo". Hence the present day *Gotomo* town, which is close to *Alwasa*?⁷⁵

The reason why the *lelna* people assisted *Sarkin Argungu* was to protect the area from being captured by the *Zabarmawa* people. According to legend, over the years of war from *Dukkuhills*, some of them migrated towards the town of *Kebbi* (*Kabobi*) while some migrated towards the *Bargu* and *Dukku* in *Sabon Gari c'lela* (*zuru*) land. Those who migrated to *Kebbi* where the *lelna* who fought the then kanta wars.

Zamfara: One can hold that the *Dakarkari*, otherwise known as the *lelna* people were decedants' of *Dakka*. *Dakka yunusa* claimed to be the ancestral father of the *zamfarawa*. In other words, it suggests that *lelna* people are descendent of the *Achifawa*. The account asserts that *lelna* people are descendant of *Bogaji* from *Bukkuyum*. In fact, recent finding have established and revealed that these claims are not true of the *lelna* people.⁷⁶

According to legend, *lelna* people had migrated through *Gusau* from *Gwandu* and *Gummi* after the war, towards *Kotorkoshi*, *Bukuyum* and met with other *lelna* who originally migrated from *katsina* with other tribes. Among others, were the *nupe*, *A'dara*, *Gbagi* and *kambari* who kept on migrating toward *Sakaba* and *copon c'lela*?

⁷⁴ Prince Bawa.k. Amos (2014) "the zuru people, p.8

⁷⁵ Prince Bawa.k. Amos (2014) "the zuru people, p.8

⁷⁶ Prince Bawa.k. Amos (2014) "the zuru people, p.14

First category is of those that claim long term settlement, they are *Achifawa*, *Kambari*, *Dukkawa*, *Fakkawa*, *Katsinawa* and e.t,c Some of these villages were ruled by the Hausa, reason being that *lelna* people look at ruling as a lazy man's work; instead, they were engaged in farming and hunting.⁷⁷

3.3.1 Zuru People (Tribe & Culture)

Zuru emirate is divided in to five administrative chiefdoms: *Danko*, *Fakai*, *Wasagu*, *Sakaba*, and *Dabai*. The third class chief who is also member of *Zuru* town *Dabai* chiefdom,⁷⁸

The second category is of the much more recent settlers who regard themselves as immigrant or temporary stranger lay no claims to having traditional right of descent? In the *Zuru* people except for property they recently acquired. They are the Fulani, Hausa, Igbo and Yaroba and several others from various part of Nigeria.

3.3.2 Culture of Zuru People

There are various kinds of traditional cultural festivals celebrated throughout the year, which includes *D'biti* festival and *Uhola* festival. The festival of *D'biti* is celebrated in the month of August or September depending on their dialect and *Uhola* is also celebrated in the month of December or January through the celebration of the festival depends on the community or town in *c'lela*.

3.3.3 Golmo

Golmo among the *Dakarkari* people (*lelna*). They work as a unit on the farm of their various prospective father-in-law. Working on each farm in turn during the farming season at the end of the service, which is normally seven years for *Dakarkari* and could be less for the other people like the *Fakkawa*, *Kelawa Dukkawa*. This marriage takes place with the bride moving to join her husband. *Golmo* is considered a very vital and important among the people, the manliness of

⁷⁷ Prince Bawa. K. Amos (2014). "The zuru people, p.15

⁷⁸ History of zuruonline.com.24/05/2017.

young men are not only tested but also exhausted in the attempt to test their readiness to stand a life those not having done *Golmo* are not considered man enough and so derided.⁷⁹

3.3.4 *D'Biti* Festival

D'biti festival is quarterly transitional thanks given prayers to the Almighty God with the intermediation of the chief priest of the God of rain (*Gonvan menke*) and the God of the earth (*Gomunu copo*) thanking God for giving them rainfall as they look forward to seeing the harvest period yet another new year. *D'biti* is held traditionally on the first day of the new year of the *lurna* calendar and falls towards the end of August, that is when the rain.⁸⁰

3.3.5 *U'Hola* Festival

Uhola festival was derived from the clause *Uholka*. *U'holka* means “He has stopped or prevented”. *U'hola* is the most popular annual traditional festival of the *lelna* people. It comes up once in a year after harvest. It is festival meant to thank Almightgy God for protection against evil throughout the year and for giving a very good harvest. It is a festival that celebrated the graduation of suitors who have served their respective in-laws for seven years in an agricultural marriage contract (*Golmo*) where both the girls and the boys (grandaunts’) are expected to be presented as *Yadato*. They are, thus ready for marriage, *Yadato* means a virgin or a transition from spinsterhood after long years of courting, to adulthood. On the Uhola festival day:⁸¹

1. The proposed girl (*Yadato*) virgins are presented to their respective husbands as wives.
2. Display of harvested farm products which are at the same time presented to m’gila through the chief priest for blessing.
3. Exchange of gifts to love and admirers.)
4. Inter village wrestling competition
5. Inter village dancing competitions
6. Inter village beauty contest

⁷⁹ Prince Bawa. K. Amos “the Zuru people “an attempt to authenticating issues relating to the history of zuru people. 2014.p15

⁸⁰ Prince Bawa. K. Amos (2014). “The Zuru people “an attempt to authenticating issues relating to the history of zuru people; P 41.

⁸¹ Abdullahi, Y. A. (2014). “A History of kasar fakai from the 1850 to 1996” M.A. Dissertation, Department of History, Usman Dan Fodio University, Sokoto, p.62.

It is a celebration thought out the night. Some clans celebrate it for two or three days, while some for seven days. Beside these popular Uhola festivals, there are other festivals around the neighborhood in *copo na'lela*. In *Karishin* for instance, *Kazeme* and *Kuyama* festival are also observed.⁸²

3.4 Different Religions Practiced by *Zuru* People

There are many religions practiced by *Zuru* people, but the once that are popular are: Islam, Christianity, and traditional religions. Transition from traditional religion to Islam and Christianity by *Zuru* people was the result of the disintegration of the older values due to increasing class differentiation, occupational sophistication grouping, and concentration of wealth in the hands of private groups, external migration and colonial conquest.

The people of *Zuru* accepted Christianity because of the influence of traditional forms of worships, which so many people are still attached to could not fit into the new society that the colonial capitalists created. Because of these changes, the traditional religion failed to create new ideas. Missionary activities therefore, become necessary, and today missions are established throughout *Zuru* people with churches such as United Missionary Society (UMS), Ramón Catholic Mission (RMC) Evangelical Church of West Africa (ECWA), Apostolic church (AC) etc.⁸³

3.5 Islam among *Zuru* People

3.5.1 *Zuru* before Islam

The people of *Zuru* were originally not Muslim in those days, they were not aware of the religion. They followed their traditional religious system which was *Magiro*, *Girmacce* etc. *Zuru* is a town with many hills and with people living between and on top of the hills. The people only used traditional tie called *Walki* to cover their body. The people of *Zuru* town where actually pagan, they didn't practice Islam neither do they know anything except their traditional beliefs.⁸⁴

⁸² Abdullahi, Y.A. (2014). "A History of kasar fakai from the 1850 to 1996" M.A. Dissertation, Department of History, Usman Dan Fodio University, Sokoto; P.40.

⁸³ Abdullahi, Y.A. (2014); Pp. 42.

⁸⁴ Boka. A. (1990). "Transition and changes in religion and belief systems in zuru emirate" A research project, submitted to department of histori in Enugu State, fouth dimension, pp-111-130.

Fakai kingdom is located in the western part of *Zuru* emirate in Nigeria. The people of the kingdom though historically varied, are collectively referred as *Fakkawa* and their language as *Fakkanci*. Before the 19th century, the predominant religion in the area of *Fakai* was traditional in which people believed in what was called *Magiro*. This system of belief was said to have developed from the recognition and reverence given to the spirits of the ancestors. This explains the reason why *Magiro* was also addressed as Baba (Father), although the adherents of *Migiro* belief do not invite people of other tribe to it, the belief was said to have spread to other areas because of peoples' migration and intergroup relation.⁸⁵

3.5.2 Islam in Zuru

Nagwamatse was among the disciples of Sheikh *Usman Dan Fodio*, who was sent to propagate Islam in *kontagora*, *Yauri* and *zuru* areas. He used force but was unsuccessful in *zuru* area, because of the many hills in the area which provided hiding places for the people. When the use of force failed, preachers were sent and they succeeded in spreading Islam in the area. That is the first emergences of *Darika* group in *Zuru* people⁸⁶

3.5.3 The Coming of Darika Tijaniyyah Group to Zuru People

Darika Group is the first Islamic group of preachers that emerged among *Zuru* people. The preachers that were sent to *Zuru* people were of the *Darika* group (*Darika* teachers). They started showing them the miracles of the Glorious Qur'an by praying for them for their immediate problems to be solved and by giving them *Amulets* "*laya*" famous among them was a preacher called *Malam Umar*. *Mallam Umar* and his Muslim scholars help the people of *Zuru* by showing them the following.⁸⁷

- (1) The secret verses of the Glorious Qur'an (*Dibu*) and the way the verses will work immediately to solve the problems, instead of going to those *shirnes*.
- (2) How they can do business without relying on those *Shrine* to give them wealth.
- (3) The way they will write and read the Arabic words and Qur'an through those scholars in "*zaure*" *Malaman Arabiyya*.

⁸⁵ Boka. A. (1990). "Transition and changes in religion and belief systems in *zuru* emirate" A research project, submitted to department of history in enugu state, fourth dimension; Pp-111-130.

⁸⁶ Mallam Babangida, head of geography, collage of education argungu, Matan fada. 15 july 2017, by 2:00pm.

⁸⁷ Imam Abdullahi Ma'aji, road block, 5th july 2017, 12:00pm.

- (4) They also taught them how to pray and pay *Zikir* and *Wazifa*.
- (5) They taught them words of praises to Prophet Muhammad (S A W) Islamic songs during fasting, *Eldel-Fitir* instead of their traditional song called (*Bori*).
- (6) How to pray for the dead persons after burial in congregation at the commentary instead of their ways of performing funeral ceremonies (*Makoki*).

All of the above developments and contributions of Islam in the area were before the introduction of *Izala* into *Zuru* local government. Most of the people at that time in the area were predominantly of *Darika* sects. The sects established various Mosques and taught several students including *almajirai* in their schools that were located in *Zaure*.⁸⁸

“*Zuru* has three specific strategies *Shrine* where they do their worship which they inherited from their ancestors, they are located in *Manga*, *Zanga*, and *Dogga* all these shrine are dedicated to specific deity, hero, martyr, saint or similar figure of awe and respect, in order to solve their problems gradually the coming of Islam through “*Darika*” led by the first chief imam of *Zuru*, imam Abdullah Ma’aji during emir *Sani Dantudu* reigned in 1946. Were *Mallam Umar Sa’ad* popular known as *Mallam Mai-Maulidi* started preaching to the people of *Zuru* to stop worshipping in those *Shirne*, water and stones and also should come to accept Islam as the complete way of life and easy way for them to gain all what they need in life.⁸⁹

3.5.4 Emergence of *Izalah* (*Jibwis - Jos*) in *Zuru*

Jama’atu Izalahtul Bi’dah wa’ikamatis Sunnah (organization for removal of innovation and re-establishment of *Sunnah* was founded by late sheikh *Ismaila Idris ibn Zakariyya*, Jos, by the year 1978 with the sole aim of *Da’awa*, calling people to Islamic faith, preaching and teaching people the *Sunnah* (sayings, actions and approvals of the Prophet Muhammad (S A W), as was transmitted by his *Sahabah* (companion) and taught by *Ulama* (the renowned scholars of Islam) and four schools of thought i.e. four *Madhaahibs*, preferably here in Nigeria and west Africa *Maliki* school of thought. The *Izalah* movement is established to fight what is considered as *Bid’ah*, innovation practiced by the people.⁹⁰

⁸⁸ Mallam Umar Sa’ad (Mallam mai maulidi) Darika teacher, Zuru center. 6th jully 2017, 10:00Am.

⁸⁹ Mallam Umar Baban Rakiya, Darika teacgher Bakin kasuwa. 4th jully 2017, 200pm.

⁹⁰ Sheikh ismaila idris zakariyya jos. Izalah teacher, see Dr Ramzi ben Amana (2007). Retrived 17, jully 2017.

After the national inauguration of *Izalah*, a circular/directive was passed to the then 21 states of the federation to open a branch of the organization and subsequently all the local government areas. With the coming of *Izalah* in *Zuru* local government by the year 1980 under the leadership of Mal. *Alh Garba Mikailu Rikoto*, they started preaching against the *Darika* teachings. Such teachings included Acceptance of *Sadalu* and rejection of *Qablu*, used of amulets (*laya*) rejection of prayers in the cemetery in congregation, rejection of maulud, rejection of *zikir* and naming ceremony in congregation, etc.⁹¹

The new ways of teaching Islam they brought was local, states and national preaching, Instead of *Zaure* schools within the town. They also brought Qur'an recitation competitions (*Musabaka*) within the area. Before. Its emergence, during marriage ceremonies, kola nut's and date palm were distributed to these in attendance but now *Izalah* rejected it, and some marriage ceremonies were conducted in the mosques to ease the cost of the marriage ceremony. They preach house to house area to area about the aim and objectives of *Izalah* for people to leave their old style of worship and teaching by *Darika* people. These are some of the achievements of the *Izalah* organization among *Zuru* people.⁹²

- i) Building of the first *Izalah Juma'at* mosque at the old *Mayanka* (slaughter house) by the year 1987
- ii) Establishment of *Islamiyyah* school named *Madarasatul Fathil Islamiyya unguwar Zuru* by the year 1990
- iii) Establishment of Adult Islamic class at *Tashar Rinu* by the year 1991 via *Alh. Idin Mairakumi's* residence.
- iv) Opening of Adult/Aged class at *Abdullah Ahmed Meli's* house in 1992. Opposite *alh Musa Bajiya's* residence *Bakin Kasuwa Zuru*.
- v) Establishment of *Asasul* Islamic nursery and primary school at "*Jibwis*" *Juma'at* mosque in 1999.
- vi) Establishment of school for higher Islamic studies at the *Jibwis* mosque by the year 1996.
- vii) Opening of secondary school by the year 2001 along side school for higher Islamic studies at *Juma'at* mosque.

⁹¹ Alh Garba Mikailu Rikoto. 3rd July 2017, 3:00pm.

⁹² Abdullahi Ahmed Meli's, Bakin kasuwa zuru, 7th jully,2017, 1:00pm

- viii) Building of *Juma'at* mosque in different villages for prayers and teaching Islamic education.
- ix) Building of *Islamiyyah* schools in different villages and localities of *Zuru* town for the teaching of Islamic education and the teaching of the prophet's *Sunnah* (actions and deeds) and that of his righteous *Caliphs*.
- x) Opening of five branches of *Izalah* organizations in *Zuru* metropolis/ town namely.
 - a) *Jibwis Rikoto* Branch
 - b) *Jibwis Zuru Jarkasa/Bakin Kasuwa/Zuru Fada* branch
 - c) *Jibwis Zuru centre/Tudun Wada/GRA* Branch.
 - d) *Jibwis Zango* branch
 - e) *Jibwis Unguwar zuru/new market/road block Fillin Jirgi* branch.

As a result of many issues cropping up amongst members and to delegated responsibilities and eases the general administration. Thirteen (13) more branches were established in different villages and town of *Zuru* local government areas which are;⁹³

1. *Amanawa/manga* branch
2. *Dabai/rumu* branch
3. *Isgogo* branch
4. *Bedi* branch
5. *Zoldi* branch
6. *Senchi/tajaye* branch
7. *Tudgar kibiya* branch
8. *Tungar bahago* branch
9. *Maduguwa* branch
10. *Taro denge* branch
11. *Tadurga* branch
12. *Rafin Gomo* branch
13. *Magoro* branch.

⁹³ Sheikh lawal Garba, zango, 7th jully, 2017, 5:00pm.

All the aforementioned branches were opened to disseminate information, delegate authorities, duties and responsibilities in order to ease administrative activities within and outside the organization. All the branches as grouped by *Zuru* people and other villages are answerable to the *Majlis*, i.e. council of executives that comprises of;

1. *Ulama* council/scholars.
2. Administrative council
3. First Aid Group JIBWIS Council.

This council together made the executive/council that has the power to guide, govern and exercise executive powers over all the activities and the general conduct of the organization. Where there is a problem among the members of the different councils the executive (*Majlis*) has the power to admonish advice and reconcile the member and finally resolve the issues. The organization usually organizes national preaching every three weeks while the local branches organize their own preaching once in every week; for *Zuru* people, Tuesdays are selected; of every week. The organization also established *Zakkat/Waqt* committee and vested the responsibility of collecting and distribution of *Zakkat* to the right categories of people according

The organization usually train scholars and post them to different towns villages and area of *Zuru* local government for *Tafsir* (commentaries of the holly Qur'an) during the month of Ramadan. In this year Ramadan the organization in *Zuru* posted 58 *Ulama*'u/scholars in various 58 stations for *Tafsir*, ramadan1438/2017 AD. The organization established a committee for the construction, *rehabilitation* and renovation of Islamic schools and mosques.⁹⁴

3.6 Jama'atul Nasril Islam (JNI) Zuru

Jama'atul Nasril Islam also known as JNI is an umbrella group for the Nigerian Muslim community.

1. Its headquarters is in the city of Kaduna and its president is the sultan of Sokoto. The organization conducts Islamic education and missionary work in Nigeria, and has had particular success among recent converts from the Igbo tribe.

⁹⁴ Alh Garba Mikailu Rikoto. 3rd July 2017, 4:00pm.

2. Jama'atul Nasril Islam acronym JNI is the umbrella under which all Islamic organizations in Nigeria rally around. Its name, which in English is "Society for the support of Islam" signifies why the society was first conceptualized and formed; basically to work, through Islam and defending the legitimate rights and interest of Muslims throughout Nigeria. The idea for the formation of JNI came up in 1962 after the return of the then premier of northern Nigeria, Alhaji Sir Ahmadu Bello (Sardauna of Sokoto) from pilgrimage in world, and having contemplated for some time on the need to have some organized efforts to propagate the teaching of Islam in Nigeria decided to form an organization through which that goal can be achieved. Gummi, a renowned Islamic scholar and the then Acting Grand Khadi of northern Nigeria.⁹⁵

Before dwelling with the appraisal of the contribution of the JNI to Islam, it is appropriate to mention the fact that in any society, rules and regulations guiding a society. Some societies are small while others are large but the Islamic society is universal and all embracing. The term of society, literarily can be define as follows:

- 1) "A group of person united for the promotion of a common aim"
- 2) "An association of individuals, as a nation, organized for mutual profit and protection"
- 3) "Persons from any region or any period of time viewed in term of manners, customs or standard of living"
- 4) "Human beings collectively seen as having some characteristics in common"⁹⁶

Aims and objectives of Jama'atul Nasril Islam (JNI)

The aims and objectives of the JNI shall be as follows;

1. To propagate the principles of Islam and win adherents to the true faith.
2. To revive and maintain Islamic moralities among Muslim of all ages and sexes and encourage intellectual religious activities.
3. To promote fraternal relationship amongst Nigerian Muslims in particular and Muslims worldwide.

⁹⁵John N. Paden (1986). "Ahmadu bello sardauna of sokoto values and leadership in neria" hudahuda publishing company zaria.p. 547.

⁹⁶Dr Sulaiman Shehu Adua (2015). "An Appraisal of contributions of Jama'atul Nasril Islamto the spread of islam in northern Nigeria" international journal of humanities social science and education (IJHSSE) volume 2, pp.69-72.

4. To put into practice the ideas of Islam as taught in the holly Qur'an, Sunnah of the holly prophet of Islam, and imam.
5. JNI create unprecedented awareness in training many of its teachers and preachers so that Islamic religious knowledge could be inculcated in Muslims in order to form a strong point.
6. JNI is the father of several Islamic societies in the northern Nigeria. This means that most Islamic societies are under umbrella of this organization.
7. The formation of the supreme council for Islamic Affairs was initiated by the JNI in Kaduna, in 1974 so that Muslims in Nigeria can speak with one voice with common identity.
8. JNI also established the Nigeria Aid of group of JNI on 30th October 1975 to help control crowd and traffic at Muslim ceremonies.
9. JNI put to an end of the rivalry between Tijaniyyah and Qadriyyah whose members in certain of the northern Nigerian were almost at the neck of each other.
10. JNI also operated a programmed of bringing health relationship among all Muslims irrespective of their differences.⁹⁷

3.7 Chapter Conclusion

This chapter has extensively provided the historical development and emergence or coming of Islamic and customary laws generally in *Kebbi* state and particularly to *Zuru* people. The chapter further narrated the historical background of *Kebbi* state, in which geographical location, weather and climate, people and culture, as well as traditional festivals were provided. The chapter was able to point out the real founders of *Kebbi* town as well as the religion practiced by the people of *Kebbi* before the advent of Islam. In addition, this chapter further described the period of *Danfodio* Jihad under development of Islam in *Kebbi* state. Consequently, the chapter reviews the historical background of *Zuru* people Known as *Dakarkari* together with their culture and different religions practiced by *Zuru* people. Finally, the chapter enumerates the development of Islam among *Zuru* people by categorizing it to pre-Islamic and Islamic period.

⁹⁷ Jama'at Nasril Islam (2001). Understandin shariah in nigeria, Ibadan spectrum books limited, pp.17-236.

CHAPTER FOUR

COMPARATIVE STUDY OF WIDOW'S RIGHT INHERITANCE BETWEEN ISLAMIC AND CUSTOMARY LAWS

4.0 Introduction

This chapter contains conceptual and empirical analysis on the right of widows to inheritance specifically among *Zuru* people of *Kebbi* State. The chapter further discusses the concept of Islamic law of inheritance; widows and their inheritance, rights of widows to Inheritance among *Zuru* people of *Kebbi* State under Islamic perspective. The chapter also explains the concept of customary law on inheritance; rights of widows to inheritance among *Zuru* people of *Kebbi* State under customary perspective. However, this chapter provides data presentation and analysis based on research objectives as well as comparative analysis between Islamic and Customary Laws on the right of widows to inheritance among *Zuru* people. Finally, the chapter also summary the outcome of the comparative analysis conducted.

4.1 Concept of Islamic Law of Inheritance

4.1.1 Law of Inheritance: Before and After Islam

Historically and before the advent of Islam, there was nothing known as “Inheritance” that was why the then Arabs were not distributing the estate of the deceased person to the beneficiaries as done presently. What they did was that, the most senior son among the family of the deceased will inherit every property and wealth left behind by his father including the women in the house. These arrangement of Arabs during *Jahiliyya* period did not consider any other child (apart from the eldest son); and girls/women in sharing and right to inherit their deceased father’s properties or wealth. According to the then Arabs, the primary reasons for not allowing girls, women and younger children to inherit their deceased father’s property or wealth were as follows:⁹⁸

1. They were not allowed to participate in battle.
2. They were not participating in any economic activities.
3. They were not able to protect and provide security to their clan.

⁹⁸Salah-uddin Bin Haider Ali (2003). “Justice of Islam in the Rules of inheritance”. Aminu Kano College of Islamic Legal Studies Kano pp.6-7.

After the coming of Islam the concept of inheritance changed radically. Therefore Islam modified the existing customary law by adding thereto as supernumerary heirs a number of relatives who would normally have had no rights of succession during pre Islamic customary law⁹⁹. The Quran introduced a new system of inheritance which reflected a transition from tribalism to individualism with more emphasis on the right of women and children to property¹⁰⁰. The idea of giving women and children as we have seen earlier was not known before Islam. Therefore, in Islamic law, the distribution of the estate is determined by the law rather than by the will of the deceased.

In Islamic jurisprudence, there are two words used for the law of inheritance, they are *Al-Miraath* and *Al-Faraidh*. The latter is more frequently used by the Muslim Jurists than the former. '*Al-Miraath*' is derived from the verb '*waratha*' which means to inherit. Another literal meaning of the word *miraath* is that, it connotes the handing over of a thing from one person to another and the word *Al-Faraidh* is plural of *Al-Faridha* which is derived from the verb *Faradha*, which literally mean "a fixed share"¹⁰¹. In the legal terminology, it is knowledge about some rules of the *Shari'ah* which guides us as to who will inherit and who will not and what shares will go to the heirs from the property of the deceased.

Islamic laws of inheritance comprised of one of the most important areas of Islamic jurisprudence. The rules and regulations of inheritance have been categorically set out in both the Glorious Qur'an and *Sunnah* of the Prophet (SAW). Islamic law has two primary sources; the Glorious Qur'an, and Prophetic Tradition (the *Sunnah*). Consensus of juristic opinion (*Ijma*) and reasoning by analogy (*Qiyas*) are regard as secondary sources upon which all the legal rules of Islamic laws are based. However on the aspect of law of succession, the Qur'an is the principal legislation¹⁰². Allah in his infinite wisdom has prescribed in a number of verses the system of inheritance in Islam.

⁹⁹ I.D. Abdulrahman (2007). "*Shari'ah the Islamic Law*". Kurmi Market Kano; Pp: 30.

¹⁰⁰ Z. Abu Muhammad (1984). "*Risala*". Gaskiya Corporation Company, Zaria; Pp: 135-145.

¹⁰¹ Islamic Teaching (2014). Importance of Inheritance in Islam.

¹⁰² Mzee (2016). "Islamic Law of Inheritance: The Case of Illegitimate Child and Possibility of Having an Assets of Deceased Father: A Tanzanian Case Study"

4.1.2 Pillars of Inheritance

Pillars of inheritance are those important elements in inheritance that if any of them is missing in a given case, then there is no inheritance. They are three, as follows: (1) *Al-muwarrith* (the deceased person); (2) *Al-warith* (the heirs); and (3) *Al-Tarikah* (the estate).

Al-Muwarrith (The Deceased Person): This is person who had died in fact or in law and left behind some properties and relatives who have right to inherit his properties.¹⁰³ A person is pronounced dead for the purpose of inheritance in the following three instances; that is- (a) Physical evidence of the corps; (b) a missing person for a long period of time; and (c) the court decides that the person is dead by court decree or order.

Al-Warith (The Heir): This is person legally entitled to the property, wealth or rank of another on that person's death. Similarly, there are three elements that need to be considered before a person is regarded as the heir. They are: (i) blood relationship; (ii) marriage; (iii) clientage.

AL-Tarikah (The Estate): The term estate means legacy left by the deceased person. Under *Shari'ah*, it signifies property which is distributed to the deceased legal heirs. According to the rules of succession,¹⁰⁴ *Tarikah* is the derivative from the root word “*taraka*” meaning he *left*, therefore *Tarikah* of a man is his estate. According to *Maliki School* of jurisprudence, *Tarikah* is what a person leaves after his death, consisting of other properties and other financial rights.¹⁰⁵ Often the distribution or sharing of *Al-tarikah* (the estate) left behind after the death of a deceased to the *Al-warith* (the heirs), there are certain deceased person's right related to the property left behind. These are: (a) funeral expenses; (b) debts settlement of the deceased (debts of Allah, debts of people); (c) payment of *Wasiyyah* (bequest); and the distribution of the residue to the heirs.¹⁰⁶

¹⁰³ L. Al-Rabiyyah and Al-Mardeni (Pp: 12); in *Fiqhu Al-sunnah*; V. 3; Pp: 500.

¹⁰⁴ S.U.D. Keffi (1989/1410). *The Islamic law of succession*, ABU Press Zaria.

¹⁰⁵ Salah-uddin bin Haider Ali lakhvi (2003/1424). “Justice of Islam in the rules of inheritance”. Aminu Kano College of Legal Studies, Kurmi Kano; P; Pp: 20.

¹⁰⁶ Salah-uddin bin Haider Ali lakhvi (2003/1424); P;21.

4.1.3 Grounds or Reasons of Inheritance

Under Islamic Law, there are three basic grounds or reason of inheritance. Any one claiming a share must establish that he possesses one of the following reasons of inheritance: (1) *Al-Nasab* (Blood Relationship); (2) *Al- Zawaj* (valid Marriage); and (3) Emancipation (free slave). For the purpose of this study, these grounds are briefly explained as follows:

Al- Nasab (Blood Relationship): Blood Relations are the descendants and the ascendants of the deceased person. They includes upspring both male and female, parents and grandparents, brothers, sisters and uncles. In other words, any heir that is not directly or indirectly related to the deceased person biologically shall not be categorized under *Al-Nasab*.¹⁰⁷

Al-Zawaj (Legitimate Marriage): This is a lawful marriage between male and female known as groom and bride that outlines their rights and responsibilities. Both the groom and the bride are to consent to the marriage of their own free wills witnessed by at least two Muslims (i.e. the *Wallis*) often the agreement of the Dowry (bride price).

Emancipation (free slave): That is if a master emancipates his slave, he is entitled to inherit the free slave in the absence of any other heir of the deceased (free slave). But, not vice versa; that is to say, if the master died, the free slave cannot inherit him. In another *Hadith*, The Prophet Muhammad (SAW) said: “*Al-wala’a* has a relationship similar to that of blood relation”.¹⁰⁸ As it is reported in the *Hadith* of *Barirah* (RA), the prophet (SAW) said: “*Al- wala’a* is for those who set him free.”¹⁰⁹

In addition to the above ground, *Maliki* jurists suggested that there is another grounds of inheritance that is, the *Baitil-Al-Mal* (the public treasury) where a deceased is not survived by *Al-Warith* who could come under any of the above stated grounds, then the estate of the deceased person goes to the *Baitil-Al-Mal* (the public treasury). It is pertinent to note that the grounds for inheritance in the early days of Islam were based on;

¹⁰⁷ Salah-uddin bin Haider Ali lakhvi (2003/1424). “Justice of Islam in the rules of inheritance”. Aminu Kano College of Legal Studies, Kurmi Kano; P;22.

¹⁰⁸ Al-Hakim, ibn Habban and Ahmed.

¹⁰⁹ Al- Bukhari .v 8.p.20

1. *Hijrah*: where by a person may only be inherited by his relation who migrated along with him.
2. Islamic brotherhood.
3. Bequest.
4. Adoption.

These grounds were latter abrogated by *suratul an- anfaa*. Allah (SWT) said:

“... But kindred by blood are nearer to one another (regarding inheritance) in the decree or denied by Allah...”¹¹⁰

Inheritance then become on the ground of blood relationship. Subsequently, this was also abrogated by the above verses of *suratul –nisa*. In the above three verses Allah (SWT) has made it clear the share of each legal heir and the quantum of the share. In the same way, he explained conditions under which a particular person may or may not inherit and when he inherits by a fixed share (*fard*) or by Agnatisation or by both.¹¹¹

The verses also explain when a heir excludes or is excluded from inheritance partially or absolutely. These three verses, in their summary form, explain clearly the basis of the knowledge of *faraa’id* and the essentials for inheritance. *Allamah Al- Qurtabi* say in his *tafsir* that. “These three verses are a pillar from the pillars of the religion (Islam), a basic among the basis of the law, a mother verse from the mother verses. Indeed *faraa’id* is a great value to the rank of half of the knowledge.”¹¹² *Ibn katheer* opined that these three verses are the verse of inheritance. The rules regarding inheritance are to be taken from it and also from the traditions of the prophet (SAW) which supplement and explain the verses.¹¹³

4.1.4 Conditions of Inheritance

In accordance with Islamic jurisprudence, there are three basic conditions of inheritance that must be satisfied before shares of the estate can be distributed to the heirs. These conditions are:

¹¹⁰ Qur’an (ch 8:v:75).

¹¹¹ M.A. As-sabuni (1423/2002). *Al-mawaareeth*. Daarul- Sabuni Cairo; Pp: 12.

¹¹² *Ibid*; see also *Allamah Al- Qurtabi tafsir*.

¹¹³ *IBN Katheer* (1419/1999). *Tafsir, Quran Azim- Daarul-fikr Beirut*. V.1; Pp: 516.

(1) death of the *Muwarrit*; (2) the survival of the *Al-Warith* (heir); and (3) one ground of inheritance. These conditions are briefly explained as follows:

Death of the Muwarrit: The death of the testator must be actual and clear. It should be either actual death, or by the court pronouncement in a case of a missing person.

The Survival of the Al-Warith (Heir): at the time of the death before an heir can inherit the deceased, it must be proved that he was alive at the time of the death of the testator.

One Ground of Inheritance: That is before a person can claim a share from the estate of the deceased person; he must show that he falls under one of the grounds of inheritance as stated above. That is he is related to the deceased either through *Nasab*, *Zawaj* or *Wala'u*¹¹⁴

4.1.5 Impediment to Inheritance

There are certain factors which impede a person from inheritance, their effect is that a person who is affected by them is to be considered as not existing, that is to say has no impact to the inheritance. Although, there are many impediment of inheritance, but for the purpose of this study; seven (7) major legal impediments of inheritance are provided as follows:

- 1) **Killing (homicide):** Literarily, the killer of a deceased person is not entitled to inheritance. For instance, if a son kills his father in order to enjoy his wealth or estate. Killing under this impediment is divided into three: deliberate killing, semi deliberate killing and killing by mistake. The deliberate killing is simply murder of a human life with a clear, malicious and unjustifiable intent to do so. Just like deliberate, semi-deliberate killing is an act that leads to the death of another person without a clear, malicious and unjustifiable intent to do so by the killer. Whereas mistaken killing is an act with a clear, malicious and unjustifiable intent to kill a person that mistakenly leads to the death of another person (third party).

¹¹⁴Salah-uddin, H.A. (2003/1424). "Justice of Islam in the rule of inheritance". Aminu Kano College of Legal Studies, Kurmi Market Kano; Pp: 23.

- 2) **Slavery:** A slave is not legally allowed to inherit because freedom from slavery is a requisite to inheritance. It should be noted that, a slave is different from free-slave as mentioned above. Free-slave is a slave who has been freed by his master.
- 3) **Illegitimacy:** An Illegitimate child is not entitled to inherit his father; however, he inherits his mother¹¹⁵.
- 4) **Uncertainty as regard to Survival:** where two persons who may inherit one another died in a situation in which it is not clear who died first among them, none of them is eligible to inherit the other. According to Sameer (2016), when there is uncertainty as to who died earlier between two persons who may inherit one another. Their inheritance will be lost to Baitul-Mal (public treasury)¹¹⁶.
- 5) **Li'an (Dual testimony):** where a child is disowned by his "father" through the process of *li'an* (Dual testimony) both the father and the child cannot mutually inherit one another.¹¹⁷
- 6) **Difference of religion:** The prophet (SAW) Said "A Muslim cannot inherit a non Muslim, nor a non Muslim inherit a Muslim"¹¹⁸.

4.1.6 The Legal Heirs

The legal heirs are defined as persons whose are related to the deceased legally and are entitled to inherit the deceased's property (partly or wholly), depending on factors such as their relation to the deceased and presence of other heirs among others. Similarly, some of the heirs have priority over the others. According to the several verses in the Glorious Qur'an, *Hadith* and *Ijima*, the total number of heirs are Twenty Five (25); which includes Fifteen (15) male and Ten (10) female heirs.¹¹⁹

¹¹⁵ Sahih Bukhari, Vol. 8, Hadith Number: 740 & 742

¹¹⁶ F. Sameer (2016). " Inheritance According To Islamic Shari'ah Law". Available at <https://www.sailanmuslim.com/inheritance-according-to-islamic-sharia-law/>

¹¹⁷ Bukhari, Vol.8, Hadith Number 680.

¹¹⁸ U.A.H. Assayid (2006). "*Sirajur salik*". Al ju'ali al Maliki; Vol.2 printed by Daarul pick; Pp: 238, line 9.

¹¹⁹ A. Abubakar (2004). "A survey on the Islamic law of inheritance and the distribution of estate of a testate and intestate person". A research project submitted to the Faculty of Law, Usman Dan Fodio University Sokoto; Pp; 79-81

The male heirs¹²⁰ are: (1) Son, (2) Son of Son (how low so ever), (3) Father, (4) Grandfather (fathers of father how high so ever), (5) Full Brother (Germane brother), (6) Half Brother (consanguine brother), (7) Uterine Brother, (8) Son of Full Brother, (9) Son of Half Brother, (10) Full Paternal Uncle, (11) Half Paternal Uncle, (12) Son of Full Paternal Uncle, (13) Son of Half Paternal Uncle, (14) Husband, (15) Male Emancipator (free slave). At this juncture, it is very important to note that, if a woman died leaving behind all above mentioned male's heirs only three of them will inherit her; they are husband, father, and son.

On the other hand, the female heirs are: (1) daughter, (2) daughter of son (how low so ever), (3) mother, (4) grandmother (mother of father), (5) grandmother (mother of mother), (6) full sister (germane sister), (7) half sister (consanguine sister), (8) uterine sisters, (9) and wife, (10), female emancipator (free slave). It should be noted that, if a man died leaving behind all above mentioned female heirs only five of them will inherit him, they Daughter, Daughter of son, mother, full sister and wife. Similarly, if a person died leaving behind all above mentioned male and female heirs only five (5) of them will inherit him. They are father, son, mother, daughter, and one of the spouses (husband or wife).¹²¹

4.2 Principles of Law of Inheritance under Islamic Perspective

The *Shari'ah*, with its wisdom, has allocated shares for both males and females and it is important that these are abided by. The Quran has clearly provided the set of rules for inheritance. There is also a difference between a man's and a woman's shares of inheritance. Generally, a woman's share of the inheritance is half of the share of a man. Therefore, if a deceased person has a son and a daughter, the son's share of the inheritance will be twice as much as his sister. This, of course has been justified by arguing that men are the breadwinners of the family, whereas women are not. It has also been argued that women will ultimately get married, and so their husbands will be in charge of their financial welfare.

For the purpose of this study, there are four verses in the Glorious Qur'an that clearly provided the set of rules for inheritance, allotment of shares, exclusion and distribution. These are provided as follows:

¹²⁰ Al-Mughni (V. 6. P. 213); Al-Qawaneen Al-Fiqhiyya (P. 385); Mughni Al-Muhtaj (V.3 P. 5-8); Al-Dasuqi (V. 4, P. 408-411); Shahru Al-Sarajiyya (P. 7 & 8); Radd Al-Mukhtar (V.5, P. 538-541); and Al-Mabsut (V. 29, P.174)

¹²¹ Radd Al-Mukhtar (V.5, P. 538-541); and Al-Mabsut (V. 29, P.174).pp.85-90.

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا ﴿٧﴾

According to the Glorious Qur'an:

For men there is a share in what the parents and the nearest of kin have left. And for women there is a share in what the parents and the nearest of kin have left, be it small or large, a determined share. (Q:4:v:7)

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ إِن كُنْ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا
النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ
إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ ؕ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ
اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

Allah commands you as regard to your children's (inheritance): to the male, a portion equal to that of two female: if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has one third; if the deceased left brothers (or sisters), the mother has a one-sixth. (The distribution of all case is) after the payment of legacies he may have bequeathed or debts. You know now which of them, whether your parents or your children, are nearest to you in benefit; (those fixed shares) are ordained by Allah. And Allah (SWT) is over All- Knower, All- Wise (Q:4:v:11)

﴿١١﴾ وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّو يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِن
بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دِينٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَتُمْ إِن لَّمْ يَكُن لَّكُمْ وَلَدٌ فَإِن كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ
الْثُّمْنُ مِمَّا تَرَكَتُمْ مِن بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دِينٍ وَإِن كَانَ رَجُلٌ يُورِثُ كَلَلَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتُ
فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُوا أَكْثَرَ مِن ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ غَيْرِ
مُضَارٍّ وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ ﴿١٢﴾

“In that which your wives leave, your share is a half if they have no children; but if they leave a child you get one fourth of that which they leave after the payment of legacies that they may have bequeathed or debts. In that which you leave, their (your wives) share is one –fourth if you have no child; but if you leave a child, they get one eighth of that you may have bequeathed or debts. If the man or woman whose inheritance is in question has left a brother or a sister each of them get a sixth; but if more than two they share in a third, after the payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a command from Allah; and Allah is ever all knowing most forbearing” (Q:v:12)

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ أَمْرٌ هَلْكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ يُبَيِّنُ اللَّهُ لَكُمْ أَن تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ



They ask you for a legal verdict. Say; “Allah directs (thus) about Al- Kalalah (those who leave neither descendants nor ascendants as heirs). If it is a male that dies leaving a sister, but no child, she shall have half the inheritance. If such a deceased was a woman, who left no child her brother takes (all) her inheritance. If there are two sisters, they shall have two-thirds of the inheritance; if they are brothers and sisters, the male will have twice the share of the female. (Thus) does Allah make clear to you (His Laws), lest you go astray? And Allah is the All-Knower of everything (Q:4:v:176)

In addition to the above verses in the Holy Qur’an, the following are some of the *Hadiths* that shed more lights about the principals of inheritance and its sharing. Firstly, a *Hadith* Narrated by *Malik bin Aus*¹²²:

I went and entered upon 'Umar, his doorman, Yarfa came saying 'Uthman, 'Abdur-Rahman, Az-Zubair and Sa'd are asking your permission (to see you). May I admit them? 'Umar said, 'Yes.' So he admitted them Then he came again and said, 'May I admit 'Ali and 'Abbas?' He said, 'Yes.' 'Abbas said, 'O, chief of the believers! Judge between me and this man (Ali). 'Umar said, 'I beseech you by Allah

¹²² Sahih Bukhari, Vol. 8, Hadith Number 720

by Whose permission both the heaven and the earth exist, do you know that Allah's Apostle said, 'Our (the Apostles') property will not be inherited, and whatever we leave (after our death) is to be spent in charity?' And by that Allah's Apostle meant himself.' The group said, '(No doubt), he said so.' 'Umar then faced 'Ali and 'Abbas and said, 'Do you both know that Allah's Apostle said that?' They replied, '(No doubt), he said so.' 'Umar said, 'So let me talk to you about this matter. Allah favored His Apostle with something of this Fai' (i.e. booty won by the Muslims at war without fighting) which He did not give to anybody else; Allah said: 'And what Allah gave to His Apostle (Fai' Booty) ... to do all things...(59.6) And so that property was only for Allah's Apostle . Yet, by Allah, he neither gathered that property for himself nor withheld it from you, but he gave its income to you, and distributed it among you till there remained the present property out of which the Prophet used to spend the yearly maintenance for his family, and whatever used to remain, he used to spend it where Allah's property is spent (i.e. in charity etc.). Allah's Apostle followed that throughout his life. Now I beseech you by Allah, do you know all that?' They said, 'Yes.' 'Umar then said to 'Ali and 'Abbas, 'I beseech you by Allah, do you know that?' Both of them said, 'Yes.' 'Umar added, 'And when the Prophet died, Abu Bakr said, ' I am the successor of Allah's Apostle, and took charge of that property and managed it in the same way as Allah's Apostle did. Then I took charge of this property for two years during which I managed it as Allah's Apostle and Abu Bakr did. Then you both ('Ali and 'Abbas) came to talk to me, bearing the same claim and presenting the same case. (O 'Abbas!) You came to me asking for your share from the property of your nephew, and this man (Ali) came to me, asking for the share of his wife from the property of her father. I said, 'If you both wish, I will give that to you on that condition (i.e. that you would follow the way of the Prophet and Abu Bakr and as I (Umar) have done in Managing it).' Now both of you seek of me a verdict other than that? Lo! By Allah, by Whose permission both the heaven and the earth exist, I will not give any verdict other than that till the Hour is established. If you are unable to manage it, then return it to me, and I will be sufficient to manage it on your behalf.'

Similarly, as narrated by Abu Huraira¹²³:

The Prophet said, "I am more closer to the believers than their own selves, so whoever (of them) dies while being in debt and leaves nothing for its repayment, then we are to pay his debts on his behalf and whoever (among the believers) dies leaving some property, then

حَدَّثَنَا عَبْدَانُ، أَخْبَرَنَا عَبْدُ اللَّهِ، أَخْبَرَنَا يُونُسُ، عَنِ ابْنِ شِهَابٍ، حَدَّثَنِي أَبُو
سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ
"أَنَا أَوْلَى، بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ، فَمَنْ مَاتَ وَعَلَيْهِ دَيْنٌ، وَلَمْ يَتْرِكْ وَفَاءً،
فَعَلَيْنَا قِضَاؤَهُ، وَمَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ."

that property is for his heirs.

As narrated by Ibn Abbas¹²⁴:

حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ، حَدَّثَنَا وَهَيْبٌ، حَدَّثَنَا ابْنُ طَاوُسٍ، عَنْ أَبِيهِ،
عَنِ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ
"الْحِقُّوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرَ."

The Prophet said, "Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased."

¹²³ Sahih Bukhari, Vol. 8, Hadith Number 723

¹²⁴ Sahih Bukhari, vol. 8 Hadith number 724

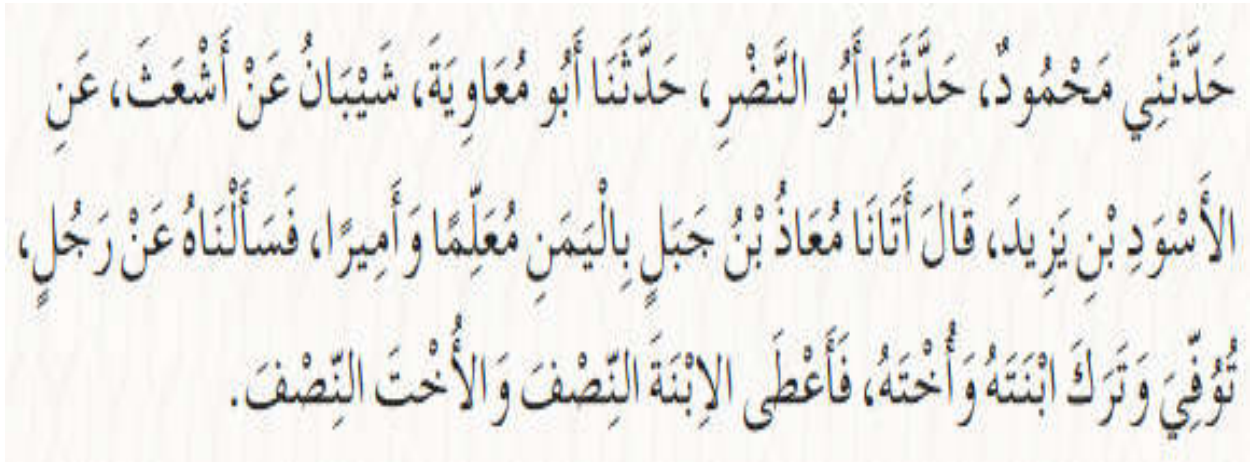
In another Hadith as narrated by Sa'd bin Abi Waqqas¹²⁵:

حَدَّثَنَا الْحُمَيْدِيُّ، حَدَّثَنَا سُفْيَانُ، حَدَّثَنَا الرَّهْرِيُّ، قَالَ أَخْبَرَنِي عَامِرُ بْنُ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ أَبِيهِ، قَالَ مَرِضْتُ بِمَكَّةَ مَرَضًا، فَأَشْفَيْتُ مِنْهُ عَلَى الْمَوْتِ، فَأَتَانِي النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَعُودُنِي فَقُلْتُ يَا رَسُولَ اللَّهِ إِنَّ لِي مَالًا كَثِيرًا، وَلَيْسَ يَرِثُنِي إِلَّا ابْنَتِي، أَفَأَتَصَدَّقُ بِثُلثِي مَالِي قَالَ "لَا". قَالَ قُلْتُ فَالشَّطْرُ قَالَ "لَا". قُلْتُ الثُّلُثُ قَالَ "الثُّلُثُ كَبِيرٌ إِنَّكَ إِنْ تَرَكْتَ وَلَدَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَتْرُكَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ، وَإِنَّكَ لَنْ تُنْفِقَ نَفَقَةً إِلَّا أُجِرْتَ عَلَيْهَا، حَتَّى اللَّقْمَةَ تَرْفَعَهَا إِلَى فِي امْرَأَتِكَ". فَقُلْتُ يَا رَسُولَ اللَّهِ أَأَخْلَفَ عَنْ هِجْرَتِي فَقَالَ "لَنْ تُخْلَفَ بَعْدِي فَتَعْمَلَ عَمَلًا تُرِيدُ بِهِ وَجْهَ اللَّهِ، إِلَّا أَزْدَدَتْ بِهِ رِفْعَةً وَدَرَجَةً، وَلَعَلَّ أَنْ تُخْلَفَ بَعْدِي حَتَّى يَنْتَفِعَ بِكَ أَقْوَامٌ وَيُضَرَّ بِكَ آخَرُونَ، لَكِنَّ الْبَائِسُ سَعْدُ ابْنِ خَوْلَةَ يَرْتِي لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ مَاتَ بِمَكَّةَ". قَالَ سُفْيَانُ وَسَعْدُ بْنُ خَوْلَةَ رَجُلٌ مِنْ بَنِي عَامِرِ بْنِ لُؤَيٍّ.

I was stricken by an ailment that led me to the verge of death. The Prophet came to pay me a visit. I said, "O Allah's Apostle! I have much property and no heir except my single daughter. Shall I give two-thirds of my property in charity?" He said, "No." I said, "Half of it?" He said, "No." I said, "One-third of it?" He said, "You may do so) though one-third is also to much, for it is better for you to leave your off-spring wealthy than to leave them poor, asking others for help. And whatever you spend (for Allah's sake) you will be rewarded for it, even for a morsel of food which you may put in the mouth of your wife." I said, "O Allah's Apostle! Will I remain behind and fail to complete my emigration?" The Prophet said, "If you are left behind after me, whatever good deeds you will do for Allah's sake, that will upgrade you and raise you high. May be you will have long life so that some people may benefit by you and others (the enemies) be harmed by you." But Allah's Apostle felt sorry for Sa'd bin Khaula as he died in Mecca. (Sufyan, a sub-narrator said that Sa'd bin Khaula was a man from the tribe of Bani 'Amir bin Lu'ai.)

¹²⁵ Sahih Bukhari, voi ,8 Hadith number. 725

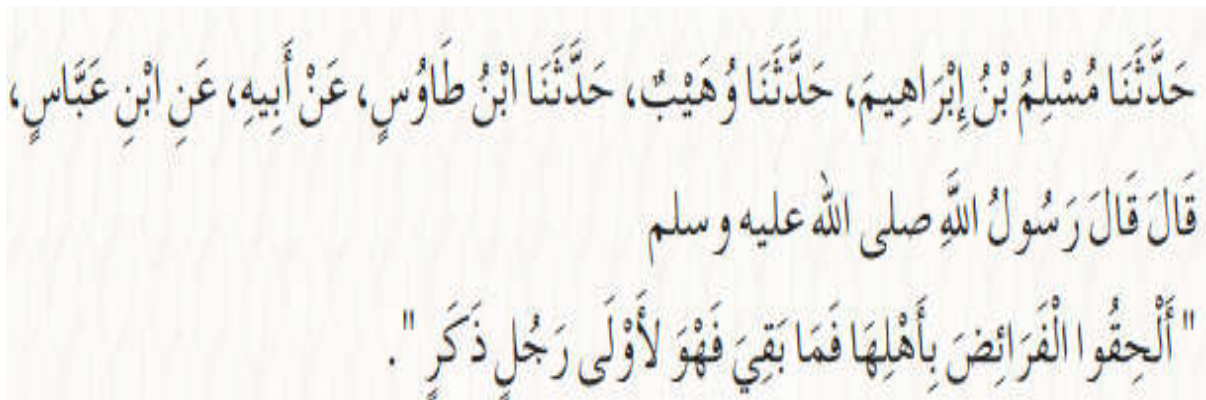
In a similar inheritance sharing principle Hadith as narrated by Al-Aswad bin Yadid¹²⁶:



حَدَّثَنِي مُحَمَّدٌ، حَدَّثَنَا أَبُو النَّضْرِ، حَدَّثَنَا أَبُو مُعَاوِيَةَ، شَيْبَانُ عَنْ أَشْعَثَ، عَنِ
الْأَسْوَدِ بْنِ يَزِيدَ، قَالَ أَتَانَا مُعَاذُ بْنُ جَبَلٍ بِالْيَمَنِ مُعَلِّمًا وَآمِيرًا، فَسَأَلْنَاهُ عَنْ رَجُلٍ،
تُوَفِّي وَتَرَكَ ابْنَتَهُ وَأُخْتَهُ، فَأَعْطَى الْإِبْنَةَ النِّصْفَ وَالْأُخْتَ النِّصْفَ.

Mu'adh bin Jabal came to us in Yemen as a tutor and a ruler, and we (the people of Yemen) asked him about the distribution of the property of a man who had died leaving a daughter and a sister. Mu'adh gave the daughter one-half of the property and gave the sister the other half.

To shed more light on Al-Aswad bin Yadid's hadith, Huzail bin Shirahbil and Ibn Abbas narrated that¹²⁷:



حَدَّثَنَا مُسْلِمُ بْنُ أَبِرَاهِيمَ، حَدَّثَنَا وَهَيْبٌ، حَدَّثَنَا ابْنُ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ،
قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
"الْحَقُّو الْفَرَائِضَ بِأَهْلِهَا فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرَ".

Allah's Apostle said, "Give the Fara'id (shares prescribed in the Qur'an) to those who are entitled to receive it; and whatever remains, should be given to the closest male relative of the deceased."

¹²⁶Sahih Bukhari voi.8, Hadith number726

¹²⁷Sahih Bukharivol 8. Hadith number, 727 & 729

Furthermore, a Hadith narrated by Ibn ‘Abbas¹²⁸:

حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ، عَنْ وَرْقَاءَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ -
رَضِيَ اللَّهُ عَنْهُمَا - قَالَ كَانَ الْمَالُ لِلْوَالِدِ، وَكَانَتِ الْوَصِيَّةُ لِلْوَالِدَيْنِ، فَنَسَخَ اللَّهُ مِنْ
ذَلِكَ مَا أَحَبَّ، فَجَعَلَ لِلذَّكَرِ مِثْلَ حِظِّ الْأُنثِيَيْنِ، وَجَعَلَ لِلْأَبْوَيْنِ لِكُلِّ وَاحِدٍ مِنْهُمَا
السُّدُسُ، وَجَعَلَ لِلْمَرْأَةِ الثُّمْنُ وَالرُّبْعُ، وَلِلزَّوْجِ الشَّطْرُ وَالرُّبْعُ.

(During the early days of Islam), the inheritance used to be given to one's offspring and legacy used to be bequeathed to the parents, then Allah cancelled what He wished from that order and decreed that the male should be given the equivalent of the portion of two females, and for the parents one-sixth for each of them, and for one's wife one-eighth (if the deceased has children) and one-fourth (if he has no children), for one's husband one-half (if the deceased has no children) and one-fourth (if she has children)."

Hadith describing the principles on person leaving neither ascendant nor descendent as narrated by Al-Bara¹²⁹:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُوسَى، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ - رَضِيَ اللَّهُ عَنْهُ -
- قَالَ آخِرُ آيَةٍ نَزَلَتْ خَاتِمَةَ سُورَةِ النِّسَاءِ {يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ}

The last Quranic Verse that was revealed (to the Prophet) was the final Verse of Surat-an-Nisa, i.e., 'They ask you for a legal verdict Say: Allah directs (thus) About those who leave No descendants or ascendants as heirs...' (4.176)

¹²⁸ Sahih Bukhari, voi.8, Hadith number, 731

¹²⁹ Sahih Bukhari, voi.8. Hadith number. 736

4.2.1 Reasons for the Revelation of the Verses on Inheritance

Imam Al *Bukhari* in his *Saheeh* in the book of inheritance (*Faraa'id*) opens the chapter with the two verses, 11, and 12 Chapter 4. He then follows with a narration from *Qurtaibah bin sa'id* with his chain from *Jaabir bin Abdullah* (RA) who said.

I got sick during which the prophet in the company of Abu-Bakr (RA) visited me. I was Unconscious. The Prophet (SWA) performed ablution and pour on me the water (Wadoo). I then regain my consciousness. I then asked him ; messenger of Allah what do I do with my wealth? How do I dispose my wealth? The prophet (SAW) could not answer me until the verses of *mirath* were revealed.¹³⁰

It is also indicated that Jabir was then a *Kalalah*. It is also narrated by *Al-Nasa'i* from Jabir that verse 176 was revealed in him.¹³¹ It was also narrated that the verses are revealed on the issues of the wife of *Sa'ad bin Al-Rabi'ah* who went to the Prophet (SAW) and lamented to him that her husband, *Sa'ad's* was martyred in *uhud* leaving behind two daughters and their uncle, *sa'ad* brother has taken all their father's wealth leaving nothing for them and that they could not be married without some wealth. The Prophet (SAW) answered her that Allah will judge in her issue. Then the verses of inheritance were revealed.

The Prophet (SAW) then sent to their uncle and told him that he should give two daughters two-thirds (2/3) and their mother, *Sa'ad* wife one-eight (1/8) and he take the residue.¹³² In another narration the verses were revealed in the issue of *Abdul-Rahman ibn Thabit* the famous poet. He died and left behind five sisters, his male heirs came and took the whole estate. *Ummu kannah* then complained to the prophet (SAW) and the verses were then revealed.¹³³

4.2.2 Basic Rules of Inheritance from the Suratul Nisa'i

As provided in *Al-Nasa'I*, there is need to understand the basic rules and principles of inheritance in the Holy Qur'an. Based on verses 11, 12 and 176 of Suratul Nisa'i, it can be deduced that the general rules of inheritance are

¹³⁰ A.A. Ibn hajar (1419/1999). Fathul Bari. Daarul- Hadth Publishers Cairo; Pp: 6

¹³¹ A.A. Ibn hajar (1419/1999). Fathul Bari. Daarul- Hadth Publishers Cairo; Pp: 6

¹³² M.A. As-sabuni (1423/2002). Al-mawaareeth. Daarul- Sabuni Cairo; Pp: 17

¹³³ M.A. Sayyadi; Al-Tabswirah fi-ulumun Qur'an, Islamic university medina press, Madina (nd); Pp: 10-11.

A) From Verse 11, it can be seen that Allah (SWT) says:

... “To male, a portion equal to that of two female”....

This part of the verse specifies the general rules relating to the inheritance of sons and daughters in competition they are explained under the following:

- a) Where the deceased person is survived by one son and one daughter, the estate will be equally divided into three parts; the son will take two shares, while the daughter takes one.¹³⁴
- b) Where the deceased is survived by sons and daughters then they will share the estate for male twice the share of a female.
- c) When the deceased person leaves behind sons and daughters along with other Qur’anic heir, the shares of other Qur’anic heirs must be settled first;
- d) Where the deceased is survived by only one son and some Qur’anic heirs, the son will take the residue after removing the shares of the Qur’anic heirs. This is because Allah (SWT) says:

“to Male a portion equal that of two Female” and he said “ if only one daughter, her share is a half” thus, we can understand from the two statements put together that were a son is the only heir in the absence of the Qur’anic heir will take the whole estate. Quran (4:v:11)

- i) Where there is a son of sons (grand male children) from a male descendant of the decease), they stand the position of the son where there are no sons. This is because; Allah (SWT) said: *“Allah commands you as regards to your children “*

Additionally, the general rules as Allah (SWT) said:

“... if (there are) only daughters, two or more their share is two-thirds of the inheritance; if only one, her share is half... “ (Q:4:v:11)

- 1) Where the deceased person has no sons and only one daughter, then she will inherit half of the estate.
- 2) When the deceased person leaves behind two or more daughters, they will inherit two-third if there is no agnate (brothers).

¹³⁴ H.A. Shalbi, Dr. (1989). Ibn Sina. publishers,Cairo; Pp: 30.

- 3) If the deceased person leaves behind son's daughter, then the granddaughter stands in the position of a direct daughter where there is no direct daughter.
- 4) When the deceased person leaves behind a son's daughter along with a direct daughter, then son's daughter will be entitled to one sixth (1/6) while the direct daughter gets half. But, if there is direct daughter along with son's daughter and son's son, then direct daughter gets half of the estate, the residue will be shared between son's daughter and son's son (i.e., the son's son gets twice share of the son's daughter).

In continuation from the above verse, Allah (SWT) said:

.... For parents, a sixth share of inheritance to each, if the deceased left children; if no children, and the parents are then (only) heirs, the mother has a third; the deceased left brothers (or sisters), the mother has a sixth... ” Qur'an (4:12)

- i) When a deceased person IS survived BY one son and two parents, then the two parents' gets one sixth share each and, the son gets the residue.
- ii) In a situation where a deceased person is survived with two parents only. The mother will take one-third of the estate while the remaining two-third will go to the father as *Asib*. This is understood from the saying of Allah (SWT) with regards to the share of mother in this circumstance and kept mute about that of the father. This shows that, the father will take residue of (i.e. two third) and so Allah said: “... *And the parents are the (only) heirs...*”. This indicate that they are alone (not in competition with any legal heir from the children)¹³⁵
- iii) Where there are collaterals (brothers or sisters or a combination of both) from whatever side (germane, consanguine or uterine) the mother will take one-sixth (1/6) share and the rest (i.e. 5/6) will go to the father. Then, the brother will have nothing because they are excluded by the presence of their father.

Allah (SWT) said” *After the payment of legacies he may have bequeathed or debt..... ”*

According to the above part of the verse, it can be understand that other rights attached to the estate left by the deceased such as funeral expenses, debts and bequests are to be settled first before the distribution of the estate (i.e. residue). This was in line with the *Hadith* narrated by

¹³⁵ H.A. Shalbi, Dr. (1989). Ibn Sina. publishers,Cairo; Pp: 31.

As- *Shaulkaani* that, Ali (RA) said: “you read this verse (always) but indeed, the Prophet (SAW) considered debts first then legacies’. To support these commandments, a Hadith Narrated by Salama bin Al-Akwa¹³⁶:

حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ، عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ - رَضِيَ اللَّهُ عَنْهُ - أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَتَى بِجَنَازَةٍ، لِيُصَلِّيَ عَلَيْهَا، فَقَالَ " هَلْ عَلَيْهِ مِنْ دَيْنٍ ". قَالُوا لَا. فَصَلَّى عَلَيْهِ، ثُمَّ أَتَى بِجَنَازَةٍ أُخْرَى، فَقَالَ " هَلْ عَلَيْهِ مِنْ دَيْنٍ ". قَالُوا نَعَمْ. قَالَ " صَلُّوا عَلَيَّ صَاحِبِكُمْ ". قَالَ أَبُو قَتَادَةَ عَلَيَّ دَيْنُهُ يَا رَسُولَ اللَّهِ. فَصَلَّى عَلَيْهِ.

A dead person was brought to the Prophet so that he might lead the funeral prayer for him. He asked, "Is he in debt?" When the people replied in the negative, he led the funeral prayer. Another dead person was brought and he asked, "Is he in debt?" They said, "Yes." He (refused to lead the prayer and) said, "Lead the prayer of your friend." Abu Qatada said, "O Allah's Apostle! I undertake to pay his debt." Allah's Apostle then led his funeral prayer.

From Verse 12, it can be seen that Allah (SWT) saying:

In that which your wives, your share is a half if they have no child, but If they leave a child, you get a fourth of that which they leave after the payment of legacies that they have bequeathed or debts. In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eight of that which you may have bequeathed a debts Qur'an (4:12)

Husband Inheritance:

- a) When his wife dies leaving behind no children, his share will be half (1/2) of her estate.
- b) When his wife dies leaving behind children (i.e. male or female), the share of the husband will be (1/4).

¹³⁶ Sahih al-Bukhari Book 37 Hadith 492

Wife Inheritance:

- a) When her husband died leaving behind no children, her share will be (1/4). It is the same thing whether there is only one wife or more.¹³⁷
- b) Where the husband died and left behind children (i.e. males or females), the share of the wife (or wives) will be (1/8).

In continuation, Allah (SWT) said:

if the man or the woman whose inheritance is in question has left neither ascendance nor descendants, but has left a brother or a sister, each one of them gets a sixth; but if more than two they share in a third. Qur'an (4:176)

The above part of the verse relates of the issues of “*Kalalah*”. There is a consensus among the *Ulama* that a “*Kalalah*” is anybody who died leaving behind neither ascendants (parents) nor descendants (children). But, he has a brother or sister, each one of them will get one sixth of the share. But, when they are more than two, they shares one third of the estate.

- B) From Verse 176, it can be seen that Allah (SWT) explains the general rules pertaining to the germane collaterals (brothers and sisters) and consanguine brothers and sisters as follows: (Quran 4:V:176)
 - i) When a deceased person leaves behind neither ascendants nor descendants as a” *Kalalah*” but leaves behind a sister whether germane or consanguine then her share is half of the estate.
 - ii) Where the sisters are two and above (germane or consanguine) sisters, their share will be 2/3 of the estate.
 - iii) Where the deceased person left behind a combination of brothers and sisters (germane or consanguine) with neither ascendants nor descendants, the estate will be shared among them, to a male double the share of a female.

Where a germane or consanguine sister died having neither ascendants nor descendants, as such her germane or consanguine brother will take the whole estate by way of *Agnatisation*. And if

¹³⁷ Abdulkadir, A. (2004). "A survey on the Islamic law of inheritance and the distribution of estate of a testated and intestated person". A research submitted to the Faculty of Law Usmanu Danfodio University Sokoto; Pp: 44.

there is more than one brother, the estate will be shared between them in equal proportion. But, if they are married; then to male the share of two female.¹³⁸

4.3 Concept of Widows in Inheritance in Islam

In order to understand the concept of widow's inheritance, there is a need to clearly understand the meaning of the words 'widow' and 'inheritance' separately. Firstly, a widow is a woman who has lost her husband by death and usually has not re-married. A widow is a married woman whose spouse has died, while a widower is a man in that situation. The state of having lost one's spouse to death is termed widowhood.¹³⁹ These terms are not applied to a person after he or she becomes divorced from their spouse. Inheritance on the other hand means the passing of title or an estate to the heirs upon death of the owner. Technically, a person is entitled to inherit either by law or testament. It is also the hereditary passing of biological attributes from ancestors to their offspring.¹⁴⁰

Under Islamic law, a widow is one of the heirs of the deceased person as results of valid and legal marriage. But, according to the customary tradition of *Zuru* town, a widow is not entitled to any portion or share of her deceased husband's properties if she remarried again after the death of her husband. Even when the properties are shared, the relatives of the deceased husbands usually collect-back the widow's share.

4.4 Rights of Widows to Inheritance among *Zuru* People in *Kebbi* State: Islamic Perspectives

It has been universally accepted by Muslims that the major sources of Islamic law are the *Qur'an*, the *Sunnah*, *Ijma'* (Consensus), and *Qiyas* (Analogy). Muslims believe the *Qur'an* to be the direct words of Allah, as revealed to and transmitted by Prophet Muhammad (SAW). All sources of Islamic law must be in essential agreement with the *Qur'an*, the most fundamental source of Islamic knowledge. When the *Qur'an* itself does not speak directly or in detail about a certain subject, Muslims only then turn to alternative sources of Islamic law¹⁴¹. The *Sunnah* is the traditions or known practices of Prophet Muhammad (SAW), many of which have been

¹³⁸ H.A. Shalbi, Dr. (1998). *Ar-Ra'id fi-illmil faraa'id*. Ibn sina publishers, Cairo; Pp: 35.

¹³⁹ Definition of Widowhood "Merriam-Webster. Retrieved 2016-03-08.

¹⁴⁰ "Inheritance" as define by oxford dictionary of English.

¹⁴¹ Huda (2016). *What Are Sources of Islamic Law?* Religion & Spirituality in Humanities. Updated November 16. Available at <https://www.thoughtco.com/sources-of-islamic-law-2004417>

recorded in the volumes of *Hadith* literature. The sources include many things that He said, did, or agreed to -- and He lived His life according to the Qur'an, putting the Qur'an into practice in his own life. The *Sunnah* can thus clarify details of what is stated generally in the Qur'an.

In situations when Muslims have not been able to find a specific legal ruling in the Qur'an or *Sunnah*, the consensus of the community is sought (or at least the consensus of the legal scholars within the community). Prophet Muhammad (SAW) once said that his community (i.e. the Muslim community) would never agree on an error. In cases when something needs a legal ruling but has not been clearly addressed in the other sources, analogy, reasoning, and legal precedent could be applied. This is often the case when a general principle can be applied to new situations.

Based on the above-mentioned, the Islamic laws that specifically prescribed and direct the right of widows all over the world (*Zuru* people inclusive) on inheritance is in *Surah Al-Nisa'a* verse 12. With respect to the *Sunnah*, there are various number of Hadith narrated in relation to the right of widows all over the world (*Zuru* people inclusive) on inheritance. The following are some of the instances a widow inherit and her entitlement under Islamic law.

Right of a Widow to Inheritance together with Son: A man died leaving his wife and a son, the wife is entitled to one-eighth ($1/8$) of the estate and the son will take the remaining.

W	S
1/8	R

Right of a Widow to Inheritance together with a Daughter: A man died leaving his two wives and a daughter, the two wives are entitled to one-eighth ($1/8$) of the estate to divide it equally among them selves, the daughter will take one-half ($1/2$) of the property, the remaining will go to public treasury.

W	D
1/8	1/2

Rights of a Widow to Inheritance together with Full Brother: A man died leaving behind his wife and full brother, the wife will get one-fourth and the remaining will go to brother. The authority of the wife entitlements:

W	FB
1/4	R

Right of a Widow to Inheritance together with two Daughters and Full Brothers: A man died leaving behind his wife and two daughters and full brothers, the wife will get one-eighth (1/8), the two daughters will get two-thirds and share between them, and the remaining will go to full brothers.

W	2D	FB
1/4	1/2	R

Right of a Widow to Inheritance together with the Parent: A man died leaving behind his wife and his parent. The wife is entitled to one-fourth (1/4) of the property and the mother will take one-third of the remaining and the remaining will go to the father.

W	M	F
1/4	1/3	2/3

Right of a Widow to Inheritance together with Daughter, Daughter of Son, Son of Son: A man died leaving behind his wife, daughter, daughter of son and son of son. The wife is entitled to one-eighth (1/8), the daughter will get a half (1/2), the remaining will go to daughter of son and son of son, they will share it, the son of son will get twice share of what a daughter of son get.

W	D	DS	SS
1/8	1/2	R	

Right of a Widow to Inheritance together with Two Full Sisters and Uncle: A man died leaving behind his 3 wives and two full sisters and uncle, the three wives are entitled to one-fourth (1/4), and the two full sister will get two-third (2/3) and the remaining will go to the uncle.¹⁴²

W	2FS	UN
1/4	2/3	R

Right of a Widow to Inheritance together with Full Sister and Full Brother: A man died leaving behind his wife and full sister and full brother. The wife will inherit one-fourth (1/4), and the full sister and full brother will take the remaining, and divide it. The full brothers will get double share of the full sister.

W	FS	FB
1/8	R	

¹⁴² H.A.L. Sallah-uddin. "Justice of Islam in the rules of inheritance" Aminu Kano college of Islamic legal studies Kano, Kurmi market Kano (2003/1424).pp.40-60.

Right of a Widow to Inheritance together with Two Daughters, Mother and Full Sister: A man died leaving behind his wife and two daughter, mother and full sister. The wife is entitled to one-eighth (1/8), the two daughters will take two-third (2/3), the mother will receive one-sixth (1/6) and the remaining will go to full sister.

W	2D	M	FS
1/8	2/3	1/6	R

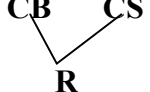
Right of a Widow to Inheritance together with Half Sister and Uncle: A man died leaving behind his wife, half sister and uncle. The wife is entitled to one-fourth (1/4), the half sister will get a half (1/2), and remaining will go to uncle.

W	ES	UN
1/4	1/2	R

Right of a Widow to Inheritance together with Full Sister, Half Sister and Uncle: A man died leaving behind his wife, full sister, half sister and uncle. The wife is entitled one-fourth (1/4), the full sister will get a half (1/2) and the half sister will get one-sixth (1/6), the remaining will go to the uncle.¹⁴³

W	FS	CS	UN
1/4	R	EX	EX

Right of Widows to Inheritance together with Half Sister and Half Brother: A man died leaving behind his 4wives and half sister and half brother. The four wives will get one-fourth of the property and divide the equally, the remaining will go to half sister and half brother to divide it the male will get double share of that of female.

W	CB	CS
1/4		

Right of a Widow to Inheritance together with Mother, One Uterine, Brother or Sister and Uncle: A man died leaving behind his wife, mother, one uterine brother or sister and uncle. The wife is entitled to one-fourth (1/4), the mother will get one-sixth (1/6), the uterine brother or sister will get one-sixth (1/6) and the remaining will go to uncle.¹⁴⁴

W	M	UB	UN
1/4	1/6	1/6	R

H.A.L. Sallah-uddin. (2003/1424). "Justice of Islam in the rules of inheritance" Aminu Kano college of Islamic legal studies Kano, Kurmi market Kano (2003/1424).pp.40-60

¹⁴⁴ H.A.L. Sallah-uddin. (2003/1424); Pp.40-60.

Right of a Widow to Inheritance together with Two Uterine, Brothers and Uncle: A man died leaving behind his wife, two uterine brothers, and uncle. The wife is entitled to one-fourth (1/4), the two uterine brothers will get one-third (1/3), and the remaining will go to the uncle.¹⁴⁵

W	2UB	UN
$\frac{1}{4}$	$\frac{1}{3}$	R

Right of a Widow to Inheritance together with Mother's Mother and Uncle: A man died leaving behind his wife and mother's of mother and uncle. The wife is entitled to one-fourth (1/4), the mother's of mother will get one-sixth (1/6), the remaining will go to uncle.

W	MM	UN
$\frac{1}{4}$	$\frac{1}{6}$	R

Right of a Widow to Inheritance together with Mother of Mother, Mother of Father and Full Brother: A man died leaving behind his wife, mother of mother, mother of father and full brother. The wife is entitled to one-fourth (1/4), the mother of mother and the mother of father will share one-sixth (1/6), the remaining will go to full brother.

W	MM	MF	FB
$\frac{1}{4}$	$\frac{1}{6}$		R

Right of a Widow to Inheritance together with Grand Father and Son: A man died leaving behind his wife grandfather and son. The wife is entitled to one-eighth (1/8), the grandfather will take one-sixth (1/6), the remaining will go to son.¹⁴⁶

W	GF	S
$\frac{1}{8}$	$\frac{1}{6}$	R

Right of a Widow to Inheritance together with Daughter and Grandfather: A man died leaving behind his 2wives and daughter and grandfather. The 2wives are entitled to one-eighth (1/8), the daughter will get a half (1/2), and the grandfather will get the remaining.

W	D	GF
$\frac{1}{8}$	$\frac{1}{2}$	R

¹⁴⁵ H.A.L. Sallah-uddin. (2003/1424). "Justice of Islam in the rules of inheritance" Aminu Kano college of Islamic legal studies Kano, Kurmi market Kano (2003/1424), p. 79

¹⁴⁶ H.A.L. Sallah-uddin. (2003/1424), p.82.

Right of a Widow to Inheritance together with Father and Grandfather: A man died leaving behind his wife and father and grandfather. The wife is entitled to one-fourth (1/4). The remaining will go father, the grandfather is excluded by father.¹⁴⁷

W	F	GF
$\frac{1}{4}$	R	EX

Right of a Widow to Inheritance together with Mother and Father: A man died leaving behind his wife and mother and father. The wife is entitled to one-fourth (1/4), the mother will get one-third (1/3), the father will take the remaining.

W	M	F
$\frac{1}{4}$	$\frac{1}{3}$	$\frac{2}{3}$

Right of a Widow to Inheritance together with mother, Two Germane Brothers and Father: A man died leaving behind his wife, mother, two germane brothers and father. The wife is entitled to one-fourth (1/4), the mother will get one-sixth (1/6) because of the brother and the father will receive the remaining, and exclude the two brothers.¹⁴⁸

W	M	2FB	F
$\frac{1}{4}$	$\frac{1}{6}$	EX	R

Right of a Widow to Inheritance together with Son, Mother and Father: A man died leaving behind his wife, son, mother and father. The wife is entitled to one-eighth (1/8), mother will get one-sixth (1/6), the father will also get one-sixth (1/6), the remaining will go to the son.

W	S	M	F
$\frac{1}{8}$	R	$\frac{1}{6}$	$\frac{1}{6}$

Right of a Widow to Inheritance together with Daughter, Mother and Father: A man died leaving behind his wife, daughter, mother and father. The wife is entitled to one-eighth (1/8), daughter will get a half (1/2), mother will get one-sixth (1/6), the father will take one sixth (1/6) and residue.

W	D	M	F
$\frac{1}{8}$	$\frac{1}{2}$	$\frac{1}{6}$	$\frac{1}{6}^{+R}$

¹⁴⁷H.A.L. Sallah-uddin. (2003/1424). "Justice of Islam in the rules of inheritance" Aminu Kano college of Islamic legal studies Kano, Kurmi market Kano (2003/1424), p.83.

¹⁴⁸H.A.L. Sallah-uddin. (2003/1424), p.85.

Right of a Widow to Inheritance together with Mother, Son and Two Consanguine Sisters:

A man died leaving behind his wife, mother, son and two consanguine sisters. The wife is entitled to one-eighth (1/8), the mother will take one-sixth (1/6), the remaining will go to the son. The two consanguine sisters are excluded by the son.

W	M	S	2CS
1/8	1/6	R	EX

Right of a Widow to Inheritance together with Mother, Two Uterine Brothers, and Full

Brother: A man died leaving behind his wife and mother, two uterine brothers, and full brother. The wife is entitled to one-fourth (1/4), mother will get one-sixth (1/6), the two uterine brothers will get one-third (1/3), the remaining will go to full brother.¹⁴⁹

W	M	2UB	FB
¼	1/6	1/3	R

Right of a Widow to Inheritance together with Daughter, Daughter of Son, Mother and

Full Brother: A man died leaving behind his wife, daughter, and daughter of son, mother and full brother. The wife is entitled to one-eighth (1/8), daughter will get a half (1/2), the daughter of son will get one-sixth (1/6), the mother will take one-sixth (1/6), the remaining will go to full brother.¹⁵⁰

W	D	DS	M	FB
1/8	½	1/6	1/6	R

4.5 Concept of Customary Law on Inheritance

“Customary law” for the purpose of this study concerns the laws, practices and customs of indigenous people and local communities. It is not, for instance, the same as customary law in the international context. Customary laws are central to the very identity of indigenous peoples and local communities, defining rights, obligations and responsibilities of members relating to important aspects of their lives, cultures and world views. Customary law can relate to use of and access to natural resources, rights and obligations relating to land, inheritance and property, conduct of spiritual life, maintenance of cultural heritage and knowledge systems, and many other matters. Customary law is therefore a set of customs, practices and beliefs that are accepted

¹⁴⁹A. Abdulkadir (2004). "A survey on the Islamic law of inheritance and the distribution of estate of a testated and intestate person" A research submitted to the faculty of law Usmanu Danfodio University, Sokoto; Pp: 130.

¹⁵⁰A. Abdulkadir (2004); Pp: 120.

as obligatory rules of conduct by indigenous peoples and local communities. Which forms an intrinsic part of their social and economic systems and way of life¹⁵¹.

Customary law is the written and unwritten rules which have developed from the customs and traditions of communities. What characterizes customary law is precisely that it consists of a group of customs that are recognized and shared collectively by a community, people, and tribe, ethnic or religious group. This contrasts with written law emanating from a constituted political authority, the application of which is in the hands of that authority, generally the State.¹⁵²

Customary law is, by definition, intrinsic to the life and custom of indigenous peoples and local communities. What has the status of “custom” and what amounts to “customary law” as such will depend very much on how indigenous peoples and local communities themselves perceive these questions, and on how they function as indigenous peoples and local communities. According to one definition, “custom” is a “rule of conduct, obligatory on those within its scope, established by long usage. All valid customs must be of immemorial antiquity, certain and reasonable, obligatory, not repugnant to Statute Law, though it may derogate from the common law. General customs are those of the whole country, as, e.g. the general custom of merchants. Particular customs are the usage of particular traits. Local customs are customs of certain parts of the country”¹⁵³.

Approaches to defining or characterizing “customary law” typically make some reference to an established pattern within a community which is seen by the community itself as having a binding quality. For instance, customary laws are defined variously by some authorities as:

- a) “customs that are accepted as legal requirements or obligatory rules of conduct; practices and beliefs that are so vital and intrinsic part of a social and economic system that they are treated as if they were laws”¹⁵⁴, and
- b) “Established patterns of behaviour that can be objectively verified within a particular social setting. The modern codification of civil law developed out of the customs, or of the middle ages, expressions of law that developed in particular communities and slowly

¹⁵¹ World Intellectual Property Organization [WIPO] (2016). Customary Law and Traditional Knowledge: Background Brief; No. 7

¹⁵² World Intellectual Property Organization [WIPO] (2016); No. 7

¹⁵³ Osborne’s Concise Law Dictionary, Ninth Edition (Sweet and Maxwell, 2001)

¹⁵⁴ Black’s Law Dictionary, 8th edition, 2004

collected and written down by local jurists. Such customs acquired the force of law when they became the undisputed rule by which certain entitlements (rights) or obligations were regulated between members of a community”¹⁵⁵.

Custom is a usage and a practice, which may or may not have social recognition, and whose violation may or may not result in any sanction. On the other hand, customary law is a usage and a practice which is socially recognized, and the breach of this will result in some penal action. When a custom is practiced over a period of time and found to be useful in maintaining harmonious relations in a society, it becomes established as customary law¹⁵⁶.

Customary law gives different treatment to family members depending on their status in the family and their gender. It also protects the social position of men. These rules of customary law will need to be measured against the rights of women to equality and dignity, to see if they are constitutional. Based on the aforementioned, it can be understood that customary law is a rule which in a particular district has from long usage, obtained the force of law. Customary law is a particular way of behaviour, which because it has long been established among members of a social group or tribe, can develop and acquire the force of Law or right.

Customary Law is the law of the various indigenous peoples in Nigeria, before other systems of law came into the country to displace or modify customary law. It is the oldest source of Law in Nigeria having existed in the various communities and tribes before the advent of the British rules law into Nigeria. It is not enacted by the legislature in Nigeria; yet it is enforceable and binding between the parties subject to its sway¹⁵⁷. Customary law still serves the needs of ordinary citizens especially in the area of personal law including marriage, succession and property rights. However, its earlier application in the field of criminal law has been abolished by the operation of S. 36(12) 1999 Const. as amended 2011 which provides that a person shall not be convicted of a criminal offence unless that offence is defined and the penalty thereof is prescribed in a written Law.

¹⁵⁵ http://en.wikipedia.org/wiki/Customary_law

¹⁵⁶ http://en.wikipedia.org/wiki/Customary_law
Vitso, 2003

¹⁵⁷ See *Zaidan v Mobosen* [1973] 11 FSC 1

4.5.1 Characteristics of Customary Law

There are many features of customary law depending on the beliefs, tradition and culture of its followers and characteristics. They are as follows:

- a) **It must be in Existence:** A customary law must be in existence at the relevant time it is alleged or sought to be relied on. The fact that a customary law is old and ancient does not make it inapplicable or unenforceable if the people still recognize it as their customary law and binding on them. However, it must be responsive to present conditions and lifestyle of the people and would not qualify if it is a relic of by-gone days¹⁵⁸.
- b) **It is Largely Unwritten:** Customary Law is mostly unwritten because it is not compiled, codified nor legislated in the form of a statute law. There have been arguments for and against the codification of customary law. The Arguments for include: documentation for posterity; it will be certain and prevent it from being vague; uniformity in provision and application. And for arguments against include: it will make customary Law rigid and need amendment and this could take a long process; and customary law will lose its flexibility. Similarly, Prof Antony Allot appraised the unwritten nature of customary law thus:

First, the law is unwritten...They exist only in the minds of those who administer and those who are subject to the customary law. There is no pondering over legal principles, no juristic analysis, no criticism or refurbishing of old precedents, all of which depend on written texts which the justice may scrutinize at leisure¹⁵⁹.

- c) **Customary Law must be accepted as a Binding Custom¹⁶⁰:** to be valid, the community where the custom obtains must give assent to it or accept it as a custom. In the words of Bairamian F.J, ‘a custom is a mirror of accepted usage’. It must enjoy the assent, recognition or acceptance of the people as a valid custom which obtains in such community.

¹⁵⁸ See Lewis v Bankole [1908] 1 NLR 81 at 83; Esuagbayi Eleko v Government of Nigeria [1931] AC 622 at 677

¹⁵⁹ O.O. Olusegun, (2015). “Sources of Law: Customary Law”. Nigerian Legal System Course. College of Law, Afe Babalola University, Ado-Ekiti: Code: LPI 203

¹⁶⁰ See Lewis v Bankole [1908] 1 NLR 81 at 83

- d) **It is Flexible:** Customary law is flexible. It is elastic. It is dynamic and changes with the times, that is, it changes with the society that observes it. In *Kimdey v Military Governor of Gongola State* [1988] 2 NWLR pt 77 p 445 at 461, Karibi-whyte JSC explained that:

*One of the characteristics of native Law and which provides for its resilience is its flexibility and capacity for adaptation. It modifies itself to accord with changing conditions*¹⁶¹.

In *Agbai v Okogbue* [1991] 7 N.W.L.R 391 it was stated that customary laws were formulated from time immemorial and due to its flexibility, as our society advances, they meet situations which were inconceivable at the time they took root. Strong evidence may, however be required to show that a particular custom has been abandoned or changed. See *Oloto v Dawuda* [1904] 1 N.L.R. 58

Furthermore, the two examples which show that customary law adapts to changes are: Customary Law used to be unwritten; and based on customary ownership and land holding, land was considered to belong to the family or community. Therefore absolute transfer to strangers was not possible.

- e) **Customary Law Varies:** Customary laws are not uniform across ethnic groups; they differ from tribe to tribe. Differences in the customary laws of ethnic groups can be traced to various factors such as language, proximity, origin, history, social structure and economy. For example, the customary law system of an ethnic group in one town may be different from the customary law system of the ethnic group in a neighboring town even though the two ethnic groups speak the same language¹⁶².

4.6 Principles and Laws of Inheritance under Customary law Perspective

Under customary law rules of inheritance, the eldest son inherits the control of the family property, and makes the decisions about the property. The wife does not inherit the family property, although she may use it. Rules of customary law allow for inequality among people to continue, especially for women and girls, who remain economically and socially inferior to men.

¹⁶¹ O.O. Olusegun (2015)

¹⁶² O.O. Olusegun (2015)

In Nigeria, as in many parts of Sub-Saharan Africa, statutory and patriarchal customary laws deprive widows of their matrimonial home¹⁶³. As a patriarchal society, most land in Nigeria is usually registered in the name of the husband. Intestate succession law gives the matrimonial home to the first son of the deceased. So, if the husband does not leave a will bequeathing the matrimonial home to his wife, she is left with only user rights of the home. Although husbands who do leave wills usually bequeath the matrimonial home to the widow, the vast majority of husbands die intestate¹⁶⁴.

Consequently, the matrimonial home is almost always owned by the husband's family. Gender inequality therefore comes about because widows only enjoy the use of the matrimonial home instead of owning it after the death of her husband. Although, there is adequate documentation on gender inequality in terms of the inheritance laws of Nigeria¹⁶⁵, there is little evidence to show how this inequality comes about in practice. The custom dictates that the transfer of land to an individual had to be through a male relative. The allocation of land was in the hands of male heads of families or clan leaders. Even when the family gave land to a woman, she was not allowed to dispose it off to an outsider except the male clan leader¹⁶⁶. As a result, it was impossible for many women to inherit or own land from their natal families or marital families because of this patriarchal custom. Thus, in most cases women had only user rights to land. Widows did not inherit land from their spouses and neither did women inherit land from their male relatives¹⁶⁷.

Hence widows acted as guardians of the land for the male minors until they grew up and inherited the land. This meant that widows with adult sons were more likely to have user rights over land than widows without sons. Because of her insecure position in the family, the widow with no sons would get married to her brother in-law in order to continue having user rights to the home. Refusal to be 'inherited' by her brother-in-law meant that the widow lost her user rights to the land¹⁶⁸.

¹⁶³ Nayaran et al. (2000) in Asiimwe and Crankshaw (2011)

¹⁶⁴ C. Birabwa-Nsubuga (2006). Women under Customary Marriage in Uganda: A critical look at their Property Rights at Dissolution

¹⁶⁵ Kanabahita (2006); Okumu-Wengi (2001 & 1997); and Sebina-Zziwa (1998)

¹⁶⁶ Birabwa-Nsubuga (2006) and Bikaako and Ssenkumba (2003)

¹⁶⁷ O.O. Olusegun (2015)

¹⁶⁸ Bikaako and Ssenkumba (2003)

Today, Nigeria is still largely a matrilineal society. Customary practices that place women in an inferior position continue to operate in many communities in spite of the Islamic and statutory laws that condemn such practices. Under customary law, women do not inherit property on widowhood¹⁶⁹. When a man dies in some communities, the clan immediately appoints an heir. The heir is usually the first son in the family. He inherits the property of the deceased and he is supposed to take care of everybody in the home. A widow only holds goods in trust for her sons until they are adults. The widow's right of access to the home and property within the home depends on whether she decides to remarry or not.

Customary law puts a woman (widow) in an economically insecure position. She inherits no property despite the fact that she has contributed to it through her unpaid labour in the home. The widow is left at the mercy of her husband's line and his heir who controls what benefit she is allowed to get from the home. Many discriminatory cultures and traditions inherent in Nigerian society still undermine the status of women, especially through their control of property. As a result, women continue to be marginalized as far as property ownership is concerned.

Women's inheritance rights therefore still depend on the decisions of men¹⁷⁰. If a father does not have a son, in most cases (under customary practices) none of his daughters can become his heir but instead it is his nearest male relative who inherits the home¹⁷¹. Daughters can inherit the home, however, but only in exceptional circumstances where there is no suitable male heir¹⁷².

Customary law does not recognize any financial contribution of a wife to matrimonial property. The family property is presumed to belong to the husband and therefore if a wife dies, even if she contributed financially to the matrimonial home, her widower will automatically inherit the home. Even if the woman left a will distributing her share of the matrimonial home (if jointly owned) it is very unlikely that her natal family would inherit a share. If a man dies however, the widow may never have full inheritance rights of the matrimonial home.

From the above discussion, we can agree that patriarchal customary law does not guarantee a widow inheritance rights. Since customary law is unwritten, the custodians of the law who are

¹⁶⁹ Birabwa-Nsubuga (2006) and Okumu-Wengi (1997)

¹⁷⁰ Asiiimwe (2001)

¹⁷¹ Kanabahita (2006)

¹⁷² Okumu-Wengi (1997) and Guyer (1987)

mainly male, tend to apply the law as it suits them and in so doing they deny women their inheritance rights. When a married woman dies there is no property distributed because culturally the property is assumed to belong to her husband¹⁷³.

4.7 Right of Widows to Inheritance among *Zuru* People of *Kebbi* State: Customary Perspective

It is very important to note that, there is no Customary Court in *Zuru* communities. But, there are Shari'ah Courts, Magistrate Courts, and High Courts. Similarly, the Magistrate Courts has no jurisdiction to decide or proceeds over any matrimonial cases; only the Shari'ah Courts has such jurisdiction. As such, it is difficult to access or obtain documented judicial authority like decided customary court cases on inheritance. In order to understand the rights of a widow to inheritance of estate/wealth left behind by her deceased husband under customary law, there is a need to gathered life stories from widows living among *Zuru* people. This is because, customary law is unwritten and its application lies in the hands men (because, mostly the elderly male child dictates how to share inheritance). In view of these, the researcher consulted group of *Zuru* people (mostly elderly men and women) in order to obtain the basic traditional and customary practices of *Zuru* people with respect to widow's inheritance. Most of these people provided the researcher with sufficient information about the traditional and customary principals governing inheritance issues of *Zuru* people.

Based on information gathered, most of the widows that refused to remarry are as results of fear of losing their inheritance rights. Because, most of widows that decided not to remarry, they do so in order to retain their property use/ownership right. This is because the customs of *Zuru* people dictates that, any widow that remarry after the death of the husband has no right to inherit her deceased husband. This implies that, it is a principle of *Zuru* people that 'Widows are not allowed to remarry after the death of their husbands outside the family, if at all they want to exercise their use/ownership right to property left by their deceased husbands. And if they do so after sharing the property, their husband's male relative will take-back the widow's share leaving her with nothing'.

According to the customary laws of *Zuru* people, there is nothing like inheritance, what they do is that the elder son in the family will inherit the entire estate of his father, unless if he decided to

¹⁷³ Kanabahita (2006) and Asiimwe (2001): 175 to 176

give them (younger children including his mother) something very little. Women, girls, widow's, small children has no rights of inheritance in the customary laws of *Zuru* people.¹⁷⁴ Based on the above-mentioned and for the purpose of this study, the following are some of the instances a widow inherit and her entitlement under customary law and traditional practice of *Zuru* people. These instances are presented based on five (5) categories of cases viz:

First Category: Father's Case

Rights of Widow to Inheritance together with Son and Daughter: According to the traditional practice of *Zuru* people, when a father died leaving behind three wives, son and daughter. The three wives (widows) are not entitled to inherit their deceased husband. Similarly, the daughter will not also inherit anything from the estate left behind by their deceased father. Their traditional practices recognize that, the Son will inherit the entire estate left by the father.¹⁷⁵

W S D
EX ALL EX

Rights of Widow to Inheritance together with Son, Father and Mother: In a situation where a father died leaving behind two wives, son, father and mother. The customary/traditional practice of *Zuru* people automatically excludes the two wives (widows) from having any right to inheritance. Also, both the father and mother of the deceased person have no right to any share of the estate left by their deceased son. As such, it is only the son that will receive the entire estate left by his deceased father.¹⁷⁶

W D F M
EX EX ALL EX

Rights of Widow to Inheritance together with Daughter and Full Brothers: In another situation where a father died leaving behind four wives, daughter and full brother. The customary principles of *Zuru* people dictate that, the four wives (widows) will not receive any share from the estate of their husband. Similarly, the daughter will not also receive

¹⁷⁴ Malam Isyaka Abdulmalik Abubakar, Zango, 5th Jan 2018

¹⁷⁵ Anas moh'd lawal, bakin tsohuwar kasuwa 4th Jan 2018

¹⁷⁶ Malam Isa Ibrahim, Zango, 2nd jan 2018

any share from the estate. The traditional principles supported that; full brother will inherit the entire estate left by his deceased full brother.¹⁷⁷

W D FB
EX EX ALL

Rights of Widow to Inheritance together with Grandson and Granddaughter:: In an instances where a father in a family died leaving behind one wife, a grandson and a granddaughter. The customary and traditional practice of *Zuru* people allows that, the grandson will take over and inherit every estate or wealth left behind by the deceased person. Their customary law does not give any consideration to the wife and granddaughter of the deceased person.¹⁷⁸

W GS GD
EX ALL EX

Second Category: Son's Case

Rights of Widow to Inheritance together with Son, Daughter, Brothers and Sisters: In a situation where a son died leaving behind amount of wealth for legal heirs. The son also is survived by his two wives and son, daughter, brothers, and sisters. The tradition of the *Zuru* people stated that, the two wives (widows) will not be entitled to inherit their deceased husbands; as such they get nothing out of his wealth. Similarly, the daughter will not also have any right to the inheritance based on her status as lady/girl. Furthermore, the traditional law of *Zuru* people did not allows the brother and sisters to the deceased person to inheritance. In a note shell, the customary and traditional practices of *Zuru* people allows only the Son to the deceased person to inheritance by denying the widows, brothers, daughters and sisters to inheritance.

W S D FB FS
EX ALL EX EX EX

Rights of Widow to Inheritance together with Brothers and Sisters: When a Son died leaving behind his wife and brothers and sisters, the wife would not receive any share of the deceased person wealth. Similarly the sisters would not receive any share of the

¹⁷⁷Abdullahi Ahmed bakin Kasuwa Zuru 1st Jan 2018

¹⁷⁸Abdullahi Ahmed bakin Kasuwa Zuru 1st Jan 2018

inheritance. The customary and traditional practices of *Zuru* people only recognize the brothers' right to inheritance in this situation.¹⁷⁹

W FB FS
EX ALL EX

Rights of Widow to Inheritance together with Grandfather, Grandmother, and Son: In a situation where a Son died leaving behind his two wives, grandfather, grandmother, and his son. The customary law of *Zuru* people denies the two wives (widows) any right to inheritance. Similarly, the grandfather would not receive any share of the inheritance; this status equally applied to the grandmother by not having any right to the share of the inheritance. The customary law of *Zuru* people recognizes the right of the Son to the inheritance.¹⁸⁰

W GF GM S
EX EX EX ALL

Rights of Widow to Inheritance together with Daughter, Daughter of Son, and Son of Son: In an instances where a son died leaving behind his three wives, daughter, daughter of son and son of son. The customary and traditional practices of *Zuru* people exclude the three wives (widows) from having any right to the inheritance; so also to the daughter. Similarly, the daughter of son will not receive any share of the inheritance. The traditional law of *Zuru* people only recognizes the right of the Son of Son to claim the entire wealth or estate left behind by the deceased.¹⁸¹

W D DS SS
EX EX EX ALL

Third Category: Full Brother's Case

Rights of Widow to Inheritance together with Son and Daughter: When a full brother died leaving behind his two wives, son and daughter. According to the customary law and practices of *Zuru* people, the two wives (widows) will not receive any share of the inheritance; this is also same situation with the daughter of the deceased full brother. The

¹⁷⁹ Malam Murtala Hammani, Road Block Zuru, 5th Jan, 2018

¹⁸⁰ Malam Murtala Hammani, Road Block Zuru, 5th Jan, 2018

¹⁸¹ Malam Yusuf Aliyu, jar Kasa Zuru, 3rd Jan 2018.

customary law and practice of *Zuru* people allows only the son to inherit all the estate left behind by the deceased.¹⁸²

W S D
EX ALL EX

Rights of Widow to Inheritance together with Father and Mother and Full Sister: Where a full brother died leaving behind his three wives, father, mother, and a full sister. The traditions of *Zuru* people did not allow the three wives (widows) to inherit any share left behind by the deceased. Equally, the mother is not entitled to receive any share of the inheritance. This status also applied to the full sister. The customary and traditional practices of *Zuru* people permit the father to the deceased to inherit the entire estate or wealth left behind by the deceased.¹⁸³

W F M FS
EX ALL EX EX

Rights of Widow to Inheritance together with Son and Uncle: In a situation where a full brother died leaving behind his wife, son and uncle. The customary and traditional practices of *Zuru* people ruled that, the wife (widow) will not receive any share of the inheritance; these ruling go to the uncle of the deceased. The customary law allows the son to inherit the entire estate or wealth left behind by the deceased.

W S UN
EX ALL EX

Rights of Widow to Inheritance together with Daughter and Daughter of Son, Full Sister and Uncle: When a full brother died leaving behind his two wives and daughter, daughter of son and full sister. The customary and traditional practices of *Zuru* people did not allow the two wives (widows) to inherit any share of the estate or wealth left behind by the deceased husband. This principle also applies to the daughter, daughter of son and the full sister. The customary and traditional practices of *Zuru* people grants the only the uncle to inherit the entire estate or wealth left behind by the deceased.¹⁸⁴

W D DS FS UN
EX EX EX EX ALL

¹⁸² Malam Yusuf Aliyu, jar Kasa Zuru, 3rd Jan 2018.

¹⁸³ Imam Abdullahi Ma'aji Road Block 3rd Jan 2018.

¹⁸⁴ Malam Babangida, Head of Geography Department, College of Education Argungu, Matan Fada, 5th Jan 2018.

Fourth Category: Grand Father's Case

Rights of Widow to Inheritance together with Sons and Daughters: Where a grandfather died leaving behind his three wives and sons and daughters. The customary and traditional practices of *Zuru* people did not allow the three wives (widows) to receive any share of the inheritance. Similarly, the daughters will equally not receive any share too. The customary and traditional practices of *Zuru* people empowered the most elderly son among the sons inherit every estate or wealth left by their grandfather.¹⁸⁵

W S D
EX ALL EX

Rights of Widow to Inheritance together with Daughters and Uncle: In a situation where a grandfather died leaving behind his two wives, daughters and uncle. The customary and traditional practices of *Zuru* people did not allow the two wives (widows) to be entitle to any share of the inheritance; this also goes to the daughters. The customary and traditional practices of *Zuru* people recognize only the right of uncle; who will inherit the entire estate or wealth by the grandfather.¹⁸⁶

W D UN
EX EX ALL

Rights of Widow to Inheritance together with Father and Mother: In an instance where a grandfather died leaving behind his four wives, his father and his mother. The customary and traditional practices of *Zuru* people denied the four wives (widows) any right to inheritance left by the deceased. This status applies to the mother of the deceased person. But, the right to inheritance wholly falls on the father of the deceased accosting to the customary and traditional practices of *Zuru* people.¹⁸⁷

W F M
EX ALL EX

Rights of Widow to Inheritance together with Son and Full Brother: In a situation where a grandfather died leaving behind his two wives, son and full brothers. The customary and traditional practices of *Zuru* people ruled that, the two wives (widows) are not allowed to inherit any share; similarly, the full brother will also not receive any share of the

¹⁸⁵ Malam Murtala Hammadi, Road Block Zuru, 4th Jan 2018.

¹⁸⁶ Mohd Ango Dangam, Upper Sharia'a Court Zuru, Rikoto Area

¹⁸⁷ Mohd Ango Dangam, Upper Sharia'a Court Zuru, Rikoto Area

inheritance. The right to inherit the entire estate or wealth left behind by the deceased fall on the son only in accordance to customary and traditional practices of *Zuru* people.¹⁸⁸

W S FB
EX ALL EX

Rights of Widow to Inheritance together with Daughter and Full Brothers: When a grandfather died leaving behind his wife, daughter and brother. The customary and traditional practices of *Zuru* people prevent the wife (widow) from inheritance by not giving her any share of it. Similarly, the daughter of the deceased will not receive any share of the inheritance. According to the customary and traditional practices of *Zuru* people recognizes only the full brother as one who have the right to inherit the entire estate or wealth left behind by the deceased.¹⁸⁹

W D FB
EX EX ALL

Fifth Category: Grandson's Case

Rights of Widow to Inheritance together with Son, Daughter and Mother: In a situation where grandson died, leaving behind his wives, son, daughter and a mother. The customary and traditional practices of *Zuru* people, the two wives (widows); daughter; and even the mother to the deceased are not allows to inheritance. Only, the son will inherit every estate or wealth left behind by the deceased person.

W S D M
EX ALL EX EX

Rights of Widow to Inheritance together with Daughter and Full Brother: In a situation where a grandson died, leaving behind his wife, daughter and full brother. The customary and traditional practices of *Zuru* people dictate that, the wife (widow) and the daughter will not inherit any share of the estate or deceased. The customary and traditional practices of *Zuru* people allow only the full brother to inherit all the estate or wealth.¹⁹⁰

W D FB
EX EX ALL

¹⁸⁸ Malam Murtala Hammadi, Road Block Zuru, 4th Jan 2018.

¹⁸⁹ Malam Umar Sa'ad Zuru Center, 3rd Jan., 2018.

¹⁹⁰ Malam lawal Garba, zango 4th jan 2018.

Rights of Widow to Inheritance together with Son, Daughter and Father: Where a grandson died, leaving behind three wives; son; daughter; and father. The customary and traditional practices of *Zuru* people disqualify the three wives (widows); the daughter and even the father from any right to inheritance. The law recognizes only the son to inherit every estate or wealth left behind by the deceased.¹⁹¹

W S D F
EX ALL EX EX

Rights of Widow to Inheritance together with Son, Mother and Uterine Brother: In a situation where a grandson died, leaving behind one wife, son, mother and uterine brother. According to the customary and traditional practices of *Zuru* people, the wife (widow); mother and uterine brother are all disqualified from having any right to inheritance. The customary and traditional practices of *Zuru* people only recognizes the son; who have the right to inherit the entire estate or wealth left behind by the deceased person.¹⁹²

W S M UB
EX ALL EX EX

4.8 Data Presentation based on Research Objectives

This sub-section presents data gathered and organized in line with the research objectives of the study as provided earlier in chapter one of this study. This arrangement is considered necessary and appropriate towards ensuring that the research objectives are achieved. Data gathered and presented for such purpose are guided by part ‘B’ of interview guide used by the researcher during the interview discussion with the selected widows in four communities of *Zuru* people. It is very important to note that; data are specifically narrated or described based on research objectives of the study.

Research Objective One: To explore the ways in which widows among *Zuru* people are deprived of property inheritance upon the death of their husbands.

In line with research objective one above, the researcher asked widows selected among *Zuru* people on whether they have been deprived their right to inherit a property after the death of their husbands. According to the responses and views gathered, majority of them revealed that they

¹⁹¹ Malam lawal Garba, zango 4th jan 2018.

¹⁹² Malam isyaka Abdulmalik Abubakar, zango, 5th jan 2018.

have been deprived their right to inherit a property after the death of their husbands. One of the widows further explained that.

...I was deprived my right before but latter they gave me something very small". "I was deprived of the property of my dead husband because his family said if I ever get -married again they will collect all what was left for including the children". Yes, because I re-married again which is not accepted by the family of my late husband? That is why I was deprived of my own share". "Yes, they give me some property and deny me some. Until the court order them to do so". "Yes, I have not been given any property by them". "I have not given anything". "They said that my husband did not leave anything to us to inherit". "They give me a little, but some they refuse to give me.

Based on the above views and for the purpose of research objective one of the study, it can be concluded that most of the widows among *Zuru* people are been deprived of their right of property inheritance upon the death of their husbands because; they decides to remarry or thinking that they may remarry again in future. Similarly, for those widows that were give a share, they were not given in full in accordance with Islamic law despite the fact that they have children to cater for. Hence, husbands male relative among *Zuru* people decides not to give widows her rightful share of property left by her deceased husband at all or gives them small portion of it because they remarry or fair that, they may remarry again in future. The above results indicates that, it is a customary law among *Zuru* people that, for any widow to not remarry after the death of her husband if she actually want to have the right to property ownership or share left by her deceased husband even if she have children to care for in future.

Research Objective Two: To find out the role played by widows who exercises their rights of property ownership left by their husbands towards the development of *Zuru* people.

Based on the above research objective, the researcher asked those widows living in four communities that makes-up *Zuru* people that exercises their rights to property ownership left by their deceased husbands about roles they played towards the development of *Zuru* people. Data and information gathered and organized indicates that, almost all these widows responded 'No' except for one widow who reveled that she used some part of the share given to her to build borehole in her community and sponsor certain community development project in the area. But majority of them that say no revealed that, the share given to them is not even sufficient for them

and the children. Not to talk of engaging in economic activities that could assist towards the development of *Zuru* people.

In line with the above results and for the purpose of research objective two of this study, it can be concluded that widows who exercises their rights of property ownership left by their husbands does not play any role towards the development of *Zuru* people because; the shares given to them is not even enough for them and their children sustainability; not to talk of contributing towards community or emirate development.

Research Objective Three: To identify the consequences of denying or depriving widows their right to property inheritance upon the death of their husbands among *Zuru* people

Data and information gathered with respect to the above research objective three shows that, all the widows interviewed among *Zuru* people condemn the acts of denying or depriving widows their right to property ownership upon the death of their husbands. They further to explain that, by denying or depriving widows their right to inherit property, there are many consequences to the widows themselves and the children of the deceased husbands and to the community also.

According to majority of the widows interviewed:

The children have stopped school because there is no money to support them. But in term of feeding we are trying our best". "There are a lot of problems which no mouth can express". "There will be a very big problem, because it will be very difficult to raise the children". "The widows suffer a lot because of their children". "They will be in a big trouble, because some used to follow men so that they will get something to feed their own children". "There are a lot of consequences, more especially if the children are with you". "There is a lot of consequence for denying widows their right because Allah (SWT) said widows should be given 1/8 if they have children and 1/4 if there is no children failure to do that the punishment is from Allah". "It is not good to deprived widows their own right because is given to them by the Almighty God". "They used to enter into different troubles". "Widows suffer a lot because the child are with me all I got is for them sometime we will eat, while some times we will stay with hunger". "It will make her into serious thinking which will make her to fall ill

The above views of the widows proved that, the consequences of denying or depriving widows their right to property inheritance upon the death of their husbands among *Zuru* people are much

and one cannot express at once. Some of these consequences are: (1) children stop school because there is no money to support them; (2) It will make it difficult for the widows to raise the children; (3) it used to make some widows follow men so that they will get something (money and food) to feed their own children; (4) it will results to punishment from Allah (SWT); (5) it will make widows to enter into different troubles; (6) it will make the widows and their children stay with hunger; and (7) it will make widows found themselves in serious thinking which will make them to fall ill.

Research Objective Four: To suggest effective ways for ensuring that, the right of widows to inherit a property upon the death of their husbands are exercised.

This is the final objective of the study. Based on this objective, researcher asked widows under study to suggest effective ways for ensuring that, the right of widows to inherit a property upon the death of their husbands is exercised among *Zuru* people. Some of the widows interviewed were very emotional during the discussion as they remembered the loss of their darling husbands and hence they cannot be able to comment much. All they used to say is that:

It is all our way, one day we will be there". "Fear Allah (SWT) and do whatever you are asked to do". "Nothing is permanent in this world; everybody will go were my husband went". "We have to be patient in whatever we do, God's time is the best". "No condition is permanent, one day everything will become history

These comments proved that, these widows are really emotional considering their present conditions and predicaments. It can further be understood that these widows are speechless on hat which they pass-through in the hands of the late husband's relatives and decides to let Almighty Allah judge for them. In addition to the above, significant number of widows that were able to comments more on the above subject matter revealed that:

My advice is that women are the mothers; it is not good to deny them their own right, because one day it could be your sister, daughter or wife who may enter into the same kind of situation". "My advice is that we widows always need help, no matter how little it is". "My advice is that, they should fear Allah because He is watching them in whatever they do". "Widows should do their own best by taking good care of their children and people should help them". "They should be given widow their right of inheritance, because they used to find themselves in a very difficult situation which will lead them to the

wrong part". Given widow their own-right has been stated in the Holy Qur'an". "We widows we should be patient in whatever situation we found ourselves in". People should fear Allah and distribute the property the way it is prescribed to them". "Widows should rise up and fight for their own right if they are deprived of it". "No condition is permanent, widows should be given their own right and this is going to help them a lot". "The family of my late husband are very wicked because; I was his only wife and two children, a boy and a girl, now they are asking me to leave the house without thinking.

According to the above views and for the purpose of research objective four of this study, it can be concluded that the most effective ways for ensuring that the right of widows to inherit a property upon the death of their husbands are exercised is by obeying Almighty Allah command as prescribed in the Holy Qur'an which were clearly explained by Hadith and Ijima. In addition, Muslim brothers and sisters should assist the widows and their children no matter how little it is. This is because; the reward of doing so is beyond one's imagination, here and hereafter. This is in accordance to the Hadith narrated by Sahl bin Sa'd¹⁹³:

The Prophet said, "I and the person who looks after an orphan and provides for him, will be in Paradise like this," putting his index and middle fingers together.

4.9 Comparative Analysis between Islamic and Customary Laws on the Right of Widows to Inheritance among Zuru People

This sub-section provides comparative analysis between Islamic and Customary laws with respect to the right of widows to inheritance. Therefore, the comparative analysis was provided based on the Five (5) identical instances: Son and Daughter Instance; Parent's Instance Brother's Instance; Grand Father's Instance; and Uncle's Instance. It is very important for the readers to note that, with respect to Islamic law of inheritance, the comparative analysis was supported by Verses 11, 12 and 176 of *Surah Al-Nisa'a* in the Glorious Qur'an. Similarly, the customary law based on this comparative analysis was provided is the customary and traditional practices of Zuru people (see section 4.7 above).

First Instance: Widow, Son and Daughter

For the purpose of comparative analysis between Islamic and customary laws of widow's right to inheritance together with Son and Daughter, this section contains three (3) cases; which are

¹⁹³ Translation of Sahih Bukhari: Good Manners and Form (Al-Adab). Volume 8, Book 73, Number 34

diagnosed based on the principals and laws under study. It should be noted that, this cases are provided as assumptions in order to clearly understand the distinction and difference between Islamic law and customary/traditional practices of *Zuru* people.

Deceased Person survived by a Wife, Son and Daughter

Under this cases, when a person died, leaving behind inheritance along with a wife, son, and daughter. The Islamic Law stipulated that, the estate should be divided into eight (8). The wife should receive 1/8 of the estate. The remaining portion of the estate should be shared between the son and daughter. According to Islamic law, the son should receive 2/3 and the daughter should receive 1/3¹⁹⁴. On the contrary, the customary law and traditional practices of *Zuru* people dictates that, the wife (who happen to be widows in this case) and the daughter of the deceased person are not entitled to receive any portion or share of the estate. Accordingly, only the son receives all estate left behind by the deceased.

Deceased Person survived by Three Wives, Son, Daughter of Son and Son of Son

In a situation where a person died, leaving behind three wives, son, daughter of son and son of son. According to Islamic Law, the three wives shared 1/8 of the estate among them equally; the son will receive the entire 7/8 of the estate. However, the daughter of son and son of son are excluded by the son. The daughter of son and son of son are excluded because of the existing of their father (since, the daughter of son and son of son are biologically related to the deceased through the son). On the other hand, the customary and traditional practices of *Zuru* people denied the three wives; daughter of son and son of son any right to inheritance. Therefore, the estate left behind by the deceased will be given to the son only.

Deceased Person survived by a Wife, Son, Daughter, Daughter of Son and Son of Son

When a deceased person died leaving behind, a wife, son, daughter, daughter of son and son of son; according to the Islamic Law, the wife gets 1/8 share of the estate. The remaining portion of the estate should be shared between the son and daughter. According to Islamic law, the son should receive 2/3 and the daughter should receive 1/3¹⁹⁵. However, the daughter of son and son

¹⁹⁴ see verses 11 & 12; Chapter 4

¹⁹⁵ See verses 11 & 12; Chapter 4

of son are excluded by the son. On the contrary, the customary and traditional practice of *Zuru* people did not recognize the right of a wife (widow); daughter; daughter of son; and son of son to the inheritance and they are not entitled. Only the son inherits the entire estate left behind by the deceased person.

Second Instance: Widow and Parent

For the purpose of comparative analysis between Islamic and customary laws of widow's right to inheritance together with parents, this section contains three (3) cases; which are diagnosed based on the principals and laws under study. It should be noted that, this cases are provided as assumptions in order to clearly understand the distinction and difference between Islamic law and customary/traditional practices of *Zuru* people.

Deceased Person survived by Two Wives, Mother and Father

When a person died, leaving behind two wives; his mother and his father. The Islamic law of inheritance directed that, the two wives shall receive $\frac{1}{4}$ of the estate and share between them equally. Similarly, the mother should get $\frac{1}{3}$ and the father will get $\frac{2}{3}$ ¹⁹⁶. On the other hand, the customary and traditional practice of *Zuru* people, only the father will inherit the entire estate left behind. Their practices exclude the two wives (widows) and the mother of the deceased person from having any right to inheritance.

Deceased Person survived by Four Wives and Father

Where a person died, leaving behind four wives and father, the Islamic law of inheritance directed that the four wives should receive $\frac{1}{4}$ of the estate and the father should take the remaining $\frac{3}{4}$. On the contrary the customary laws of *Zuru* people, only the father will inherit the entire estate left behind. Their traditional practice excludes the four wives (widows) from having any right to inheritance.

Third Instance: Widow and Brothers

For the purpose of comparative analysis between Islamic and customary laws of widow's right to inheritance together with brothers, this section contains three (3) cases; which are diagnosed

¹⁹⁶ See Garawiyya Case

based on the principals and laws under study. It should be noted that, this cases are provided as assumptions in order to clearly understand the distinction and difference between Islamic law and customary/traditional practices of *Zuru* people.

Deceased Person survived by Two Wives, Full Brother and Full Sister

Where a person died, leaving behind two wives, full brother and full sister; the Islamic law of inheritance directed that the two wives should receive $\frac{1}{4}$ of the estate and share it equally among them. The full brother and full sister should divide the remaining estate as male should take the portion of two female. On the other hand the customary and traditional practices of *Zuru* people dictates that only the full brother will take the entire estate left behind by the deceased.

Deceased Person survived by a Wife, Uterine Brother and Uterine Sister

Where a person died, leaving behind a wife, uterine brother and uterine sister. According to the Islamic law of inheritance, the wife (i.e. widow) should receive $\frac{1}{4}$ of the estate left behind. Similarly, the Islamic law of inheritance stipulated that the uterine brother and uterine sister should share the remaining share of the estate equally. This is contrary to the ruling of customary and traditional practices of *Zuru* people. According to their customs and traditions, only uterine brother have the right to inherit the entire estate left behind by the deceased. This practice disqualified the wife (a widow) and uterine sister from any entitlement to the inheritance.

Deceased Person survived by Three Wives, Half Brother and Half Sister

In a satiation where a person died, leaving behind three wives; half brothers and half sisters. The Islamic law of inheritance directed that the three wives (widows) should receive $\frac{1}{4}$ of the estate; and the half brother and half sister should share the remaining share among them. Islamic law of inheritance stated that, the half brother should take the twice portion of the half sister. On the other hand, the customary and traditional practices of *Zuru* people dictates otherwise. According to their practices, only the half brother will receive the entire estate left behind by the deceased; this simply excludes and neglects the right of the wives (widows) and the half sister to the inheritance.

Fourth Instance: Widow and Grandfather

For the purpose of comparative analysis between Islamic and customary laws of widow's right to inheritance together with grandfather, this section contain one (1) case; which is diagnosed based on the principals and laws under study. It should be noted that, this cases are provided as assumptions in order to clearly understand the distinction and difference between Islamic law and customary/traditional practices of *Zuru* people.

Deceased Person survived by Two Wives, Grandfather and Grandmother

Where a person died, leaving behind two wives, grandfather and grandmother. According to the Islamic law of inheritance, the two wives (i.e. widows) will receive $\frac{1}{4}$ of the estate and share it among them equally. Similarly, the grandfather will received $\frac{2}{3}$ of the estate while, the grandmother will be entitled to $\frac{1}{3}$ of the estate left behind by the deceased. On the contrary, the customary and traditional practices of *Zuru* people disqualified the right of the wives (widows) and the grandmother to the inheritance. In this case, only grandfather have the right to inherit the entire estate left behind by the deceased.

Fourth Instance: Widow and Uncle

For the purpose of comparative analysis between Islamic and customary laws of widow's right to inheritance together with uncle, this section contains two (2) cases; which are diagnosed based on the principals and laws under study. It should be noted that, this cases are provided as assumptions in order to clearly understand the distinction and difference between Islamic law and customary/traditional practices of *Zuru* people.

Deceased Person survived by Two Wives, and Paternal Uncle

In a situation where a person died, leaving behind two wives and paternal uncle. The Islamic law of inheritance stipulated that, the two wives (widows) will receive $\frac{1}{4}$ of the estate and equally share it among themselves. However, the paternal uncle will take the entire remaining portion of the estate left. On contrary to these, the customary and traditional practice of *Zuru* people oppose this directive by denying the two wives (i.e. the widows) their right to inheritance. The customs and traditions of *Zuru* people permit the paternal uncle to inherit the entire estate left behind by the deceased without giving any portion to the widows.

Deceased Person survived by Three Wives and Maternal Uncle

In a situation where a deceased person died, and is survived by two wives and his maternal uncle; the Islamic law of inheritance stipulated that the three wives (i.e. the widows) will be giving $\frac{1}{4}$ share of the estate left behind by their deceased husband. Similarly, the remaining portion of the estate shall be given to the maternal uncle. On the other hand, the customary and traditional practices of *Zuru* people dictates that, the two wives (widows) left behind by the deceased person are not entitled to any share of the estate left behind. Their practices only recognize the right of maternal uncle to the inheritance without acknowledging the right of widows to any portion of the estate.

4.9.1 Summary of Comparative Analysis between Islamic and Customary Laws of Inheritance

The above comparative analysis between Islamic and customary laws of inheritance with respect to the widow's right to inheritance under different circumstances proved the following:

- a) Islamic law (*Shari'ah*) recognizes the right of women (i.e. widows) and even daughters to inheritance. But, the customs and traditions of *Zuru* people denied them this right by recognizing the right of a male (either son, elderly brother etc) only.
- b) While Islamic law (*Shari'ah*) forbids discrimination against womenfolk in terms of right to inheritance, the customary law and traditional practices of *Zuru* people discriminate women in general on issue of inheritance.
- c) It is quite unfortunate that, the customary and traditional practices of *Zuru* people recognizes the right of Full Brother, Half Brother, Uttering Brother, Son of Son, Paternal and Maternal Uncles and even Grandfather on inheritance. But, they disregard the right of women (either wife, daughter, son of daughter, full sister, half sister & uttering sister, mother, and grandmother) to inheritance.
- d) Customary law does not specify the rate or specific share of the woman (widow) with respect to inheritance if at all she will be given a share of her husband's property. But, the Holy Qur'an has prescribed the share allotment of woman (widow) in every situation.
- e) The customary law of *Zuru* people allows that, if a widow decides to remarry her brother-in-law they will give her or allow her to enjoy something from the wealth or estate left by her deceased husband.

- f) Finally, there are number of verses in the Glorious Qur'an, numerous *Hadith* (as provided above) and volumes of *Ijima-ul-Ulama* that specify the percentage of shares a woman (widow) is entitled to from the estate or wealth left behind to her husband (either with or without parents, brothers, and children). This has given women (widows) right for a specific share of wealth or property ownership from that which their husbands left. But, the customary law of *Zuru* people does not specify any form of shares or percentage for widows (whether they decided to stay and remarry the senior brother-in-law or stay without remarrying him). This customary law practice of *Zuru* people becomes applicable because; they don't take inheritance cases to any law, *Shai'ah* or magistrate courts.

4.10 Chapter Conclusions

This chapter was tagged comparative study of widow's inheritance between Islamic and customary laws. The chapter presents conceptual and empirical analysis on the right of widows to inheritance specifically among *Zuru* people and *Kebbi* State at large. The chapter further provides the concept of Islamic Law of inheritance; Widows and their inheritance, rights of widows to Inheritance among *Zuru* people of *Kebbi* State under Islamic perspective; the concept of customary law on inheritance; rights of widows to inheritance among *Zuru* people of *Kebbi* State under customary perspective. Among other things presented in the chapter include data presentation and analysis based on research objectives as well as comparative analysis between Islamic and Customary Laws on the right of widows to inheritance among *Zuru* people. Finally, the chapter also summary the outcome of the comparative analysis conducted.

CHAPTER FIVE CONCLUSION

5.0 Introduction

This study conducted comparative analysis of widow's right to inheritance between Islamic and customary laws among *Zuru* people of *Kebbi* state. The study were organized under five (5) interconnected chapters. As the final chapter of the study, this chapter contains the work done, major findings of the study, conclusions as well as recommendations made for affected stakeholders.

5.1 Summary

The study was structured under five chapters, the summary of the work done is provided based on the contents and relevancy of each chapter. The first chapter concentrated on the general introduction of the study. Under this chapter, the study was able to established that before the coming of Islam, women were generally denied any right to inheritance (which includes inheritance of property), as results of this act, money, property and other valuables would not be transferred to woman from her husband as a results of death. Similarly, only matured, elder sons were entitled to inheritance, since they were the ones who fought and defended their tribe in times of war. At the advent of Islam, Quran has addressed women's issues fourteen hundred years ago by creating some reforms to improve the status of women though these reforms do not seem to be genuinely practiced in some Muslim societies today.

The chapter established that, under the *Sharia* law, women can acquire and retain their own property, pass it on to their heirs, and can inherit from their deceased parents, husbands, brothers, sisters, daughters and other relations. Despite the above-mentioned reform with respect to the widow's right to inheritance left behind by their deceased husband, widows living among *Zuru* people were denied this right as results of customary law and traditional practice. This is the major driver to the study by conducting comparative analysis of widow's right to inheritance between Islamic and customary laws with reference to *Zuru* people of *Kebbi* state

A part from the background to the study, the first chapter narrated the problems of the study, aim and objectives of the study, significance of the study, study's contribution to the body of knowledge, scope of the study, as well as methodology guiding the study. Under methodology

the chapter revealed that this study adopted survey research design with qualitative approach to data collection via administration of in-depth interview on twenty (20) judgmentally sampled widows across four major communities that makes-up *Zuru* emirate.

The second chapter of this study dwells more on literature review. The chapter provides review of literature and existing studies that were found relevant and related to the subject matter under study as well as its major variables. This literature review was provided with the hope that, it will form the basis based on which conclusions will be drawn therein.

The third chapter presents historical development and emergence of Islamic and customary law in *Kebbi* state generally and *Zuru* people in particular. Specifically, the chapter contains historical background of *Kebbi* state, in which geographical location, weather and climate, people and culture, as well as traditional festivals were provided. The chapter explains the real founders of *Kebbi* town as well as the religion practiced by the people of *Kebbi*. In addition, the chapter further described the period of Dan *Fodio* Jihad under development of Islam in *Kebbi* state. Consequently, the chapter reviews the historical back-ground of *Zuru* people Known as *Dakarkari*, their culture and different religions in *Zuru* people. Finally, the chapter enumerates the development of Islam in *Zuru* people by categorizing it to pre-Islamic and after the advent of Islam.

The fourth chapter presents conceptual and empirical analysis on the right of widows to inheritance specifically among *Zuru* people and *Kebbi* State at large. The chapter further provides the concept of Islamic Law of inheritance; Widows and their inheritance, rights of widows to Inheritance among *Zuru* people of *Kebbi* State under Islamic perspective; the concept of customary law on inheritance; rights of widows to inheritance among *Zuru* people of *Kebbi* State under customary perspective. Among other things presented in the chapter include data presentation and analysis based on research objectives as well as comparative analysis between Islamic and Customary Laws on the right of widows to inheritance among *Zuru* people. Finally, the chapter also summary the outcome of the comparative analysis conducted.

This final chapter five provides a summary of the study as well as its major findings. Also, this chapter draws conclusions based on the major findings of the study. Finally, this chapter

provides recommendations to the affected stakeholders and general public in relation to the widows' right to inheritance.

5.1.1 Summary of Major Findings

Based on the data collected from sampled widows in *Fakai, Sakaba, and Danko/Wasagu* towns of *Zuru* people, the following are the major findings of the study:

- 1) Most of the widows in *Zuru* people are been deprived of their right property inheritance upon the death of their husbands because; they decides to remarry or thinking that they may remarry again in future. Similarly, for those widows that were giving a share, they were not given in full in accordance with Islamic law despite the fact that they have children to cater for. Hence, husbands male relative among *Zuru* people decides not to give widows their rightful share of the properties left by their deceased husbands at all or gives them small portion of it because they remarry or fair that, they may remarry again in future.
- 2) Widows who exercise their rights to property inheritance left by their husbands does not play any role towards the development of *Zuru* people because; the shares given to them is not even enough for them and their children's sustainability; not to talk of contributing towards community or people development.
- 3) The consequences of denying or depriving widows their right to property inheritance upon the death of their husbands in *Zuru* people are much and one cannot express at once. Some of these consequences are: (1) children stop school because there is no money to support them; (2) It become difficult for widows to raise the children; (3) it used to make some widows follow men so that they will get something (money and food) to feed their own children; (4) it will results to punishment from Allah (SWT); (5) it will make widows to enter into different troubles; (6) it will put widows and their children stay with hunger; and (7) it will make widows found themselves in serious thinking which will make them to fall ill.
- 4) The most effective ways for ensuring that, the right of widows to inherit a property upon the death of their husbands is exercised by obeying Almighty Allah's command as prescribed in the Glorious Qur'an which was clearly explained by *Hadith* and *Ijima*. In addition, Muslim brothers and sisters should assist the widows and their children no

matter how little it are. This is because the reward of doing so is beyond one's imagination, here and hereafter.

5.1.2 Summary of Other Findings

Based on the comparative analysis between Islamic and customary laws of inheritance with respect to the widow's right to inheritance under diffract circumstances conducted in the previous chapter, the following are the specific findings of the study:

- 1) Islamic law (*Shari'ah*) recognizes the right of women (i.e. widows) and even daughters to inheritance. But, the customs and traditions of *Zuru* people denied them this right by recognizing the right of a male (either son, elderly brother etc) only.
- 2) While Islamic law (*Shari'ah*) forbids discrimination against womenfolk in terms of right to inheritance, the customary law and traditional practices of *Zuru* people discriminate women in general on issue of inheritance.
- 3) It is quiet unfortunate that, the customary and traditional practices of *Zuru* people recognizes the right of Full Brother, Half Brother, Uttering Brother, So of Son, Paternal and Maternal Uncles and even Grandfather on inheritance. But, they disregards the right of women (either wife, daughter, son of daughter, full sister, half sister & uttering sister, mother, and grandmother) to inheritance.
- 4) Customary law does not specify the rate or specific share of the woman (widow) with respect to inheritance if at all she will be given a share of her husband's property. But, the Holy Qur'an has prescribed the share allotment of woman (widow) in every situation.
- 5) The customary law of *Zuru* people allows that, if a widow decides to remarry her brother-in-law they will give her or allow her to enjoy something from the wealth or estate left by her diseased husband.
- 6) Finally, there are number of verses in the Holy Qur'an, numerous *Hadith* (as provided above) and volumes of *Ijima-ul-Ulama* that specify the percentage of shares a woman (widow) is entitled to from the estate or wealth left behind to her husband (either with or without parents, brothers, and children). This has given women (widows) right for a specific share of wealth or property ownership from that which their husbands left. But, the customary law of *Zuru* people does not specify any form of shares or percentage for widows (whether they decided to stay and remarry the senior brother-in-law or stay

without remarrying him). This customary law practice of *Zuru* people becomes applicable because; they don't take inheritance cases to any law, *Shai'ah* or magistrate courts.

5.2 Conclusion

In line with the above major findings of the study, the conclusions are drawn as follows:

- 1) Customary law is more practiced than Islamic law among *Zuru* people with respect to the right of widows to inheritance upon the death of their husbands. This is because; widows are not allowed to remarry again if they need to exercise their right to inheritance. For those widows that were given, they are not given their full share in accordance with Islamic law.
- 2) The customary and traditional law practices by *Zuru* people do not specify a format or rate of share for widows with respect to inheritance. This permits husband relatives to give a meager to the widows which will not actually take care of her and her children's sustainability. These practices of customary law allow for inequality among people to continue, especially for women and girls, who are believed to remain economically and socially inferior to men.
- 3) Denying or depriving widows their right to inheritance upon the death of their husbands by *Zuru* people is a very dangerous and unfortunate customary/traditional practice that leads to numerous consequences. These customary practices make so many children to be dropped out of school; the practice also makes some widows follow men (in form of prostitution) so that they will get something (money or food) to feed their own children and in most cases, widows and their children stay with hunger.
- 4) The unfortunate customary law and traditional practices in *Zuru* people with respect to the right of widows to inheritance, calls for effective actions to be taken religiously/spiritually, economically, politically, and traditionally. Hence, assisting widows and their orphans is a general responsibility for every mankind.

5.3 Recommendations

Based on the above findings and concluded issues, the following recommendations are made:

1. Traditional rulers, *Kebbi* State Government, Religious leaders and Non-Governmental Organizations should collaborate and work towards ensuring that customary and traditional practices that are archaic and discriminate against women and children living among *Zuru* people and any other part of the state are abolished. As Muslims under Sultan's Caliphate, *Zuru* people should fear Allah (SWT) and obey the sayings of Prophet Muhammad (SAW) with respect to the right of widows to inheritance upon the death of their husbands.
2. Widows are advised to take their inheritance cases to the *Shari'a* courts in order to collect their stipulated right share. *Kebbi* State Judicial Service Commissions should make sure that, every case involving widow's right to inheritance are given fair hearing. Governments, NGOs and other affected stakeholder should regularly organize public awareness programs and sensitization campaigns against certain customary and traditional practices of *Zuru* people.
3. Every Muslim is a brother to his fellow Muslim. Religious leaders should educate and enlighten the general public especially during *Hudubah* on *Jumu'at* prayers about the consequences of denying or depriving widows their right to inheritance upon the death of their husbands. Communities of *Zuru* people and all local government councils of the emirate should partner with wealthy individuals and NGOs to design and implement empowerment programmes like entrepreneurship activities such as soap making, tailoring, and weaving for widows. This will help them to be self-reliable and make them to be independent and not involving themselves in certain unwanted activities.
4. It is the responsibility of everyone to ensure that, the right of widows to inheritance upon the death of their husbands is exercised. All stakeholders such as Government at all levels, traditional rulers, religious leaders, wealthy individuals, judicial commissions, NGOs at local, state, national and global levels should make sure that widows exercised their inheritance right. Each local government council of *Zuru* people should design Widows Empowerment and Entrepreneurship Program (WEEP) with the aim of making

widows economically productive and assisting the orphans (children) on their basic necessities of life.

5. Finally, the best way of ensuring that rights of widows to inherit a property upon the death of their husband is by following the laws of Allah (SWT). There is no any law that gives them the best than Islam.

5.4 Contributions of the Study to Knowledge

The contribution of the study to knowledge is summarized in the following points:

- 1) This study was able to identify various problems faces by widows and their children among *Zuru* people in relation to inheritance. These problems, as revealed by the study are related to basic amenities of life such as food, shelter, education, health and sense of belonging.
- 2) The study and its contents is assumed to serves as informants and reference materials to governments, legal practitioners, general Muslim *Ummah* on the unjust practice of *Zuru* people to their widows on inheritance. This will significantly help in mapping out the action plans by affected stakeholders to remedy the situations.
- 3) This research discovers the right of widows to inherit property on the death of their husbands under Islamic and Customary perspectives. This would therefore significantly help in reducing the empirical gap that exists in this area under study;
- 4) This research enumerates the roles and efforts of Islamic scholars and some Muslim organizations in ensuring that the rights of widows to inherit properties are protected.
- 5) It is expected that, the successful completion of this research work would increase the volume of Islamic literature on inheritance and widows right to inherit property left by their husbands among *Zuru* people of *Kebbi* State in Nigeria;
- 6) This study contributes to the body of knowledge by exploring the ways through which widows among *Zuru* people are deprived of property inheritance upon the death of their husbands. The study would also help in finding out the roles played by widows who exercises their rights of property ownership left by their husbands towards the development of *Zuru* communities; and
- 7) This study also identifies the consequences of denying or depriving widows their right to property ownership upon the death of their husbands among *Zuru* people. Finally, the

study suggested effective ways for ensuring that, the right of widows to inherit property upon the death of their husbands is exercised.

BIBLIOGRAPHY

- Abbakar, A. (2004). "A Survey on the Islamic Law of Inheritance and the Distribution of Estate of a Testate and on Intestate Person". Being an Unpublished Dissertation submitted in partial Fulfillment to the Requirements for the Award of Bachelor of Law Degree (LLB) in Shari'ah and Common Law, Usman Danfodio University, Sokoto; Pp: 20-50.
- Abdulkadir Abubakar (2004). "A Survey on the Islamic Law of Inheritance and the Distribution of Estate of a Testate and Intestate Person". A Research Project submitted a Faculty of Law, Usman Danfodio University, Sokoto; pp.79-81.
- Abdullahi Ahmed Meli's, Bakin Kasuwa; 7th July 2017, 1:00pm.
- Abdullahi, Y.A. (2014). "A history of kasar fakai from 1850s to 1996" M.A Dissertation, Department of History Usman dan Fodiyo University, Sokoto p.62.
- Abdulrahman, I. Doi (2007). "Shari'ah the Islamic law" kurmi market kano.p.30.
- Abdur-rauf, T.A. (2012). "A Comparative Study of Inheritance between Customary and Shari'ah View of Divorce among the Muslims of Iwo Local Governments of Osun State in Nigeria". Being an Unpublished Dissertation submitted in partial Fulfillment of the Requirements for the Award of Master of Arts (M.A) in Islamic Studies, Bayero University, Kano; Pp: 12-33.
- Abibatu v Flora Cole*, [1986] 2 NWLR 369
- Abu Dawood Sulaiman B. Ash'ath Al-Sijistani (*Sunan Abu Dawood*), collected by Abu Dawood (d. 275 AH, 888 CE), includes 4,800 ahadith
- Abu Muhammad Zaid (1984). "Risala" Gaskiya corporation company Zaria. Pp:135-145.
- Adeleye, R. A. (1971). "*Hausaland and Borno*" in Ajayi, J.F.A. and Crowder, M (eds), History of West Africa, Vol 1 (2nd. ed), London, Longman Group Ltd.
- Adua, S.S. (2015). "An Appraisal of contributions of Jama'atul Nasril Islam to the spread of islam in northern Nigeria". International Journal of Humanities, Social Science and Education (IJHSSE), (2): 69-72.
- Ahmari-Moghaddam, A. (2012). "Towards International Islamic Human Rights: A comparative study of Islamic Law, Shari'ah, with universal human rights as defined in the International Bill of Human Rights". Being a thesis submitted in conformity with the requirements for the degree of Master of Laws, Graduate Department of Faculty of Law, University of Toronto, June
- Aileru v. Anibi* (1952) 20 N.L.R. 46, *Suberu v Summonu* (1957)
- Al- Rabiyyal L.Al-mardeni p.12. fiqhu Al-sunnah,v.3.p.500.

- Al- Tabari, V.5 pp.52-53. See also Ahkam Al-Qur'an Li- Al-Jassas. V.3.p.38
- Al-Hakim ibn Habban and Ahmed.
- Ali, M.M. (2002). "The Holy Quran: Arabic Text with English Translation, Commentary and Comprehensive Introduction". Edition Retypeset, redesigned with expanded Index; Chapter 126 (Page 112)
- Allaman Al-Qurtabi Tafsir.
- Al-Mirath fi- Al-shari'ah Al- islamiyyah p.192 sharhu Al- sarajiyah p.34.
- Al-muqhni, v.6.p.213. See also Sharhu Al-sarajiyah.p
- Al-Qurtubi, A.A.M. (1964). Al-Jami li Ahkamu Al-Quran. Cairo: Darul al-Kutub Al-Misriyah
- Al-Tabari, M.I.J. (2000). Jami Al-Bayan fi T'awil Al-Quran. Muassasa Al-Risala
- Aluko, B.T. & Amidu, A. (2006). Women and Land Rights Reforms in Nigeria. Being a paper presented at 5th FIG Regional Conference: Promoting Land Administration and Good Governance Accra, Ghana, March 8-11
- Amos, P.B.K. (2014). "The Zuru People". An Attempt to Authenticating Issues relating to the History of Zuru People and the Origin of C'lola as a Language of the People"; pp.1-109.
- Arnet, E.J. (1922). "The Rise of *Sokoto* Fulani". Kano Press p.14.
- Ashipa v. Ashipa (unreported)* (Nigeria, High Court of Lagos State, [2002] LHCR 60-84
- Asiimwe, F.A. & Crankshaw, O. (2011). The Impact of Customary Laws on Inheritance: A Case Study of Widows in Urban Uganda. *Journal of Law and Conflict Resolution*, 3(1): 7-13. Available online at <http://www.academicjournals.org/JLCR>
- Asiimwe, F.A. & Crankshaw, O. (2011). The Impact of Customary Laws on Inheritance: A Case Study of Widows in Urban Uganda. *Journal of Law and Conflict Resolution*, 3(1), 7-13
- Asiimwe, J. (2005). 'One Step Forward, Two Steps Back: The Women's Movement and Law Reform in Uganda from 1985-2000'. In Bond, J. (ed.) *Voices of African women: Women's rights in Ghana, Uganda, and Tanzania*, Carolina Academic Press.
- As-Sabuni, M.A Al- Mawaareeth Daarul-sabuni cairo.(1424/2003) p.12
- Assayid ushman ibn husai (2006) "sirajur salik" Al Ju'ali al maliki Vol.2 printed by Daarul pick p.238, line 9.
- Ayodele, J.O. (2016). Widows and Inheritance Hijacking Practices in Ilara Mokin, Ondo State, Nigeria. *African Journal of Criminology and Justice Studies (AJCJS)*, 9(1): 116 - 139

- Bagovi, A.M. (1999). *Malimu al-Tanzil fi Tafsir al-Quran*, investigated by Abdu Al-Razzque al-Mahdi. Beirut: Daru Iyah Al-Turash al-Arabi.
- Bako, A. (1990). "Transition exchanges in religious and belief system in Zuru emirate". in A. R. Augie *Studies in history of the people of Zuru emirate*, pp. 1-140.
- Barlow, R., & Akbarzadeh, S. (2006). Women's Rights in the Muslim world: Reform or Reconstruction. *Third World Q.*, 27(8):1481–1494. doi: 10.1080/01436590601027321.
- Bichi, H.A. [Barrister] (2005). "Rabon gado hukuncin Allah" Aminu Kano Islamic legal studies Kano. P11-20.
- Bikaako, W., & Ssenkumba, J. (2003). Gender, Land and Rights: Contemporary Contestations in Law, Policy and Practice in Uganda. In *Women and Land in Africa: Culture, religion, and realizing Women's Rights*. Edited by L. Muthoni-Wanyeki. London: Zed Books.
- Birabwa-Nsubuga, C. (2006). *Women under Customary Marriage in Uganda: A critical look at their Property Rights at Dissolution*. Copenhagen: The Danish Institute for Human Rights.
- Boyd, J. (1982). "Sokoto State in Maps". University Press Limited Ibadan.p.18
- Boyd, J. (1986). *Mahdi Adamu, ed. Pastoralists of the West African Savanna*. Manchester, UK: International African Institute.
- Centre for Islamic Legal Studies, Ahmadu Bello University, Zaria (2005). "Promoting women's rights through Sharia in Northern Nigeria"; with the support of DFID Nigeria's Security, Justice and Growth Programme implemented by the British Council
- Chafe, K.S. (1994). "Challenges to the Hegemony of the Sokoto Caliphate: A Preliminary Examination". *Paideuma*. 40: 99–109.
- Chair, T.F. (1979). *The Diplomacy of Partion Britain, France and the Creation of Nigeria*.
- Cooper, E. (2010). *Women and Inheritance in 5 Sub-Saharan African Countries: Opportunities and Challenges for Policy and Practice Change*
- Deere, C.D., Oduro, A.D., Swaminathan, H. & Doss, C. (2012). *Property Rights and the Gender Distribution of Wealth in Ecuador, Ghana and India*. A Paper presented at the AAEA annual meetings, Seattle, August 12-14
- Defination of Widowhood by "Merrian- Webster. Retrieved on 2016.03-18.
- Diri, R.M. (2007). "Inheritance and Disposal of Property under Islamic Law". Being an Unpublished Dissertation submitted in partial Fulfillment for the Requirements the Award of Diploma in Civil Law; College of Basic and Advanced Studies, Yelwa-Yauri: Pp: 15-27.

- Dr- Shalbi, H.A Ibn Sina publishers cairo (1989) p.30.
- Fathu Al-Qudeer.v.3.p.150-152, see also Al-Mabsub v.6.p.155.
- Ghamson v. Wobill* (1947), 12 W.A.C.A. 181.
- Guyer, J. (1987). *Women and the State in Africa: Marriage Law, Inheritance, and Resettlement. Working Papers in African Studies No.129.* Boston: African Studies Centre, Boston University.
- Hiskett, M. (1994). *The Sword of Truth: The Life and Times of the Shehu Usman dan Fodio Abubakar, Notes on Sakkwato Jihad*, 37.
- Howland, R.J. & Koenen, A. (2014). "Divorce and Polygamy in Tanzania". *Social Justice*. Paper 15. Available at http://ecommons.luc.edu/social_justice/15
- Htun, M. & Weldon, S.L. (2011). "State Power, Religion, and Women's Rights: A Comparative Analysis of Family Law". *Indiana Journal of Global Legal Studies*, 18(1): Article 7. Available at: <http://www.repository.law.indiana.edu/ijgls/vol18/iss1/7>
- Huda (2016). *What Are Sources of Islamic Law? Religion & Spirituality in Humanities*. Updated November 16. Available at <https://www.thoughtco.com/sources-of-islamic-law-2004417>
- Hunwick, J.O (1966). "The Nineteenth Century Jihads" in Anene J.C and Brown, G.N (eds), *Africa in the Nineteenth and Twentieth Centuries*, Ibadan, Ibadan University Press.
- Husai, A.U.I. (2006). "Sirajur Salik" Al-ju'ali Al-Maliki. Vol. 2 printed by Darul pick, p.238 line 9.
- Ibn Hajar, A.A., Fathul Bari, Daarul Hadith publisher Cairo (1419/1999) p.6.
- Ibn Khateer, Tafsir- Qur'ani Azim- Daarul-fikr Beirut. (1419/1999).v.1.p.516.
- Ibrahim, A.S. (2010). "Muslim Women of Kano City and Society Problems: An Islamic Solution". Being an Unpublished Dissertation submitted in partial Fulfillment to the Requirements for the Award of Master of Arts (M.A) in Islamic Studies, Bayero University, Kano; Pp: 20-50.
- Ikime, O. (1985). *In Search of Nigerians: Changing Patterns of Inter-Group Relations in an Evolving Nation State*, Presidential Inaugural Lecture, Historical Society of Nigeria, Nsukka).
- Imam Abdullhi Ma'aji, Road Block, 5th July 2017, 12:00pm.
- Imam, *The Biography of Shehu Othman Dan Fadio*, 27-29.
- Isichei, E. (1983). *A History of Nigeria*, London/Lagos/New York, Longman.

- Islamic Teaching (2014). Importance of Inheritance in Islam. Started By ummitaalib, Aug 09 2014 05:56 PM: available at <http://www.islamicteachings.org/forum/topic/21975-importance-of-inheritance-in-islam/>
- Iwelo Awero v Raimi SAdipe* (1983) 11 O.Y.S. H.C. (pt. 11) 790, *Akinnubi v. Akinnubi* (1997), 2 N.W.L.R. 144 (S.C.).
- Jama'at Nasril Islam (JNI - 2001). Understanding Shariah in Nigeria. Ibadan spectrum books limited; pp.17-236.
- John L. E. ed. (2014). "Islamic Law". *The Oxford Dictionary of Islam*. Oxford: Oxford University Press.
- Johnston, H.A.S. (1967). "The Kebbi State War" the Fulani Empire of *Sokoto*. Oxford University Press, pp.187-195.
- Kafumbe, A.L. (2006). "Women's rights of succession to property in Uganda: Reform propositions". Being a PhD thesis submitted to the University of Glasgow. Available at <http://theses.gla.ac.uk/7214/>
- Kamau, W. (2014). "Customary Law and Women's Rights in Kenya".
- Kanabahita, D. (2006). Report on Intestate Succession. Kampala: Law and Advocacy for Women in Uganda.
- Keffi, S.U.D. (1989). "Some aspect of Islamic law of succession" center for Islamic Studies Institute of Administration Ahmadu Bello University Zaria, Kurmi Market Kano (1989) p.1-95.
- Keffi, Sud the Islamic Law of Succession, ABU Zaria Press, (1989/1410).
- Kitab Al-Fara'id (The Book Pertaining to the Rules Of Inheritance). Translation of Sahih Muslim, Book 11; Number 3928 – 3948. Available at http://www.iium.edu.my/deed/hadith/muslim/011_smt.html
- Kudu, M.A. (1984). "The Rule of Jama'atul Nasril Islam as an Islamic organization". An unpublished B.A project submitted to the Department of Islamic Studies, Usman Danfodio University, Sokoto; P.54.
- Lange, D. (2009). "Successor state", *Anthropos*, 104 (2): 366-380
- Lewis v Bankole* (1908), 2 N.W.L.R. 66
- Lopez v. Lopez* (1924), 5 N.L.R. 43; *Amusan v. Olawumi* (Nigeria, Court of Appeal, [2002] FWLR 1385.
- Maibushrah, I.M.S. (1998). "Distribution of Inheritance in Islam and its Application in Kano State". Being an Unpublished Dissertation submitted in partial Fulfillment to the

Requirements for the Award of Master of Arts (M.A) in Islamic Studies, Bayero University, Kano. Pp: 11-20

- Maishanu, H.M. & Maishanu, I.M. (1999). "The Jihad and the Formation of the Sokoto Caliphate". *Islamic Studies*, 38 (1): 119–131.
- Malam Babangida (2017). Head of Geography Collage of Education Argungu. Matan Fada, 15th jully, 2017, 2:00pm.
- Malam Ibrahim Mai Bushrah (2017). M.A. Lecture Note: "ISM 830 - Fiqhu Jurisprudence". HOD Islamic studies Department Bayero University, Kano
- Malam Umar Baban Rakiya, Darika Teacher. Bakin Kasuwa Zuru. 4th jully 2017, 2:00pm.
- Mallam Umar Sa'ad (Mallam Mai Maulidi). Darika Preacher, Zuru center, 6th jully 2017, 10:00Am
- Mejia, M.P. (2007). "Gender Jihad Muslim Woman, Islamic Jurisprudence and Women's Rights". Vol-1, No.1 *Kritike*, 1-24 (June), available at: <http://www.kritike.org>
- Mohammad Kanta* (2010) "Encyclopedia".
- Muhammad B. Isma'il Al-Bukhari (*Sahih Bukhari*), collected by Imam Bukhari (d. 256 AH, 870 CE), includes 7,275 ahadith
- Muhammad, J.I. Rijiyar Hudu (2005). "Matsayin Gado A Musulunci", Littafi Na Daya, Kano Printing Press; Pp: 5-30.
- Muhammad, M.A.K. (2005). "Islamic Law of Inheritance". Faculty of Law Aligarh Muslim University; Pp: 5- 20.
- Muiddeen Adelahi (2011). "A Comparative Study of Customary and Islamic Laws of Inheritance in Yoruba Land", Published in Nigeria; Pp: 23- 34.
- Mustafa, K. (2015). *The Clear Quran: A Thematic English Translation* (Al-Azhar University). Published by Siraj Publications.com (ISBN 978-0-9948895-0-8); Chapter 14 and 15 (Page 101-102)
- Mustapha, I. (2001). "An Introduction to Islamic Law of Inheritance (Questions and Answers)", Islamic Council for Development and Humanitarian Service Accra Ghana; Pp: 12-45.
- Mzee, M.M. (2016). Islamic Law of Inheritance: The Case of Illegitimate Child and Possibility of Having an Assets of Deceased Father: A Tanzanian Case Study. *Journal of Law, Policy and Globalization*, 45: 55-59

- Ndulo, M. (2011). "African Customary Law, Customs, and Women's Rights". *Cornell Law Faculty Publications*. Paper 187. Available at <http://scholarship.law.cornell.edu/facpub/187>
- Nwaebuni, R. (2013). Nigeria: A Difficult Place to be a Widow. Posted at The African Report website on Wednesday, 27 November at 19:01; retrieved on Tue, 16 May 2017; available at <http://www.theafricareport.com/West-Africa/nigeria-a-difficult-place-to-be-a-widow.html>
- Nwosu, N.C. (2014). "A Comparative Analysis of the International and Nigerian Standards on the Legal Rights of Women". Being a thesis submitted to the Department of Law, Faculty of Law, University of Nigeria, Nsukka.
- Okorafor, N.C. (2011). "An Evaluation of Inheritance Practices among Widows in Nigeria: A Study of selected Urban and Rural Communities in Enugu State". Being a thesis submitted to the Institute for Development Studies, University of Nigeria, Enugu Campus, November
- Okumu-Wengi, J. (1997). *Women's Law and Grass Roots Justice in Uganda*. Kampala: Uganda Law Watch Centre.
- Okumu-Wengi, J. (2001). 'Women and the Law of Inheritance'. In Tuhaise, P; Matovu, V; Madrama, C; Mbaaga, F; Mugisha, J; and Okumu-Wengi, J, *Women and law in East Africa*, Kampala: Law Development Centre.
- Olusegun, O.O. (2015). "*Sources of Law: Customary Law*". Lecture Notes on 'Nigerian Legal System (LPI 203)'; College of Law, Afe Babalola University, Ado-Ekiti.
- Owen, M. (1996). *A World of Widows*. Illustrated. Atlantic Highlands, NJ: Zed Books, 1996. 181-183. eBook.
- Paden, J.N. (1986). "Ahmadu Bello Sardauna of Sokoto. Zaria Hudahuda publishing company; P.548-549.
- Pizzigati, S. (2012). "*The 'Self-Made' Hallucination of America's Rich*". *Institute for Policy Studies*. Retrieved August 24, 2014.
- Prince, B.K.A. (2014). "The Zuru People: An attempt to Authenticating Issues relating to the History of Zuru People, Origin and Language (14)
- Radford, M.F. (2000). *The Inheritance Rights of Women Under Jewish and Islamic Law*, 23 B.C. Int'l & Comp. L. Rev. 135, <http://lawdigitalcommons.bc.edu/iclr/vol23/iss2/2>
- Rebert, O.C. (1990). "Africa History Western Africa". Published by Markus Wiener, p.62.
- Robinson, D. (2004). *Muslim Societies in African History*. New York: Cambridge University Press

- Saheeh International Riyyah (1997). "The Arabic Textal Correspondents English Meaning". AbdulQasim Published House, London, USA, Saudi Arabia; Pp: 99-100 (Chap. 11 & 12) and Pp: 133 (Chap. 176)
- Sahih Bukhari Hadith, Vol. 8, Book 80 720 - 731
- Sahih Muslim, collected by Muslim B. Al-Hajjaj (d. 261 AH, 875 CE), includes 9,200 ahadith
- Salah-uddin bin haider Ali Lakhvi*, (2003/1424). "Justice of Islam in the Rules of Inheritance". Aminu Kano College of Islamic and Legal Studies Kano, Kurmi Market Kano, pp.18-20.
- Salah-uddin, A. (2003). "Justice of Islam in Rules of Inheritance". Aminu Kano Collages of Islam Legal Studies Kano; Pp: 10-30
- Sameer, F. (2016). "Inheritance According To Islamic Sharia Law". Available at <https://www.sailanmuslim.com/inheritance-according-to-islamic-sharia-law/>
- Sayyadi M.A Al-Tabswirah fi Ulumin Qur'an. Islamic University of Medinah press –Medina (MD) P.10-11.
- Schacht, J. (1991). "*Mīrāth*". *Encyclopaedia of Islam*. 7 (2nd ed.). Brill Academic Publishers. pp. 106–113. ISBN 90-04-09419-9.
- Sebina-Zziwa, A. (1998). "The Paradox of Tradition: Gender, Land and Inheritance Rights among the Baganda". A Ph.D diss., University of Copenhagen, Copenhagen.
- Shakil A. Khan (2011). "How to Calculate Inheritance", Nizamuddin West market, New Delhi printed in India. P 8- 15
- Shatzmiller, M. (1995). Women and Property Rights in Al-Andalus and the Maghrib: Social Pattern and Legal disclosure. *Islamic Law Soc.*, 2(3):219–257. doi: 10.1163/1568519952599204
- Sheikh *Ismaila Idris Zakariyya Jos*, *Izala* teacher, see Dr *Ramzi ben Amana* (2007) retrieved 17 July 2017.
- Sheikh Lawan Garba. *Izala* Teacher, Zango, 7th 2017, 5:00pm.
- Syed Vickar Ahamed, (2015). The Glorious Qur'an (Interpretation of the Meaning of) Arabic and English, side by side, 673 pages, Library of Congress Control Number 2004096319, ISBN 978-1-87940-296-6; Chapter 13 (Page 100)
- Tafsir Ibn Khatir, V.2.p.331.
- Taiwo v Lawani* (1961) ANLR 733.

- Tarahaat (2007). "A Muslim Woman's Right to Property: A few general rules of inheritance". Available at http://www.tarahaat.com/Law_Wrtp_Muslim.aspx; assessed on 12/02/2017
- The Study Quran Translation, Seyyed Hossein Nasr (editor-in-chief), Translation by Maria Dakake, Caner K. Dagli and Joseph E. B. Lumbard (HarperOne: New York and San Francisco, 2015) (ISBN 978-0061125867); Chapter 17 (Page 103-104)
- Translation of Sahih Bukhari: Good Manners and Form (Al-Adab). *Volume 8, Book 73, Number 34*
- Trivedi, J., Sareen, H., & Dhyani, M. (2009). Psychological Aspects of Widowhood and Divorce. *Mens Sana Monogr Mens Sana Monographs*, 7(1), 37. doi:10.4103/0973-1229.40648
- Uboma v. Ibeneme* (1967), E.N.L.R. 251; *Udensi v. Mobgo* (1976) 7 S.C. 1.
- Upadhyay, R. (2009). "Muslim Personal Law Should it be Politicized", available at: <http://www.imcindia.com>
- Uthaimin (1983) MISIMI. Tashilu al-Faraid. Riyadh: Dar al-Taibah
- World Bank (2011), "Empowering Women: Legal Rights and Economic Opportunities in Africa", <http://documents.worldbank.org/curated/en/2011/01/16394357/empoweringwomen-legal-rights-economic-opportunities-africa>.
- World Bank (2012), "Women, Business and the Law", 2012 report.
- World Intellectual Property Organization [WIPO] (2016). "Customary Law and Traditional Knowledge". Background Brief; No. 7
- Yahayya, A. (2003). "The Status of Women in Islam with regard to Inheritance: An Analysis of the Favours ConfereD on Them. A Case Study of Some Selected Court Cases in Kano State. Being an Unpublished Dissertation submitted in partial Fulfillment for the Requirements for the Award of Master of Arts (M.A) in Islamic Studies, Bayero University, Kano; Pp: 15-30.
- Yakubu, D.O. (2012). "A Comparative Study of Inheritance between Shari'ah and Customary Practice of Gbagy and Koro". Being an Unpublished Dissertation submitted in partial Fulfillment to the Requirements for the Award of Master of Arts (M.A) in Islamic Studies, Bayero University, Kano; PP: 23-40

**Appendix A
Eid-El Fitr (Sallah) Celebration**



**Appendix B
Eid al Kabir (Sallar Layya) Celebrations**



**Appendix C
Display of Argungu International Fishing Festival Activities**



Appendix D

Focus Group Discussion Schedule (FGDS)

I am a Postgraduate student in the Department of Islamic Studies and Shari'ah, Bayero University, Kano currently conducting a research titled: ‘ **Comparative Study of Widows’ Inheritance between Islamic and Customary Laws: As a case study of Zuru People of Kebbi state**’. I am very happy to request your indulgence to participate in this study.

You are selected as one of the participant in this study for the purpose of data collection. Therefore, I would like to request your favor to accept and participate in the Focus Group Discussion (FGD). I would also like to seek for your permission to use a digital recorder to record our conversation.

Be rest assure that, all the information provided will be highly treated confidentially and used for the purpose of this research only.

Thank you for taking your valuable time

Yours Sincerely
Atika Muktar
(SPS/15/MIS/00040)

Part A: Engagement Questions:

- 1) What is your name?
- 2) Which town or village to you leaves?
- 3) Have you re-married after the lost of your husband?
- 4) What is your occupation?
- 5) How old are you now?
- 6) How many children did your deceased husband left?
- 7) Are you leaving in the family house with your children?
- 8) What is the level of your educational qualification?

Part B: Exploration Questions:

- 1) Please have you been deprived your right to inherit a property upon the death of your husband? If yes, can you explain the nature of the situation?
- 2) Does exercising your rights to inheritance of property left by your husband have any roles toward the development of Zuru Emirate?
- 3) After the death of your husband, did you receive any assistance from your in-laws?
- 4) How have you been taking care of your children like schooling and feeding?
- 5) Did the family and relatives of your deceased husband asked you to return or pay something often the death of your husband?
- 6) Is there any mandatory tradition that prevents you from getting married again after the death of your husband? If yes, can you explain please?
- 7) Have you taken any property ownership case to the court of law? If, yes, can you explain the nature and the outcome of the case?
- 8) What do you think would be the consequences of denying or depriving widows their right to property inheritance upon the death of their husbands?

- 9) What do you think is the best way for ensuring that, the right of widows to inherit a property upon the death of their husbands is exercised?

Part C: Exit Question

Finally, is there anything else you would like to say about the right of widows to inherit a property upon the death of their husbands?

Appendix E

Interview Discussion with Sampled Widows in Zuru Emirate

PART A

1. Aisha Moh'd sarkin fawa
2. Zuru town
3. No
4. Business
5. 66 years
6. Seven (7) children
7. Yes
8. None.

PART B

1. Yes, everything goes normal; everybody was given his own share of inheritance.
2. No
3. Yes, we receive assistance from the in-laws.
4. The children have stop school because there is no money to support them. But in term of feeding we are trying our best.
5. No
6. No, I was too old to marry again
7. No
8. The widows suffer a lot if they are not given their own right.
9. By getting some religious teachers to divide the property.
10. It is all our way, one day we will be there.

PART A

1. Amina Moh'd
2. Zuru town
3. No
4. Business
5. 70 years
6. Seven (7) children.
7. Yes we leave in the family house.
8. None.

PART B

1. No
2. No
3. Yes, I have received assistance from my in-laws.
4. We try our best and god is helping us.
5. No
6. No, I am too old to marry again.
7. No, we left everything to God
8. There is a lot of problems which no mouth can express
9. By inviting the religious leaders to distribute the property.

10. My advice is that women are the mothers; it is not good to deny them their own right, because one day it could be your sister, daughter or wife may enter into the same kind of situation.

PART A

1. Hajiya Tsahara Muktar
2. Zuru town
3. No
4. Civil servant/ student
5. 50 years
6. Six (6) children
7. No
8. Diploma

PART B

1. No, I was given my own right
2. No
3. No
4. With what I was given I used to take good care of my children.
5. No
6. No, I just want to bring up my children because is my own responsibility
7. Yes, when the electronic were distributed they include some of my properties for sharing. That is why take the case to court to remove my things for me.
8. There will be a very big problem, because it will be very difficult to rise the children.
9. By going to court.
10. My advice is that we widows always need help, no matter how little it is.

PART A

1. Hauwa'u Moh'd
2. Zuru town
3. No
4. Business
5. 75 years
6. Five (5) children
7. Yes
8. None

PART B

1. No, my right was given to me and my children
2. No
3. Yes, we received assistance
4. We try our best in feeding.
5. No
6. No, I just did not because I am old
7. No
8. Yes, because widows used to go mad if their right is deny
9. By calling the religious teachers
10. No condition is permanent, one day everything will become history.

PART A

1. Amina Garba
2. Zuru town
3. No
4. Business
5. 68 years
6. Eleven (11) children
7. Yes, we leave their in the family house.
8. None.

PART B

1. I was been deprived before but latter they gave me something very littled.
2. No
3. No
4. All my children are well grown up, they are all doing their business and taking good care of me.
5. No
6. No
7. Yes, my children take them to court, and the court collected their own right and gives it to them.
8. It is improper to deprived widows their right.
9. By going to court.
10. My advice is that, they should fear Allah because He is watching them in whatever they do.

FAKAI TOWN

PART A

1. Kullu Moh'd
2. Fakai town
3. No
4. Business
5. 77 years
6. None
7. Yes, we leave their
8. None

PART B

1. No, I was given my right of property
2. No
3. Yes, we revieved some assistance from them.
4. We try our own best and god is helping us.
5. No, because they are good people.
6. No
7. No, I have not, because no case to taken since everything is diatributed properly.
8. Is not good to do that to widows.
9. The best is by going to court.

10. My advice is that widows should do their own best by taking good care of their children and people should help them.

PART A

1. Wanti chindo
2. Fakai town
3. No
4. Business
5. 42 years
6. Five (5) children
7. Yes we leave their
8. None

PART B

1. Yes, I was deprived of the property of my dead husband because his family said if I ever get re-married again they will collect all what was left for including the children.
2. No
3. Yes but not much
4. I try my own best and god is helping us to survive.
5. No
6. Yes, according to the tradition if a woman will remarry again she will not inherit her deceased husband.
7. No
8. The widow suffer a lot because of their children
9. I know nothing about it
10. My advice is that, they should be given widow their right of inheritance, because they used to find them self in a very difficult situation which will lead them to the wrong part.

PART A

1. Ni'imah Ladan
2. Fakai town
3. Yes
4. Civil servant
5. 30 years
6. Two (2) children
7. No, we leave in his own house
8. Degree in B A Islamic studies.

PART B

1. No, I have not been deprived
2. No
3. Yes, they help the best way they could
4. I am a civil servant I received salary each month with that I pay my children school fees and feed them well.
5. No,
6. No, because I was re-married again
7. No
8. They will be in a big trouble, because some used to follow men so that they will get something to feed their own children.
9. The best way is to go to court.

10. My advice is that give widow their own right which is started by the Qur'an.

PART A

1. Ige nomau
2. Fakai town
3. Yes, I have marry again
4. Civil servant
5. 35 years
6. Four (4) children
7. No
8. Secondary school

PART B

1. Yes, because I re-married again which is not accepted by the family of my late husband. That is why I was deprived of my own share.
2. No
3. No, because they are angry with me and children are with them.
4. The children are well taken care off. By the family
5. No, because I left everything with them
6. Yes, that is the reason why I was deprived.
7. No, because tradition forbid us to do that
8. There is a lot of consequences, more especially if the children are with u
9. Is by going to court which we are not allowed to do that.
10. My advice is we widows we should be patient in what ever situation we found our self in.

PART A

1. Halima Abubakar
2. Fakai town
3. Yes, I was married again
4. Business
5. 28 years
6. Four (4) children
7. No
8. None

PART B

1. Yes, they give me some property and deny me some. Unyill the court order them to do so
2. No
3. No, because they hate me and my children.
4. I am trying my own best
5. No
6. No, there is no any tradition that stops me from getting married.
7. Yes, the case has been taken to court that is why I received some of the property.
8. It is very bad to refuse to give widows their right of ownership.
9. By taken the case to court.
10. My advice is that people should fear Allah and distribute the property the way it is prescribe to them.

SAKABA TOWN

PART A

1. Hadiza Ahmed
2. Sakaba town
3. No
4. Business
5. 43 years
6. Six (6) children
7. No
8. Secondary school

PART B

1. No
2. No
3. No
4. All the children are with the family.
5. No
6. There is not
7. No
8. There is a lot of consequence for denying widows their right because Allah (swt) said widows should be given 1/8 if they have children and ¼ if there is no children failure to do that the punishment is from Allah.
9. Is to go to court
10. Fear Allah (SWT) and do whatever you are asked to do.

PART A

1. Zainab Moh'd
2. Sakaba town
3. No
4. Business
5. 42 years
6. Two (2) children
7. Yes
8. Primary school

PART B

1. Yes
2. No
3. No
4. We receive our help from GOD
5. No
6. No
7. No
8. There is a lot of consequences of depriving widows their right because they used to go out of the way.

PART A

1. Khadiza Muktar Diri

2. Sakaba town
3. No
4. Civil/servant/ business
5. 57 years
6. Six (6) children
7. No
8. Degree B.A In Hausa language.

PART B

1. No, I was given what rightfully belong to me and my children.
2. Yes, because he build a well.
3. No
4. I used to take good care of my own children since they are my responsibility.
5. No
6. No
7. No, but it was distributed to us by the court.
8. Is not good to deprived widows their own right because is given to them by the Almighty God
9. Is by going to court.
10. My advice is that should rise up and fight for their own right if they are deprived of it.

PART A

1. Balkisu Abbas
2. Sakaba town
3. No
4. Civil servant/ business
5. 50 years
6. One (1) child
7. No
8. Secondary school

PART B

1. No, I have been given my own right.
2. No
3. Yes, they used to bring food to us
4. I try my best with my own business.
5. No
6. No, I don't have interest.
7. Yes, the property was divided in the court.
8. They will used to enter into different troubles.
9. By going to court and fight for you own right.
10. No condition is pamanent, widows should be given their own right, isgoing to help them a lot.

PART A

1. Balkisu Bello Basher
2. Sakaba town
3. No

4. Civil servant
5. Four (4) children
6. 40 years
7. No
8. N.C.E.

PART B

1. Yes, I have not been given any property by them.
2. No
3. No
4. I don't have any problem in terms of that, I am taking good care of my children.
5. No
6. No
7. No
8. Is not good to deprive widows their right
9. To go to court.
10. Is good to give widows their own right is going to help them.

Danko/Wasagu

PART A

1. Tumba Abubakar
2. Danko/wasagu town
3. No
4. Business
5. 45 years
6. Five (5) children
7. Yes
8. Primary school

PART B

1. I was not given anything
2. No
3. No
4. I try my best to take care of them
5. No
6. No
7. I have not taken any case to court
8. Widows suffer a lot because the children are with me all I got is for them sometime we will eat, while some times we will stay with hungry.
9. Is by going to court.
10. Fear Allah.

PART A

1. Safiya Musa
2. Danko/ Wasagu.
3. No
4. Business/ civil servant
5. 30 year

6. Two (2) children
7. No
8. N.C.E.

PART B

1. They have given me, and without any problem.
2. No
3. No
4. I was trying my best
5. No
6. No
7. No
8. It will make her into serious thinking which will make her to fall ill.
9. By going to court or getting religious leaders
10. The family of my late husband is very wicket because, I was his only wife and two children, a boy and a girl, now they are asking me to leave the house without thinking.

PART A

1. Amina Umar
2. Danko/wasagu
3. Yes
4. Civil servant/ business
5. 33 years
6. Three (3) children
7. No
8. Secondary school

PART B

1. They said that my husband did not leave anything to us to inherit
2. No
3. No
4. The children where taken by the family of the deceased husband and they are been taken well care up.
5. No
6. No, because I was re-married again now
7. No
8. Is not good to deny widow their own right
9. By going to court.
10. Nothing is permanent in this world; everybody will go were my husband went.

PART A

1. Farida Abdullahi kwazo
2. Danko/wasagu
3. No
4. Civil servant
5. 31 years
6. Thress (3) children
7. No

8. B.S.C In computer science.

PART B

1. They give me a littled, but some they refuse to give me
2. No
3. No
4. I have been trying my best to feed my chidren and put them into good school.
5. No
6. There is not, I just don't do that because am fighting for my own right
7. Yes, I have taken the case to court butofill now nothing has been said to me.
8. Is ready bad habit to deny a widow her own right.
9. Is to go to court but now adays court used to collect brive and do in justice to people.
10. We habe to be pacient in what evr we do, God time is the best.

Appendix F
List of Interviewees

S/N	Names	Occupation & Age	Place of Interview	Date and Time
1	Abdullahi Ma'aji	Fermer & 50yrs	Road Block	5 th July, 2017 & 2:00pm
2	Abdullahi Ahmed Meli's	Business man & 57yrs	Bakin kasuwa	7 th July, 2017 & 1:30pm
3	Abdulmalik Babangida	Lecturer & 58yrs	Argungu	30 th Aug 2017 & 2:45pm
4	Aisha Moh'd Sarkin Fawa	Business & 66yrs	Gwammawa	10 th July, 2017 & 3:00pm
5	Amina Moh'd Sarkin Fawa	Business & 70yrs	Gwammawa	10 th July, 2017 & 3:30pm
6	Amina Garba	Business & 68yrs	Tsohuwar kasuwa	12 th July, 2017 & 2:30pm
7	Amina Umar	Civil Servant & 33yrs	Malamawa	15 th July, 2017 & 12:30pm
8	Balkisu Abbas	Civil Servant & 50yrs	Zango	18 th July, 2017 & 2:45pm
9	Balkisu Bello Bashar	Civil Servant & 40yrs	Jar Kasa	19 th July, 2017 & 4:30pm
10	Farida Abdullahi	Civil Servant & 31yrs	Yar Doruwa	20 th July, 2017 & 5:00pm
11	Garba Mika'ilu	Business man & 55yrs	Rikoto	7 th July, 2017 & 5:00pm
12	Hauwau Moh'd	Business & 75yrs	Gwambawa	10 th July, 2017 & 4:00pm
13	Hadiza Ahmed	Business & 43yrs	Tudun wada	20 th July, 2017 & 1:30pm
14	Halima Abubakar	Business & 28yrs	Hayin madaci	21 th July, 2017 & 5:30pm
15	Ige Nomau	Civil Servant & 45 yrs	Doguwar shiya	22 nd July, 2017 & 11:30am
16	Isma'ila Idris Zakariyya	Izalah Teacher & 63yrs	Unguwar Zuru	17 th July, 2017 & 1:00pm
17	Kullu Moh'd	Business & 77yrs	Gwammawa	11 th July, 2017 & 2:30pm
18	Khadija Mukhtar Diri	Civil Servant & 57yrs	Zango	13 th July, 2017 & 2:30pm
19	Lawal Garba	Civil Servant & 62yrs	Zango	7 th July, 2017 & 5:00pm
20	Ni'ima Ladan	Civil Servant & 30yrs	Gwambawa	11 th July, 2017 & 2:30pm

21	Safiya Musa	Civil Servant & 30yrs	Tashar Rijau	16 th July, 2017 & 2:30pm
22	Tsahara Mukhtar	Civil Servant & 50yrs	Road Block	9 th July, 2017 & 12:30pm
23	Tumba Abubakar	Business & 45yrs	Tudun Wada	12 th July, 2017 & 1:30pm
24	Umar Baban Rakiya	Darika Teacher & 58yrs	Shiyar Fada	5 th July, 2017 & 2:00pm
25	Umar Sa'adu	Darika Teacher & 60yrs	Zuru central	6 th July, 2017 & 11:30am
26	Wanti Chindo	Business & 42yrs	Matan Fada	22 nd July, 2017 & 4:00pm
27	Zainab Moh'd	Business & 42yrs	Road Block	24 th July, 2017 & 12:45pm

Source: Field Survey, 2018