

## Divorce and Muslim Women in North-western Nigeria: A Challenge to the Muslim Ummah

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### Abstract

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The paper attempts to identify the trends of divorce among the Muslim *Ummah*, particularly in the north western part of Nigeria. In doing this, the paper describes the institution of marriage according to the *Shari'ah*. This is necessary because without marriage there will be no divorce. It describes marriage as a legal union of man and woman as stipulated in the Qur'an and *Sunnah*. It is the breakup of the marriage contract that brings about divorce which the paper examines. Finally the paper proffers ways of sustaining this important social formation by adhering to the laid down conditions and procedure contained in the Qur'an and *Sunnah*. It is by adhering to the Qur'an and *Sunnah*, the paper argues, that the longitivity and permanence of marriage, as the most important basic social foundation of the society can be sustained and guaranteed.

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### Introduction

Whenever the issue of divorce is raised what normally comes to mind is marriage because there must be a marriage contract before divorce which normally comes about after the couple must have settled down. Divorce is the dissolution of the marriage contract between husband and wife.

The purpose of marriage is to establish a healthy and happy family. If however the purpose is being defeated by frequent conflicts and acrimonies, threatening a stable and happy family and procedures at reconciliation have failed, then it is allowed for the couple to separate. When this separation is effected, it is mostly the woman that is on the receiving end. In this regard, therefore, there is need to understand the whole process of marriage, without which we cannot talk of divorce. The idea is to find lasting solutions with a view to reducing the incidences of divorce in our communities, which is at an alarming rate. This hopefully will bring solace to the society when the number of divorced women and the consequent growing number of children of broken homes are minimized.

A number of factors may be adduced as responsible for the frequency of divorce. Generally it is the failure to adhere to the conditions laid down by *shari'ah* before contracting marriage. This is generally responsible for the alarming rate at which divorce occurs among our people. It is the relegation of the *shari'ah* conditionalities alongside other factors like forced marriage, materialism, unislamic practices in the marriage ceremonies, extended family influences and poverty are considered to have contributed to the frequent breakdown of marriages.

### The Institution of Marriage

Without marriage there will be no divorce. To fully comprehend divorce it is necessary to understand the concept of marriage in Islam. Marriage in Islam is the union of man and woman in accordance to the laid down conditions of the *shari'ah*. It is a religious duty, *Sunnah* on every Muslim man and woman who are able to abide by the condition laid down by the *shariah*. It is a social institution of establishing a sound, stable and disciplined society supported by the Qur'an and *Sunnah*. Marriage as an institution is very important that it can be traced to the time of the Prophet Adam (AS). Thus the Qur'an (30:21) states that: And among His signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your (hearts): Verily in that are signs for those who reflect.

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Marriage is indeed a religious duty and a divine command from Allah (SWT) as stated in Qur'an (4:3).  
 ... Marry women of your choice, two, three, or four; but if you fear that you shall not be able to deal justly (with them), then only one or (a captive) that your right hands possess, that will be more suitable to prevent you from doing injustice.

The Qur'anic verses above have clearly shown the religious nature of marriage and that it is a religious duty upon the Muslims. This explains why the prophets of Islam practiced it as a religious duty. They married and none of them practiced celibacy. In Qur'an (13:38) Allah (SWT) says:  
 We did send apostles before you, and appointed for them wives and children ...

A successful and worthwhile marriage is achieved through our strict adherence to the laid down conditions provided by the *shari'ah*. For this the Prophet Muhammad (SAW) identifies the qualities for us to consider as guides in selecting a partner. The Prophet (SAW) as reported by Bukhari in (Khan, 1960). A woman may be married for reasons; for her property, her status, her beauty and her religion; so try to get who is religious, may be blessed.

The prophetic tradition here is saying that marrying a woman for reasons other than her religious piety may spell doom for the marriage, and the marriage itself may likely fail. This is because beauty does not last forever, financial status and worldly status are transient. All these do not last forever, and, in any case, they cannot guarantee obedience and religiousness. It is partly our failure to adhere to these *shari'ah* conditions coupled with other factors that have been responsible for the frequent breakdown of marriages in the north-western part of Nigeria.

### Divorce

In Islam divorce is allowed but highly discouraged. As a practical religion it however allows it albeit reluctantly, in the interest of a stable *ummah*. As Doi (1984) observes, "the *shari'ah* aims at establishing a healthy family unit through marriage but if for some reasons this purpose fails there is no need to continue under false pretences and hopes as practiced in other religions. Indeed Islam encourages reconciliation but when it fails then divorce should be allowed. While divorce is allowed it does not mean a husband can divorce his wife at will, the way he likes. Steps to be taken are stipulated before divorce is announced. The steps to be taken are spelt out in the Qur'an (4:35) stating that:

If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: for Allah has full knowledge and is acquainted with all things.

The foregoing verse encourages reconciliation in case of disagreement between the married couple. Any of the parties can initiate the process of reconciliation. As a flexible religion Islam however allows for divorce if the quarrels and differences are so serious that they cannot be reconciled. As a last resort the marriage has to be dissolved. With regard to this the Qur'an (4:130) says:

But if they disagree (and must part), Allah will provide abundance for all from His all-reaching bounty. For Allah is He that cares for all and is wise.

What is obvious from all these issues of divorce is that though Islam encourages it and allows it, yet it advises and suggests many ways of avoiding it, but when it becomes inevitable Islam prescribes humane treatment of the divorced woman. In Qur'an (2:231) Allah says:  
 When you divorce women, and they fulfil the term of their (*Iddat*), either take them back on equitable terms or set them free on equitable terms ...

The divorced women are not only to be treated with humane consideration, but even divorcing them without tangible reasons can be a sin in the sight of Allah. This is why Allah warns us in Qur'an (4:19) where He says:

... If you take a dislike to them it may be that you dislike a thing, and Allah brings about through it a great deal of good.

This verse is sufficient enough to discourage us from divorce. It is our failure to adhere to conditions of divorce religiously that has been responsible for the frequent cases of divorce we witness daily among the Muslim *ummah*. No wonder the number of divorcees among the Muslim *ummah* in the northwest is embarrassingly very high and seems to be increasing by the day. It is claimed that in three years one in every three marriage failed in the northwest ([aljazeera.com/2012/07](http://aljazeera.com/2012/07)). Kano with its high population has as at 2012 one million widows and divorcees, majority of whom were divorcees (Zainab Usman, 2012).

### Causes of Divorce among the Muslim Women of Northwest Nigeria

For the northwest to be associated with having one of the highest cases of divorce in West Africa is very disheartening and disturbing. What could be responsible for this situation? Looking at the trends of divorce in our area we can identify a number of factors as responsible for this.

One important factor that can be identified could be the failure to comply with the laid down steps in resolving conflicts. The Qur'an (4:35) cited elsewhere in the essay commands the married couple to solicit for the resolution of conflicts through their representatives. However, in many cases, it was found that parents only come to know about the conflicts after the divorce has been pronounced. The absence of parental and elderly advice and guidance no doubt expose many marriages to dangers of breakups. As a result unilateral and hasty decisions are taken in reaction to provocation or out of desire to satisfy personal ego.

Another factor that can be associated with the breakups of marriage is the relegation to the background of the most important quality in the choice of a partner. This is the religious quality the Prophet Muhammad (SAW) has emphasized. From the four qualities identified by our noble Prophet it is the religious quality that is supreme. With regards to this, this is what the Prophet says in Bukhari: Khan (1960). The world and what it contains are precious but the precious things in it are the righteous women.

The problem of the Muslim *ummah* today is that we don't look for the pious woman, what the potential couples are after are beauty, wealth and status. Materialism has become the hot choice of potential couples. Women overlook the consequences of marrying men known for their notoriety in divorcing women. The men also go for "*aurenjari*" (profitable marriage) regardless of the girl's manners. They prefer marrying from wealthy families with its attendant financial benefits, while girls prefer men with big mansions and exotic cars. With these kinds of choices, it becomes difficult for the couple to allow for conflict resolution process to be meaningful.

Closely related to this are the lies and pretenses associated with some marriages. The would-be husband in many cases portrays a false picture of affluence during courtship and during the wedding ceremonies, only for the bride to be disappointed when she finally settles down in her matrimonial home. She soon finds out that all those glitters were not really gold. From here the seed of conflicts and mistrust is sown until it leads to the breakup of the marriage.

No one can doubt the encroachment of western and unislamic practices in the Muslim marriage. It is an open secret how these unislamic practices are dislodging the Islamic values in the Muslim marriage system. The practices introduced are contradictory of Islamic values which no doubt affect the stability of the marriage. We are living witnesses to the introduction of picnics, luncheon parties and mothers'/fathers' day etc.

These are unislamic values which affect the spiritual quality of the marriage which continues to hunt the couple at their matrimonial homes until the marriage breaks up. This we can easily appreciate when we recall in a ceremony like dinner day the couple and the parents shamelessly dance in public and spray money at each other. This is an open confrontation with the favours Allah has done to us. This certainly will attract Allah's wrath. Because we have turned our backs against the teaching of the *shari'ah* it is no wonder that such a marriage soon begins to stumble and crumble until it finally breaks up.

We all appreciate the fact that the purpose of marriage is to establish a healthy and happy family. A forced marriage cannot guarantee a successful and happy family. Marriage is supposed to be based on mutual love not a forced union. As long as marriage is based on force either from the side of the bride or groom or both, it means the tranquility, love and mercy Qur'an (30:2) talked about in choosing a wife is absent and it is not expected to last long. In the same vein, Qur'an (4:3) speaks of marrying a woman of one's choice. This means in the whole issue of marriage the question of force is absent and any marriage based on it is bound to fail. Many of the divorcees we find around us are victims of forced marriages.

Influence of poverty and ignorance are factors that contribute to the breakup of marriages. The issue of poverty is a very important factor in pulling down many marriages. Information gathered from some judges of the *shari'ah* courts confirm that many wives take their husbands to court because of the inability of the husbands to cater for them (Bello, 2019). In fact as we got in 2020, the situation seems to get worse. This is because with Boko Haram in the northeast and the increasing banditry and animal rustling in the northwest, poverty seems to be having a field day. With people deprived of their property and displaced from their farmlands, the poor came to be on the increase. Little wonder that Tukur (June, 2020) said there was an increase in cases of divorce in their courts arising from husbands' inability to cater for their families. In some cases even accommodation becomes a problem to some husbands. The problem becomes confounded when such husbands have more than a wife and they were deprived of the means of their livelihood as a result of attacks or threats of attack from bandits.

In such a situation the wives seek redress in the court and the judges have no option other than to dissolve the marriage (Salisu, 2019). This issue of encouraging the poor to marry more than one wife is born out of a weak *hadith* which some use ignorantly to confound their problems by getting additional wives under the guise of a non-authentic *hadith* which enjoins Muslim to get married if they are poor.

### Addressing the Challenge

Marriage, being the most critical social relationship upon which a society is built, must be protected because if it goes wrong the whole society suffers. The Muslim *ummah* must therefore check this social menace called divorce. To find a lasting solution to rampant cases of divorce the Muslims must go back to the drawing board. This means going back to the conditions spelt out in the *shari'ah* about marriage.

An important condition set out by the *shari'ah* is in the tradition of the Prophet Muhammad (SAW) who identifies four qualities of women to guide men in the choice of a wife. From the four qualities the Prophet emphasized on religion. It is the only quality that never loses its value. It lasts till eternity, while beauty, wealth, and status diminish over time. For a long and everlasting marriage, therefore, to both the man and woman religious consideration should take prominence. The religion of the couple, especially the woman, will ensure piety which will guarantee a successful marriage and peaceful family (Qur'an 30:21).

It is important to adhere to the conditions laid down by the *shari'ah* in choosing a partner if we must ensure sustenance of peace in the family. It is the failure to abide by the laid down conditions for marriage that marriage has become a major concern for both couples rather than a pleasant experience. So, it is necessary to make the home a happy place for the family by choosing the rightful partner. Indeed the Prophet underlines the wisdom behind making the right choice. This is what he says as reported in (Askalani: nd).

“The whole world is a provision and the best object of benefit to the world is the pious woman”. She is valuable in the sight of Allah. The home will be a happy place with such a woman”.

The Qur'an continues to guide us in making a decision in the choice of a partner. It continues to emphasize on qualitative woman. In Qur'an (24:26): “... And women of purity are for men of purity and men of purity are for women of purity...” Also Qur'an (4:34) says “... Therefore the righteous women are devoutly obedient and guard in (the husband's) absence what Allah would have them guard ...” *Surah Abzab* identifies many qualities loved by Allah which should be seen in both male and female.

After conforming with the laid down conditions and qualities in both the Qur'an and *Sunnah*, which are *sine quo non* for successful marriage, other measures Muslims must take to protect their marriages is in the event of conflict arising; the couple must comply with the Qur'anic injunction enjoining us to avoid hasty decision. Parents and guardians from both sides are always there to arbitrate on matters beyond their capacity to resolve. Qur'an (4:35) states the honourable way to follow in resolving conflicts. In the verse, there is a clear message that Allah prefers the path of resolution of conflict and dislike separation. The experience of parents and elders can contribute meaningfully in the sustenance of marriages without recourse to divorce.

Another destabilizing influence in the Muslim family life is the innovation introduced in the Muslim marriage practices which must be discarded by all sincere Muslims. The un-Islamic practices introduced by the elite into the Muslim marriages do not add value or quality to the marriage. The picnics, “*kamu* and dinner day” to mention a few are contrary to the teachings of Islam. These are occasions where all manner of immoral and indisciplined behaviour are displayed by the bride, the groom, parents and their friends. One wonders how a marriage can be valuable, qualitative and lasting where the respective parents of both the bride and groom, together with the invited guests, engage in dancing in public with both males and females mingling. The most disturbing is when the parents dance together with their children to the applause of the gathering. This is a clear affront on Islam and no doubt reduces the quality of such marriages in the eyes of Allah. The earlier the parents and religious leaders come to their senses and check this embarrassing shameful show of shame by our people the better for a stable marriage.

The recipe, among others, to have a stable marriage, free from the threat of breakup, is the avoidance of forced marriages. In any case, forced marriage does not have a place in the *shari'ah*. The Qur'an (30:21) Allah says: And among His sign is that He created for you mates from among yourselves that you may dwell in tranquility with them and has put love and mercy between your (hearts) verily in that are sign for those who reflect.

From the above verse one can see that force has no place. The underlying fact here is love between two people in the form of marriage union which does not entertain forcing either of the two, bride and groom to marry one, he or she is not in love with.

Indeed there is absolutely no force as marriage is seen by Allah as a source of tranquility and peace to the mind where man and woman live together in an atmosphere of love, mercy, harmony and cooperation and laying the foundation of raising a Muslim family in a nurturing and sound environment” (Al-Hashimi, 1999).

As the family is the nucleus of the society and marriage is the only way to bring about such an institution, it therefore cannot be built on the basis of force and hatred. In fact it is the Quran which sets conditions for marriage. It states that it should be an agreement between parties either the spouses themselves or their representatives, forming the basis for certain rights and duties between the spouses. The categorization of marriage as the most solemn form of covenant in Islam means that free and considered consent of both spouses is required.

Therefore, in the interest of a stable society, forced marriage must be avoided. It has no basis in Islam. Islam has given women right to exercise choice in matters affecting their lives. In a hadith recorded by Abu Huraira and validated by Muslim the Prophet (pbuh) states that a virgin should not be married until her consent is obtained.

### Conclusion

The way forward, therefore, in sustaining our marriages and reducing the increasing rate of divorce is to follow the provision of the shari’ah with regards to the conduct of marriages. We must, at all cost, reduce and avoid divorce. If the *shari’ah* is religiously followed as highlighted above this will no doubt check the frequent incidences of divorce. This will help in checking and controlling the breakdown of the family system which in turn contributes to social insecurity. This is obvious as the divorcees who were formally dependent on their husbands will be vulnerable to societal exploitation to survive. The children of the divorced in the absence of proper guardianship will also become vulnerable to all manners of social ills such as prostitution, drug abuse, begging, theft, banditry and armed robbery etc.

Indeed, Allah continues to show His preference for peaceful reconciliation as contained in (Qur’an 2:228) which directs that divorce women should have their ‘iddah’ in their matrimonial homes. This means during the *iddah* period there remains the possibility of reconciliation. This is what Allah says:

Divorced women shall wait concerning themselves for three monthly periods. And it is not lawful for them to hide what Allah hath created in their wombs if they have faith in Allah and the last day. And their husbands have the better rights to take them back in that period, if they wish for reconciliation. And women shall have against them according to what is equitable but men have a degree over them and Allah is exalted in power, wise.

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