
THE ISLAMIC RIGHT TO DIVORCE AND ITS IMPACT ON THE MUSLIM COMMUNITY: A CASE OF THE KANO STATE GOVERNMENT INITIATIVE ON DIVORCEES AND WIDOWS

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ABSTRACT: Among the fundamental objectives of marriage in Islam is to have peace, tranquility and sexual satisfaction. This can only be achieved if and only if the marital relationship between the spouses has been properly maintained. Although in Islamic law, it is the right of spouses to terminate the marital relationship, however, that does not aimed at encouraging divorce amongst spouses, as it is always having a negative impact on the society. Thus, the rampant cases of divorce and termination of marriages as a result of supervening circumstances in some of the Muslim communities affects the moral and social behavior and control of the people, which consequently contributes to moral decadence in the society. Hence, it is against this backdrop, the Kano state government in Nigeria intensified efforts and commitments to minimize if not prevent the menace thereby bringing some good initiatives in its administrative policies. To this end, the paper, by making reference to the Kano state government initiative on Divorcees and widows, juxtaposes the Islamic right of divorce on one part and the needs to maintain a marital relationship between spouses for the betterment of the society on the other part.

KEYWORDS: *Islam, right and impacts of divorce, divorcee, widows, kano state*

INTRODUCTION

Generally, the concept of "right" in Islam has been broadly understood to mean the ability to exercise a given authority. The concept could not be seen as a one-sided phenomenon. While it is a right for spouses to choose a partner with whom they can live together, it is also enshrined within the purview of their right to terminate such relationship whenever the need arises. However, such termination should always be with caution due to the fact that other persons' rights too are involved, which may likely to be tempered with as a result the termination of marriage. It is a common saying that where someone's right ends, other person's right begins. That's to say, if Islam has permitted divorce between a married spouses, what will be the effect of such permission on the spouses themselves, their children and the society? The answers to these questions will be determined later in this paper. In addition, a question may be raised

regarding the position of termination of marriage as a result of supervening events, which certainly has nothing to do with the exercise of individual right? Whether it can have the same effect as the one caused by divorce? Although, it is the intention of this paper to focus on termination of marriages as a result of divorce, however, pithy reference will be made to other modes of termination of marriage (such as death of husbands), with a view to finding a solution or mitigating its frequency to the barest minimal. As both "divorce" and "death" must have similar effect on the family and society.

DEFINITION OF THE KEY TERMS AND PHRASES:

A. Marriage

According to the Oxford English Dictionary, marriage is defined as legally or formally recognized union of a man and a woman as partners in a relationship.¹ The term marriage from the Islamic point of view is no other thing than an institution that sustains human evolution, procreativity and lineage. It is also one of the signs that reaffirm the supremacy of Allah, The Almighty over and above any creature. Allah (s.w.t.) creates human beings through the union of male and female (i.e. marriage) and also makes them generation upon generation. To this end, Allah says:

"And among His signs is this that He created for you mates from among yourselves, that ye 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."²

In a Hadith narrated by Abdullah Ibn Mas'ud, the Prophet (s.a.w) says, "O you young men! Whoever is able to marry should marry, for that will help him to lower his gaze and guard his modesty."³ He further said: "There is no monasticism in Islam In order to avoid abstinence from indulging into a lawful marriage."⁴ Marriage in Arabic language literally referred to as "*nikah*", which means "to collect things". The word *nikah* is used to connote the piercing or absorbing of a thing into another thing. When the water of rainfall absorbs into the earth, the Arabs say: *nakaha'l-matru al-'ard*. Likewise when the trees are intermingled it is said: *tanakahat'il-ashjar*. Technically, the word *nikah* refers to cohabitation (*mubasharat*), which stemmed out from the consequence of formation of contract between a man and woman. A contract means a knot or a tie. As a woman and a man are tied together by a knot (of wedding called the wedlock), hence *nikah* is also called *'aqd* (a contract).⁵

In addition, the term marriage from the perspective of Statutes, especially the Marriage Act and the Matrimonial Causes Act in Nigeria, has been known as a union between two different sexes. Although, no explicit provisions in these Acts were provided for the definition of marriage, but it was only inferred from some provisions of the Acts to mean "a union between two different sexes." To this end, several attempts were made in 1980 and 2006 to reform the Acts in order to cover an explicit definition of the term marriage, but to no avail. However, a recommendation was thereafter made by the working paper on the Reform of the laws of marriage in Nigeria 2006, that the definition of marriage should contain the following words:

"The Act shall apply solely with respect to a monogamous marriage that is to say, a union intended for life between a male person and a female person to the

¹ Oxford Dictionaries Language Matters, available at <http://www.oxforddictionaries.com/definition/english/marriage>, accessed on 14/06/2014

² Qur'an 30: 21

³ Muhammad Ibn Isma'il, *Sahih Al Bukhari*, Kitab an Nikah Book 7, Volume 62, Hadith No. 4. See also Muslim Ibn Al-Hajjaj, *Sahih Muslim*, Kitab Al-Nikah, Book 8, Hadith No. 3233

⁴ *Wasa'il* Vol. 14, P 10. See also Muhammad Ibn Isma'il, *Sahih Al Bukhari*, Kitab an Nikah Book 7, Volume 62, Hadith No. 1 & 12

⁵ Shahzad Iqbal Sham, Some aspects of Marriage and Divorce in Muslim Family Law, 10-12 available at <http://www.pu.edu.pk/szic/journal/cu...20Divorce.pdf>, accessed on 09/06/2014

exclusion of all others during the continuance of the marriage, and for the avoidance of doubt, shall not apply with respect to the contracting marriage under Customary Law or Islamic Law."⁶

B. Divorce

Divorce according to the Oxford English Dictionary, is defined as legal dissolution of a marriage by a court or other competent body.⁷ In contrast, from the Islamic perspective, linguistically, the term divorce can be referred to as "*Talaq*", which in Arabic means freeing or undoing of a knot (*Raghib*). Technically, it can be defined as a right to dissolution of a marriage contract by any of the spouses.⁸ In Islam, divorce is not an unpopular phenomenon; several verses in the glorious Qur'an were revealed to confirm its legality, to reiterate the right to dissolution of marriage and the circumstances leading to divorce. To this end, the Almighty Allah reveals:

"So when Zaid had accomplished his desire from her (i.e. divorced her), We gave her to you in marriage so that (in future) there may be no difficulty to the believers in respect (of the marriage) of the wives of their adopted sons when the latter has no desire to keep them (i.e. they have divorced them). And Allah's command must be fulfilled."⁹

In yet another verse:

"But if you intend to replace (divorce) a wife by another and you have given one of them a *Qintar* (of gold i.e. a great amount as *mahr*) take not the least bit of it back; would you take it wrongfully without a right and (with) a manifest sin?"¹⁰

Another verse also provides: "But if they separate (by divorce), Allah will provide abundance for every one of them from His bounty. And Allah is ever All-Sufficient for all His creature's need, All-wise."¹¹ Furthermore, divorce in Islam has been considered as one of the solutions to a family problem that is constantly bedeviling the marital life of the married couples. Thus, the Almighty Allah says:

"The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness. And it is not lawful for you (men) to take back (from your wives) any of your *mahr* (bride price) which you have given them, except when both parties fear that they would be unable to keep the limits ordained by Allah (e.g to deal with each other on a fair basis). Then if you fear that they would not be able to keep the limits ordained by Allah, so do not transgress them. And whoever transgresses the limits ordained by Allah, then such are the *Zalimun* (wrongdoers)."¹²

⁶ Nigerian Law Reform Commission, the working paper on the Reform of the laws of marriage in Nigeria, Volume II, 2006, Abuja, Nigeria, at 20

⁷ Oxford Dictionaries Language Matters, available at <http://www.oxforddictionaries.com/definition/english/marriage>, accessed on 14/06/2014

⁸ Maulana Muhammadd Ali, *Divorce in Islam*, The Working Muslim Mission & Literary Trust, The Shah Jehan Mosque, Working, Surrey, England, at 1-2

⁹ Qur'an 33:37

¹⁰ Qur'an 4:20

¹¹ Qur'an 4:130

¹² Qur'an 2: 229

In a Hadith the Prophet (s.a.w.) was reported to have said: "Never did Allah allow anything more hateful to him than divorce".¹³ This implies that divorce, although it is lawful in the side of Allah, but can always be considered as a last resort.

The concept of Divorce from the Nigerian Statutes is simply defined as dissolution of marriage or outing to rest of a marriage contract. Although, the Marriage Act and Matrimonial Causes Act do not provide for a comprehensive definition of divorce, but efforts have been made by some scholars to draw inference from other provisions of the Act. For instance, in the Matrimonial Causes Act, it has been provided as Grounds for dissolution of marriage that the court can only hear the petition for dissolution of marriage if the petitioner is able to prove to the court among other things; that the respondent has committed adultery. In more detail, the Act provides:

"...The court hearing a petition for a decree of dissolution of a marriage shall hold the marriage to have broken down irretrievably if, but only if, the petitioner satisfies the court of one or more of the following facts: that since the marriage the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent."¹⁴

The word adultery has been used in the above provision as a ground for petition to dissolve a marriage contract between married couples. And it is a well established fact that the term adultery is defined as a voluntary sexual relationship between a man and a woman. This definition has been confirmed by the Oxford English Dictionary under its illustrations, where it has been cited as follows: 'she was committing adultery with a much younger one'.¹⁵ Therefore by using the word adultery, it implies that both marriage and divorce are issues related to only a male human being and a female one.

C. Kano State

Kano state is one among the 36 states of Nigeria, situated at the North Western region of the country. Topographically, Kano state is located in the tropical wet and dry climatic zone. As per the 2006 population census, Kano state has about 9, 401, 288 million population.¹⁶ It is the most populous of the 36 Nigerian states. Almost 25% of the population lives in Kano (i.e. the capital city), and 40% live in the state's central zone, comprising the city and its surrounding area. As with other states, Kano's governance system comprises the executive, legislative, judiciary and local government arms, with 44 local government areas.¹⁷ Historically, Kano is one of the original seven Hausa kingdoms (Hausa Bakwai) in what is now Northern Nigeria, which was founded around the 6th century A.D. From the religious perspective, the state is predominantly inhabited by the Muslims Hausa/Fulani ethnic group as well as some few minority tribes, who practices Islam based on Maliki Sunni school of thought. Islam was introduced to Kano more than 600 hundred years ago, that was in the 14th century.¹⁸

¹³ Sunan Abu Dawud, 13:3

¹⁴ Section 15 (2) (b) of the Matrimonial Causes Act No.18 1970

¹⁵ *Definition of Adultery in English*, available at <http://www.oxforddictionaries.com/definition/english/adultery>, accessed on 16/06/2014

¹⁶ Available at <http://www.citypopulation.de/php/nigeria-admin.php>, accessed on 15/06/2014

¹⁷ Fiona Samuels, Maja Gavrilovic, Caroline Harper and Miguel Nono-Zarazua, Food, finance and fuel: the impacts of the triple F crisis in Nigeria, with a particular focus on women and children Kano State Focus, Overseas Development Institute (ODI), October 2011, at 3

¹⁸ Greater Access to Trade Expansion (GATE) Project under the Women in Development IQC, A Study of the Cowpea Value Chain in Kano From a Pro-Poor and Gender Perspective, USAID/Nigeria, July 2008, at 9

SIGNIFICANCE OF MARRIAGE IN ISLAM

The institution of marriage is an important phenomenon in human life. It plays a vital role in protection and controlling moral decadence of people, thereby paving a way for couples to exercise their love, joy and sexual satisfaction in a manner acceptable to Shari'ah and public policy. Thus, it prevents the couples from having any extra marital or homo sexual or bisexual or transsexual affairs. To this end, the significance of marriage in Islam *inter alia* includes:

1. Protection of Human morals

Allah the Almighty has created this universe for man in which he declared man as the crown creation. It is the man who being subject to the divine law administers the affairs of the worldly system. Marriage protects people from committing immoral acts. This is possible only when a marriage is conducted and maintained within natural limits, realm and bounty of Shari'ah.¹⁹ Marriage or *nikah* as it is literally known; is the means of fulfilling the natural need and sexual desire of human beings. Only by means of marriage that it is possible to construct and protect human morals and culture. For this reason marriage has been termed as *Ihsan* in the Holy *Qur'an*. *Ihsan* means to construct a fort. Thus *nikah* is such strong fort that protects the morals of a man and a woman. The Holy *Qur'an* after describing certain prohibited degrees of women says:

"...Except for those, all others are lawful, provided ye seek (them in marriage) with gift from your property, desiring chastity not fornication..."²⁰

It is necessary for obtaining natural and mutual benefit by a man and woman that human morals are protected by means of *nikah*. Extra marital relationship is something that is rated unnatural and abnormal in Islam. It causes mischief for not only human morals but also it destabilizes human culture. Any society that is popularly known for its attitudinal cases of adultery or fornication, hardly it maintains its prestige and very survival for a long time. In fact, human lives virtually remain imbalanced in such societies.²¹

2. Establishment of a descent society

Marriage has been affirmed to be one of the means for establishing a society, i.e. from its smallest unit to the largest unit. It is a pride of the Prophet (s.a.w.) to have and associate with the huge number of followers when compared to other Prophets and their respective communities. Thus the Messenger of Allah says: "Get married so you multiply. I shall indeed be proud of your multitude on the Day of Resurrection".²² By means of marriage (*nikah*) on the one side the generation is protected and on the other side human beings fulfil their natural need in the natural way. Resultantly they perform their social responsibilities in a valid manner.²³

3. Love and affection among the spouses

One of the objectives of marriage is to create mutual love and affection between spouses. This objective can be accomplished only when they have established and formalized a kind of a legitimate relationship between them. It is evident in the *Qur'an* that the very object of creation of two opposite sexes of human beings was that they may be cause of peace and satisfaction to each other. Thus, the *Qur'an* says:

¹⁹ Shahzad Iqbal Sham, Some aspects of Marriage and Divorce in Muslim Family Law, 10-13 available at [http://www.pu.edu.pk/szic/journal/cu...20Divorce\).pdf](http://www.pu.edu.pk/szic/journal/cu...20Divorce).pdf) accessed on 09/06/2014

²⁰ *Qur'an* 4:24 Q7:198

²¹ Shahzad Iqbal Sham, Some aspects of Marriage and Divorce in Muslim Family Law, 10-13 available at [http://www.pu.edu.pk/szic/journal/cu...20Divorce\).pdf](http://www.pu.edu.pk/szic/journal/cu...20Divorce).pdf), accessed on 09/06/2014

²² Muhammad Ibn Isma'il, *Sahih Al Bukhari*, Kitab an Nikah Book 7, Volume 62, Hadith No. 3 & 4

²³ Shahzad Iqbal Sham, Some aspects of Marriage and Divorce in Muslim Family Law, 10-13 available at [http://www.pu.edu.pk/szic/journal/cu...20Divorce\).pdf](http://www.pu.edu.pk/szic/journal/cu...20Divorce).pdf), viewed on 09/06/2014

"It is He who created you from a single person, and made mate of like nature in order that he might dwell with her (in love)."²⁴

In a hadith, it was reported that the Prophet (s.a.w.) narrates that *Iblis*²⁵ deposes his troops to create mischief and disorder in the world. Each one of the devils returns with a story of his performance and narrates the same to him but *Iblis* is not satisfied with their respective performances. The moment a devil informs that he has created misunderstanding between the spouses, *Iblis* embraces him and his joy knows no bounds. This *hadith* implies that lack of love and affection among the spouses is the worst of all satanic mischief. This mischief generates many other mischiefs whereby other individuals of society are adversely affected. A dispute of two persons becomes the dispute of two families and if the solution is not found and separation takes place between the spouses the families are disconnected. Thus a domestic quarrel upsets the whole social order. Where such incidents multiply, it weakens the strength of the State. This is the reason that *Iblis* feels extremely happy when love and affection among the spouses is rooted out from their hearts.²⁶

KANO STATE GOVERNMENT INITIATIVE ON DIVORCEES AND ITS IMPACT ON THE SOCIETY

Despite the fact that divorce in Islam has been permitted, however it is condemnable, especially when there is no justification and need for it. If the relationship between husband and wife grows tensed and to the extent that it could not be controlled and tolerated, in such circumstance, a divorce could be the solution. As Islam is a religion that advocates justice, hence no one should be subjected to injustice at the detriment of another. Thus, the Prophet (s.a.w.) was reported to have said; "*La darara wala diraran* (There should be neither harming nor reciprocating harm.)"²⁷ This implies that Islam as a religion does not allow married couples to harm one another. As a result of this, the religion has made the provision of divorce. However, the permission for divorce in Islam does not rule out the existence of its negative effect that may likely affect the spouses personally, their children and the society at large. Hence it may probably result into social problems in the society. While some divorced spouses may likely delve into extra-marital affairs, their children too may turn out to be aggressive and anti-social as a result of the absence of their mothers who would have been taken care after them had the marriage continue to subsist.²⁸ It was against this backdrop that the Kano state government in Nigeria initiated a programme in order to counter the escalation of the menace. This is in line with the tenets of Islam to protect people's morals from being deteriorated. To this end, the Prophet (s.a.w.) was reported to have said: "You are all shepherds (*ra'in*) and you should all be accountable for your stewardship. Therefore, a ruler is a guardian and caretaker of his subject; man is a guardian and caretaker of his family ..."²⁹ Similarly, as Islam protects people's rights, it is at the same time respects the notion of human rights, that is why it does not want to interfere with people's private and family life. It is apt to the couples to decide who and when to marry including when to terminate the marriage.

²⁴ Qur'an, *Al-A'raf*: 189

²⁵ This is a cursed creature of Allah that was created out of fire. In some case, it is referred to "satan"

²⁶ Shahzad Iqbal Sham, Some aspects of Marriage and Divorce in Muslim Family Law, 10-13 available at [http://www.pu.edu.pk/szic/journal/cu...20Divorce\).pdf](http://www.pu.edu.pk/szic/journal/cu...20Divorce).pdf), accessed on 09/06/2014

²⁷ Jamal Ahmed Badi, *Sharh arba'een an- Nawawi: Commentary of Forty Hadith An – Nawawi*, Hadith No. 32, P 143, available at <http://fortyhadith.iiu.edu.my> accessed on 16/02/2014

²⁸ Zeena Kauther, Family System in Islam, Islam on Sexuality, Reproduction, and Family System, a paper presented at to International Conference on NGOs Seoul, Korea, 10-16 October 1999, WAMY, Riyadh Saudi Arabia, at 17-

²⁹ Muhammad Ibn Isma'il, *Sahih Al Bukhari*, 7/128

Islam is predominantly practiced in Kano state. Thus, the state happened to be one of the twelve Nigerian states that applies Shari'ah in its governance, the objectives of which is to bring sanity and moral decorum in the society. Rampant cases of divorce in Kano state and the alarming rate of social problems in the state has necessitated the government to take an expedite action in order to counter the menace. To buttress the level attained by the menace in the state, Ishaq Modibbo Kawu had this insinuation: "Before the Kano divorcees' street protest of Thursday, 22 January 2009, that he had helped prepare a package for the BBC's Network Africa programme on the problem of divorce in Kano. That was as far back as 1995."³⁰ This implies the deteriorating nature of the issue in the state before the government intervention. Similarly, Umar Ndagi, in his article titled: "A disturbing trend" (written on Saturday, 19 March, 2011), in which he lamented the terrible situation of rampant cases of divorce in Kano and the extent it has gone in causing harm to the society. Thus he said:

"A research conducted in Kano in 2008 by the Kano State Directorate of Societal Re-orientation reveals that out of every two marriages, a divorce is recorded. Indeed, another research claims that only about 32% of Marriages in Kano survive after a period of three-six months. This statistically means that about 2/3 of marriages collapse before the 180th day of brides in their matrimonial homes. Many young girls of 20-25 years of age who are divorcees in Kano are said to have gone through three marriages, at least, making it a very disturbing trend. One conservative opinion argues that there are more divorcees than weddings in Kano every week; a situation that has turned Kano into what a writer describes as a 'divorce factory'".³¹

In reaction to this, the Kano State government has initiated a programme in albeit interesting way, which is out to tackle the problem. The programme has been coordinated by the Hisbah board³² and some stakeholders in the state. Among the terms of it reference is to: assist divorcees and widows to remarry again and ensure the sustenance (follow up) of their marriage; provide job opportunities for them in order to be less dependent on their husbands; liaise with some expert and NGOs in order to ensure success of the programme; and identify the causes of rampant divorce and termination of marriages with a view to proffering the solution.³³

With regard to the first objective above, the Kano state government since its assumption of office in 2011, has announced a support for the conduct of mass wedding in favour of divorcees and widows. Many people have benefited from it. The first batch of beneficiaries rolled out in May 2012, and numbered 250 couples, while the second batch had 100 couples. As at 27th April 2013, another 1,000 couples joined in the mass weddings. Other batches are forthcoming as promised by the government. ³⁴ In marking the fourth batch of the event, 1,111 couples including divorcees, widows, spinsters who are in need, and as well as non Muslims were given

³⁰ Aliyu Bala Aliyu, of Kwankwaso's Mass Weddings: Between Mass hysteria and the Real needs of Women, available at <http://omokuwa.com/2013/09/of-kwankwasos-mass-weddings-between-mass-hysteria-and-the-real-needs-of-women-by-aliyu-bala-aliyu> accessed on 06/06/2014

³¹ See Mass Weddings: Between Mass hysteria and the Real needs of Women, available at <http://omokuwa.com/2013/09/of-kwankwasos-mass-weddings-between-mass-hysteria-and-the-real-needs-of-women-by-aliyu-bala-aliyu> accessed on 06/06/2014

³² The Hisba Board is a local Kano State police mandated by the government to check cases of indiscipline and vices among the people.

³³ Ibid

³⁴ The Citizen, Kano holds Mass Wedding for 1,000 Widows, The Nigerian Voice, available at <http://www.thenigerianvoice.com/news/112652/1/kano-holds-mass-wedding-for-1000-widows.html> accessed on 06/06/2014

out for marriage.³⁵ This kind of gesture that was equally extended to the non Muslims resident in the State (i.e. 50 slots were reserved for the Christians resident of Kano state) has shown the government readiness and seriousness to counter the challenges without any discrimination.³⁶ As it is the aim of the programme primarily to prevent social problems in the society. Hence it has nothing to do with one's religion or affiliation.

As far as the second objective is concerned (i.e. providing job opportunities for them to be less dependent on their husbands), The government realizes that in order to make the programme successful, there should be a need to support the couples morally and financially. This will prevent the unnecessary termination of marriages. There is a real need of the divorcees and widows to be financially empowered by way of grants; start up capital for petty trading, small scale businesses, cottage industry initiatives targeted at individual women or in groups, entrepreneurial risks aimed at helping them keep their body and soul together as well as those of their children. ³⁷ In line with this objective, the Kano state government from its side donated over 20 cottage industries to women cooperative groups, so as alleviate their suffering. To this end, the state commissioner for women affairs, Dr Binta Jibril, confirmed that: "the state government's empowerment programmes for women had not only helped to promote stable family units but also helped to provide multiplier effects on the gross domestic product of the state." This implies that the alleviating poverty in a state does not have impact only on the subjects but also on the government gross income. Thus, she added: "Indeed, experts have already forecast that if these and similar efforts at capacity building and empowerment are sustained, the disposable income of Kano State will surely catch up with that of Lagos state (a commercial centre of the country) in a short time." While the government has been extending its kind gesture in order to alleviate the citizen's suffering, it is at the same time using "a stick and carrots approach" to the issue. To this effect, passed some Bills related to penal repression into law, in order to reduce if not prevent social vices in the state. Thus, among such Bills is the Street Begging Bill 2013, which has been passed into law. The law prohibits children and adults from begging on the streets of Kano State and other public places.³⁸

In respect of the third objective (i.e. liaising with some expert and NGOs in order to ensure success of the programme), the State government has taken a bold steps in order to see that its dream has been actualized. Thus, the government in this regards, has been liaising with some organizations such as religious organizations, social workers organizations, women organizations and Malam Aminu Kano Teaching Hospital, to effectively achieve its aim pertaining to mass wedding of menless women. For instance, from the health perspective, the government works hand in hand with the Malam Aminu Kano Teaching Hospital to ascertain the health status of the couples before wedding could take place.³⁹ According to the Commander General of the

³⁵ Among those who attended the mass wedding were the Emir of Ningi, who represented the Sultan of Sokoto; the Emir of Kano; Sheikh Abubakar bin Salah Al-Makki of the Jam'iyyatul Birr Foundation of Saudi Arabia and Madame Ben Wahab Aichatou from the Tattalin Iyali Foundation of Niger Republic. As part of the programme,

³⁶ The Director General of the Kano State Hisba Board, Alhaji Abba Sufi, told newsmen after the wedding that the Christian couples had their weddings in various Churches across the state.

³⁷ Aliyu Bala Aliyu, of *Kwankwaso's Mass Weddings: Between Mass hysteria and the Real needs of Women*, available at <http://omokuwa.com/2013/09/of-kwankwasos-mass-weddings-between-mass-hysteria-and-the-real-needs-of-women-by-aliyu-bala-aliyu> accessed on 06/06/2014

³⁸ Nigerian Watch, *Kano State Arranges Mass Wedding for over 1000 Couples in Moral Crusade a Saturday*, 21 December 2013, available at <http://www.nigerianwatch.com/news/3435-kano-state-arranges-mass-wedding-for-over-1000-couples-in-moral-crusade> \ | "sthash.8yN6Vjsy.dpuf accessed on 09/06/2014

³⁹ NAN, *Kano Conducts Mass Wedding For 1,111 Muslims, Christians*, LEADERSHIP newspaper, December 20, 2013, available at <http://leadership.ng:8080/news/201213/kano-conducts-mass-wedding-1111-muslims-christians> accessed on 06/06/2014

Hisbah Board, Shaykh Aminu Daurawa, the government has taken the issue of health very serious in order to prevent transmission of infectious diseases such as HIV/AIDS among the couples and the society at large. Thus, thorough medical investigations are been carried out before wedding takes place. To this effect, the Hisbah Commander General confirmed that "a total of 20 prospective couples were found to be HIV positive when they underwent the mandatory medical check-ups required for the mass wedding of 1,000 divorcees and widows."⁴⁰ However, based of the government wisdom, still, marriages were conducted amongst some affected couples who suffered same diseases.⁴¹ Similarly, apart from the contributions rendered by Health organizations within the state, other organizations and wealth to do individuals in the state have also contributed their quarter for making the programme a successful one. Among such contributors is the chairman of the Amalgamated Traders Union of Nigeria, Alhaji Bature Abdul'azeez and the chairman of Kantin Kwari Market Traders Association Alhaji Liti Kulkul, both have donated N5 million to the board to help pay the brides dowries.⁴² It was also reported that the renowned Kano-based Tijjaniyyah scholar and businessman, Alhaji Isiyaka Rabi'u, and the former Governor of the Central Bank (CBN), Mallam Sanusi Lamido Sanusi, had donated N2 million and N1 million respectively. Other contributors include the politicians and some companies. It was reported that Alhaji Gambo Danpass (Dan Saran Kano and a politician), has donated 200 bundles of lace fabric to the brides. Similarly, Glo Mobile Telecommunications Company has also donated 2,000 SIM cards for distribution to the couples in order to ease communication between the couples.⁴³

Regarding the fourth objective (i.e. identifying the causes of rampant divorce and termination of marriages with a view to proffering solution), the Governor (Dr Rabi'u Musa Kwankwaso) stressed from the inception of the programme, that the initiative was set up in order to help people, strengthen the family institution and halt social crimes in the society, most of which were as a result of erosion of family values. He reiterated that his administration is determined to provide a special family orientation programme aimed at preventing and minimising the rising cases of divorce in the state in addition to evolving capacity building programmes especially for women.⁴⁴ This has been also confirmed by the Commander-General of the state hisbah, In commending the Governor's effort regarding his initiative on mass wedding of Divorcees and widows. Thus he said:

"The government introduced this plan in order to reduce marital problems in our society. When we first suggested the mass wedding plan, many people thought it would not be possible, but Alhamdulillah, we have succeeded in marrying off about 350 women in two batches with the provisions of N10,000 dowry paid by the Kano state Government on each bride on behalf of each groom, and also

⁴⁰ *20 Couples Billed for Kano Mass Wedding Test HIV Positive*, This Day live, 05 Apr 2013, available at <http://www.thisdaylive.com/articles/20-couples-billed-for-kano-mass-wedding-test-hiv-positive/144128/>, accessed on 06/06/2014

⁴¹ NAN, Kano Conducts Mass Wedding For 1,111 Muslims, Christians, LEADERSHIP newspaper, December 20, 2013, available at <http://leadership.ng:8080/news/201213/kano-conducts-mass-wedding-1111-muslims-christians> accessed on 06/06/2014

⁴² Andrew Martins, *1000 Widows, Divorcees for Mass Wedding in Kano*, SEARCH LIGHT NEWS, Thursday, 28 March 2013, available at <http://searchlightnews.com/news/1307-1000-widows-divorcees-for-mass-wedding-in-kano.html> accessed 06/06/2014

⁴³ *20 Couples Billed for Kano Mass Wedding Test HIV Positive*, This Day live, 05 Apr 2013, available at <http://www.thisdaylive.com/articles/20-couples-billed-for-kano-mass-wedding-test-hiv-positive/144128/>, accessed on 06/06/2014

⁴⁴ Nigerian Watch, *Kano State Arranges Mass Wedding for over 1000 Couples in Moral Crusade a Saturday*, 21 December 2013, available at [\| "sthash.8yN6Vjsy.dpuf">http://www.nigerianwatch.com/news/3435-kano-state-arranges-mass-wedding-for-over-1000-couples-in-moral-crusade" \| "sthash.8yN6Vjsy.dpuf](http://www.nigerianwatch.com/news/3435-kano-state-arranges-mass-wedding-for-over-1000-couples-in-moral-crusade) accessed on 09/06/2014

household utensils and furniture worth a hundred thousand and additional N20,000 each for economic empowerment of 1000 brides, cumulatively N20 million as capital to start businesses."⁴⁵

The Commander- General added that a workshop would equally be organized for prospective couples to lecture them on the benefits of successful matrimony based on Islamic guidance, as well as to organize skills acquisition training for them to be self-dependents.⁴⁶ All these incentives are provided by the government free of charge. However, the only thing required by the groom is just to sign an undertaking that he will not divorce his wife without making recourse to the board. Hence, for any contravention to the agreement, will attract a N50, 000 fine. Such measure according to the hisbah Commander was taken in order to checkmate the rising cases of divorce in the state. In briefing the couples he emphasised:

"We cannot fold our arms and watch our heritage destroyed. What we have done remains the best in the light of several cases of divorce among couples in the state, to halt the destruction and bastardization of our heritage,"⁴⁷

CONCLUSION

There is no gainsaying that Islam has given both husband and wife the right to terminate their relationship whenever it is necessary, as it has been given to them *ab initio* when entering into the marriage contract. However, in Islam, the right to dissolution of marriage has been reluctantly given to spouses with caution, due to the fact that it has a negative effect on spouses themselves, their families and the society at large. Although divorce is a means of bringing to an end of a terrible relationship between two couples, but rampant cases of divorce causes more harm than good in the society. It paves a way for social problems in the society such as prostitution; child abuse/child labor; tendency of crimes by teenagers who have been brought up from broken homes; and moral decadence of the society in general. The bold steps and courage taken by the Kano state government to counter this menace in recent times is indeed a welcome development. The government has initiated a policy for conducting mass wedding in favor of menless women in the state. Not only that, it has also provided job opportunities for such women in order to curb and prevent the future occurrence of the problem, which is believed to have been emanated from lack of job opportunities, poverty and too much dependency of wives on their husbands. Meanwhile, in the course of executing such initiative by the government, many experts, NGOs and other agencies of government have been collaborated with. This is to make the whole process practicable and viable. In view of this therefore, other states in Nigeria and beyond, which have a similar case as Kano state, should learn and emulate from it for the benefit of their communities. In addition, the Kano state government should intensify its efforts further, to ensure the continuity of the programs through initiating other policies that can sustain the programme, such as enhancement of girl-child education in the state. As it is the best way to build and stable the community. Thus, the Prophet Muhammad (s,a,w,) was reported to have said that educating a female is same as educating the entire community or nation.

⁴⁵ Kano pays N10,000 Dowry on each bride at Mass Wedding, Vanguard, May 16, 2012, available at <http://www.vanguardngr.com/2012/05/kano-pays-n10000-dowry-on-each-bride-at-mass-wedding/>, accessed on 06/06/2014

⁴⁶ Ibid

⁴⁷ Kano Mass Weddings: 35 Women Disqualified Over HIV+ And Pregnancy, 1,111 Wedded (SNAPSHOT), The Trent Nigerian Internet Newspaper, available at <http://www.thetrentonline.com/kano-mass-weddings-35-women-disqualified-over-hiv-and-pregnancy-1111-wedded-snapshot/>, accessed on 06/06/2014

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