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# Sexuality and the Marriage Institution In Islam: An Appraisal

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## **Introduction**

This paper examines the concept of sexuality within the institution of marriage. It begins with a definition of the key terms that feature in the discourse. It emphasizes the considerable impact of religious teachings on sexuality and how these shape sexual and reproductive health in Muslim communities. Focusing mainly on the predominantly Hausa-Fulani community, the paper highlights the prevalent practice of mixing or substitution of Islamic precepts with cultural norms which has led to erosion of Muslim women's rights as granted under the Sharia. Two factors are identified as causal factors : poverty of knowledge and resources. This is manifested in ignorance of the comprehensive rights of women under the sharia and where such knowledge is not lacking, poverty is a constraint to the granting of these rights. Other factors such as male domination of the knowledge sphere within Muslim society has entrenched male interpretation of women's rights and responsibilities within marriage and in other spheres.

The paper highlights the ideal in gender relations within the marriage institution in Islam and compares this with the reality in Muslim societies. The verdict is that a huge gap exists between the sharia provisions on women's rights and what exists in practice. Strategies being undertaken to combat gender imbalance which militates against reproductive and sexual health and well being in these Muslim communities are discussed. The paper ends with some recommendations.

## **Understanding Sexuality**

Sexuality is a comprehensive term that translates into the sum total of a person's well-being and humanity. An understanding of one's sexuality is an all-encompassing process. Sexuality education is defined as a "life long process of acquiring information and forming attitudes, beliefs and values about identity, relationships and intimacy. It encompasses sexual development, reproductive health, interpersonal relationships, affection, body language and gender roles. Sexuality education addresses the biological, socio-cultural, psychological and spiritual dimensions of sexuality (SIECUS 2003).

Religion is a visible thread that runs through many traditional and contemporary societies. However Islam, more than many other religions, has a more visible and palpable impact on the lives of its adherents. Islam is defined not only as a religion with laws guiding values, rituals, human transactions and morals but as a way of life. There are regulations guiding politics, economy and culture and even toilet habits and conjugal relations among couples. Islam provides all the information required to design a comprehensive sexuality education for all its adherents from the cradle to the grave irrespective of their race or culture. Indeed, Islam is the culture Muslims are supposed to live and espouse.

### **Family Life Education**

In some Muslim communities the term “sexuality education” has been misunderstood and often interpreted to mean a subject that promotes moral aridity and permissiveness among young people by providing them with information that triggers their curiosity and fuels the desire to experiment with premarital sex. The predominantly Muslim community in Northern states of Nigeria resisted using this term and as a substitute adopted Family Life Education (FLE).

According to Muruiki (79:3) Family Life Education as a subject aims at helping young people to understand the physical, emotional and social factors which influence the development of sexual maturity. It helps young people to appreciate the importance of responsible living and decision making and to understand human relationships and family roles. This type of education begins with the children’s first curiosity about themselves and where they come from and continues to the time when these children grow up to become parents, and start answering similar questions from their own children.

### **Marriage In Islam**

Marriage (*nikah*) in Islam is the union of a man and a woman. It is a religious responsibility to be undertaken by those who are ready to live according to rules guiding the institution. The sharia is drawn from the Quran and hadith. These two sources of Islamic law refer to marriage as half of one’s faith. Marriage is traced to the creation of Adam (Alaihi Salaam) and the creation of Hauwa (Eve) as his companion. The Quran states:

*And one of Allah’s signs is that He creates for you mates from yourselves, that you may dwell in tranquility with them, and has ordained between you love and mercy Al-Rum (Sura 30:21).*

*And Allah has made for you mates from yourselves and made for you out of them, children and grandchildren. Al Nahr sura 16:72.*

From this union of love, the husband and wife are supposed to live in peace, procreate and nurture children who will continue the human race and development of the society. The union of the man and his wife is traced to a common origin of equality because both are created from a single soul. The Quran states:

*It is He who created you from a single soul (nafs) and therefrom did he make his mate, that he might dwell in tranquility with her” Al A’raf sura 7:189.*

It is obvious from these verses of the Quran that the Islamic marriage is based on the need to achieve and maintain tranquility in society. Thus the family, which comes into being, as a result of this marriage is the basic foundation of society. Although, marriage is strongly enjoined and celibacy is discouraged, those who are not ready to undertake this solemn covenant and the responsibilities attached to it should postpone it. Marriage is viewed “as a means of emotional and sexual gratification, as a mechanism of tension reduction, legitimate procreation and social placement; as an approach to interfamily alliance and group solidarity” Abdal ‘ati (1982:54).

Palanpuri (n.d) describes *nikah* (marriage) as a “beautiful institution which makes the solitary lives of two people a partnership in a garden of *jannah*... it stabilises society and guarantees well-being for the community.”

Said (2002) emphasizes the need for a marriage to be based on moral consciousness because only then can the family that develops from such a union become a training ground for production of morally minded members of the society that become the channel for transmission of meaningful cultural and religious heritage.

### **Sexuality Education In Islam**

Given the pivotal position of marriage in Islam, it is pertinent to examine sexuality education in Islam and how these teachings shape the behaviour of partners in a marriage. In doing so, it is important to note that a hotch-potch of cultures have been infused into societies that are predominantly Islamic in different parts of the world. Practices emanating from these cultures are often mistaken for Islamic injunctions. The predominantly Muslim Northern Nigeria will be used as a case study for assessing the impact of Islamic teachings on the behaviour of partners within the institution of marriage.

The choice of these Northern states is particularly important because of the declaration by the governments of twelve out of the nineteen northern states to expand the scope of sharia law to cover both criminal and civil cases and also use it to reform all aspects of life. Hitherto, sharia in the judicial system had been reduced to the areas of personal law, mainly marriage and inheritance.

### **Adab-al-Islam**

Sexuality education in Islam begins from the home and through the process of *tarbiyya* the proper Islamic upbringing of children. It is mainly the transmission of morals and manners also called *Adab*. Adab thus consist of Islamic habit, etiquette, a manner of people who are role models, rules and regulations that transmit morals, and regulate the conduct of personal and social relations. Often there is no textbook for this. However, parents and guardians, particularly women who are the first teachers and nurturers of children, begin with teaching children appropriate speech, Islamic greetings of *salaam*, ablution, prayers and expression of gratitude to Allah, obedience to parents, honesty, kindness and cleanliness at the nursery level. Muslim children are sent to *madrassah* Islamic schools early, often when they begin to talk. There they memorize verses of the qur'an, a basic requirement that prepares them for performance of ritual prayers from age seven or eight. What children learn at home is also reinforced at this stage.

### **Fiqh as Sexuality Education**

Fiqh is the law of Islamic jurisprudence. As children grow, home based Adab-al-Islam does not change but it is expanded to include its more complex variant which meets the need of children at around age seven or eight. At this stage, Islamic Religious Knowledge (IRK) taught in schools offers a comprehensive introduction for primary pupils and later

for secondary and tertiary levels. The basic content of *fiqh* would include the five pillars of Islam and how to perform them:

- How to perform Ablution,
- *Ghusl* – ritual bath performed before prayers and after sexual intercourse.
- Prayers
- Fasting
- Zakat
- Hajj
- Puberty and the changes that take place in the body.
- Marriage and divorce.
- Childbirth, basic hygiene and breastfeeding.
- Muamalat (Human transactions and
- Tahdib (Moral Education).

The classical *fiqh* sources from which numerous textbooks have been developed are Al Muwatta by Imam Malik, Sahih Bukhari by Imam Bukhari and Sahih Muslim by Imam Muslim. For the topic of our discourse, *fiqh* teachings will be limited to those that deal with growing up and marriage.

### **Growing Up as a “Rite of Passage”**

The process of growing up and puberty – is taught in *fiqh* to enable young people understand the changes in the body and because certain religious responsibilities are attached to it. This constitutes a routine aspect that is taught to all Muslim children at Islamiyyah schools long before they understand the necessity for such knowledge. *Kitabul salat*, a component of *fiqh* begins, with how to perform ablution. This is taught to prepare children for the five daily prayers from age seven or eight and it becomes binding on children by age 10. Pupils are also taught what vitiates ablution, how to clean themselves after using the toilet, what happens as boys and girls attain the age of puberty. Signs of maturity in *fiqh* are breaking of the voice and wet dreams for boys and menstruation for girls. Boys and girls are taught how to perform *ghusl*, the ritual bath performed before prayers when they have wet dreams, sexual intercourse, menstruation or childbirth. They are taught what constitutes sexual intercourse, the value of chastity and abstinence from sex until one is married. The strong prohibition against fornication and adultery *zina* and the punishment for these, basic hygiene, breastfeeding and its duration are also taught.

The component on fasting *kitabul saum* teaches how to observe the compulsory fast, those on whom the fast is binding and those who are exempted, what vitiates fasting and the extra acts of *ibadah* (worship) encouraged during the month of Ramadan, the fasting period.

Under *kitabun Nikah*, pupils are taught the values of marriage, the guidelines for contracting a valid marriage and its dissolution – an act which is permissible but strongly discouraged. An important component that is supposed to be taught under *fiqh* but which is often missing is the rights of the husband and wife under the institution of marriage. This is left for *tafsir* lessons when teachers undertake translations of the Quran and commentary. The major chapters in the Quran that address these are suratul Talaq, suratul

Baqarah, suratul Nisa and suratul Nur although various injunctions on marital rights and obligations are also mentioned in several chapters.

Given the importance attached to marriage in Islam, it is necessary for those aspiring to get married to know their rights and duties under the institution. Knowledge of these rights shapes people's expectations and prepares them emotionally and mentally for the relationship.

### **Rights of Women in an Islamic Marriage**

Long before other civilizations resolved the issue of whether or not women had souls or should be entitled to basic human rights, Islam gave rights and freedoms that were considered revolutionary to women more than one thousand four hundred years ago. (FOMWAN 2002). The Qur'an states:

*Women have the same rights as men.* Baqarah 2:228 and the hadith emphasized this: *O people it is true that you have certain rights with regard to your women, but they also have rights over you* (Last sermon of Prophet Muhammad (SAW)).

#### *The right to Education*

The Muslim woman has a right to education, as the search for knowledge is enjoined on both men and women as a religious duty. This is very important because without knowledge, the act of worship is deficient and likewise the ability to contribute to family and societal development. Parents are responsible for their children's education. The husband is supposed to teach his wife or provide for her to be taught.

#### *The Right to Choose a Husband*

The Muslim woman has a right to choose her husband whether she is a virgin, a divorcee or a widow. For the virgin who is often a young girl, parental guidance in the choice of a husband is recommended but her consent is necessary. A hadith related by Ibn Abass shows that a young girl once complained to the prophet (SAW) that her father gave her in marriage to a man she did not like. The Prophet gave her the option of dissolving the marriage. The Maliki school of Islamic Jurisprudence allows the father to give his daughter out in marriage under certain conditions, to protect the interest of the girl.

#### *Right to Humane Treatment*

The Qur'an as quoted earlier enjoins love, humane treatment and mercy for the wife. *Live with them (women), on a footing of kindness and equity. AINisa 4:19.*

#### *Marriage Contract*

A wife has the right to make stipulations in her marriage contract, which will safeguard her interest provided such requirements are lawful within the shariah. An example may be the right to work outside the home.

#### *The Right to Retain Identity*

The Muslim woman is recognized as a person in her own right who can enter into a legally binding contract. She retains her identity on marriage and retains her father's name. Role models in Islamic history such as Aisha bint Abubakar, the Prophet's wife

and Nana Asmau and the daughter of Sheikh Usman Dan Fodio retained their fathers' names.

### **Economic Rights**

*The right to own property* : Women in Islam have the right to own property and other moveable or immovable assets and dispose of these as and when they wish.

*Right to a mahr marriage gift*: One of the conditions for making a marriage valid is the *mahr* marriage gift, which the husband gives to his wife. The Qur'an states: (*And give women (on marriage) their dower as a fine gift.*) Surah Al\_Nisa 4:24. The mahr could be money or any asset and it is for the exclusive benefit of the wife and not her family. It is her right to use or dispose of it as she deems fit. Other conditions for a valid marriage are consent of the partners, and witnesses from both. It is recommended that a marriage is accompanied by publicity and modest feast *Walima*.

#### *The Right to Work Outside the Home*

The primary responsibility of the Muslim women if she has children is to ensure that she gives them proper upbringing – *tarbiyyah* – and makes her home an abode of peace and comfort. She also has the right to work outside the home if this will not affect her primary responsibility. Asmau the daughter of the first Khalifa Abubakar worked outside the home as did many women in Madina. The Caliph Umar appointed Shaffa'a bint Abdullah bin Abd shams as a supervisor and administrator of the market in Madina (the equivalent of a minister in contemporary times).

#### *The Right to Undertake Economic Activity*

The Muslim woman has the right to undertake economic activities. The Prophet's (SAW) first wife Khadijah was a wealthy business woman. Madina also had Muslim women merchants. Among them is Quaillah Umm Bani Atmara.

### **Legal Rights**

#### *Right to Maintenance*

The Muslim woman is entitled to maintenance from her husband. This includes provision of shelter, feeding, clothing, education and security no matter how wealthy she may be. If however, the wife contributes financially or by other means to the maintenance of the family, it is considered as an act of charity which will earn her reward, from Allah.

#### *Right to Fair Treatment Under Polygamy*

Islam allows a man to marry more than one wife but only if he is able to do justice between them. For those who cannot, they are enjoined to marry only one. Polygamy is the exception rather than the rule. The Quran makes justice a pre-requisite for polygamy. The Prophet said: *whosoever has two wives and does not deal equitably between them shall come on the day of resurrection with half of his body paralysed.* (Abu Hurayrah).

The Quran also states:

*You are never able to be fair and just as between two women even if it is your ardent desire. But turn not away from (a woman) altogether, so as not to leave her (as it were)*

*hanging in the air. If you come to a friendly understanding, and practice self restraint, God is forgiving, most merciful*

### **Political Rights**

#### *The Right to Participate in Governance*

The Muslim woman has a right to vote and be voted for, to hold and express political opinions in public and private.

#### *Right to Consultation*

The Muslim woman has the right to participate in decision-making at the household level as a mother, wife, sister and in the larger society as a citizen and member of the community.

### **The Responsibility of Women Under Shariah**

The responsibilities of the wife include showing respect for the husband who is the head of the household, religious and moral upbringing of children, creating a peaceful and conducive home environment, managing family resources, advising the husband, cooperating with him, protecting his interests and maintaining her chastity. Her responsibilities to society include enjoining good and preventing evil. The Quran states:

*“Let there arise out of you a group of people inviting to all that is good, enjoining what is right and forbidding what is wrong. They are the ones to attain felicity. Al Imran:3:104.*

The Muslim woman has the responsibility to render service to her community in whatever way she can. *“The best of mankind is he who brings benefit to others”*. (Hadith). Community service could range from planting a tree, sinking a well, removing harmful things on the road, to undertaking more complex projects such as offering teaching and other services, building schools, mosques, hospitals etc.

Women in the Madina society contributed financially and in other ways to community projects. Among them was Aisha, the Prophet’s wife who was a teacher of men and women. (Siddique 1986:72)

Given this comprehensive package of rights Islam gives to women, the foundation for a just and equitable society, and a partnership of love with the husband have been laid. However, there is a huge gap between what exists as rights of Muslim women under the sharia and the way they are treated in Muslim societies. It is indeed a paradox that a religion that set revolutionary parameters for the liberation of women over one thousand four hundred years ago is today identified as a source of the oppression of women.

According to Al Mahdi “in the eyes of some, Islam is associated with abuse of human rights, oppression of minorities, discrimination against women, ready resort to violence and so on; portraying a veritable chamber of horrors.” (Al-Mahdi 2000).

Since the laws that created a new social order in Madina have not changed, it is obvious that their application in our society is flawed. What are these flaws and how have they



influenced the lives of people within the institution of marriage? What are the implications for reproductive and sexual rights and general well-being of Muslims?

### **Women's Rights and Sharia Implementation: A Case Study of Northern Nigeria**

Hausa-Fulani culture predominates in the majority of the twelve sharia- implementing states of northern Nigeria and certain aspects of the culture are observed alongside the Islamic one. Often these are even presumed to be "Islamic" thus creating a confusion among the less discerning about when sharia is being implemented and when it is laced with cultural practices. It will be appropriate to assess implementation of the sharia in relation to the rights granted to the Muslim woman.

#### *Denial of Women Their Right to Education*

Although Islam makes acquisition of knowledge a compulsory religious obligation for boys and girls, the practice is to deny girl-children their right to education. This is reflected in the following practices:

- Refusal to enroll girl-children into formal schools.
- Withdrawal of girl-children to marry them off before completion of their education.
- Sending girl-children to hawk *talla* in order to generate income that will be used to buy *kayan daki*, the furniture and other utensils the girl takes to her husband's house.
- Preference for male children. Among poor families where resources for the education of all the children are scarce, girls are withdrawn from school and preference is given to the education of boys. The reason often given is that investing in girls yields lower dividend, girls will marry and join another family while the boys will be income earners who will carry on the family name.

All these practices, particularly the denial of education, fuel ignorance, poverty, inability to understand that they have rights and low self-esteem among women. Lack of education also makes women the repositories of superstition, and ready tools for exploitation and manipulation by men even within the institution of marriage.

#### *Danfodio's Criticism*

Sheikh Usman Danfodio, the 19<sup>th</sup> Century Islamic reformer and founder of the Sokoto Caliphate criticized Hausa men for exploiting and denying women their right to education. In his book the Nurul Albabi the sheikh states:

*What the ulama (teachers) of this land are doing in leaving wives, daughters and servants neglected in the way of their beliefs and rules of their ablutions, and their prayers and their fasting and other things whose learning God has made compulsory for them is a great error. They have the (women) as a dish which they use until it is broken and then throw it away in a dustbin or an unclean place". Hausa men have not heeded, the Sheikh's exhortation.*

### **Early and Forced Marriage**

It is still common particularly among young uneducated rural girls for parents who desire material benefits, to marry them off to husbands they do not love. Although Islam allows the marriage of minors, the recommended practice is to ensure that it is not against the interest of the minor and the marriage is not consummated until the girls mature. Consent of the girls is to be sought.

Urbanisation and education is changing this. Adolescents constitute 42 percent of Nigeria's population of 120 million. Early sexual activity, marriage and child bearing militate against the education and career of these youth; expose them to health risks such as Vesico Vaginal Fistula (VVF), sexually transmitted infections STI's including HIV/AIDS.

Although, teenage marriage and early child-bearing is the tradition among the Hausa and Fulani, adolescent pregnancy has its risks. Experts posit that the young girl who is not fully physically and emotionally developed is at greater risk of developing complications during pregnancy and childbirth than a woman of 20 or 24 years. The majority of the VVF cases 70 percent of 200,000 patients are in the Northern states (Stolz and "Faure 1997). VVF health centres for the repair of fistulae and rehabilitation of patients are sited in Sokoto, Kano, Katsina and Jos. Early marriage has health implications such as obstructed labour and delay in seeking quality obstetric care could lead to trauma, VVF and other complications.

The maternal mortality and morbidity rates are highest in the Northern states making the national average of 800 deaths per 100,000 total births, one of the highest even in the Third World. In Kano, a recent study shows shocking increase in maternal mortality, the figures recorded at three hospitals is 3,974, <sup>1</sup>maternal deaths per 100,000 live births!! (Okonofua, Amo-Aghoja, Nahgwa: 2005).

### **Exploitation and Abuse of Wives**

Although sharia enjoins kindness to wives, their abuse and exploitation is widespread in both urban and rural areas. The implementation of Structural Adjustment Programmes (SAPs) has increased the poverty level in Nigeria. Due to the current economic hardship being experienced by many, husbands are increasingly finding it difficult to provide the basic needs of their families. Yet some men who are poor still marry more wives, believing that it is a panacea for relieving their poverty.

The result is that wives are clustered in ramshackle, crowded homes. They are deprived of basic necessities such as adequate nutrition, clothing and healthcare and are left to fend for themselves by either engaging in income generation activities or sending children to hawk *talla*. In addition to eking out a living, they undertake heavy domestic chores such as laundry, cooking, drawing water from wells, and gathering firewood. In some

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<sup>1</sup> *The hospitals are Wudil General Hospital, Aminu Kano Teaching Hospital and Murtala Muhammed Specialist Hospital*

communities they also engage in agricultural activities on the farms, such as planting, weeding and harvesting. (Abantu 2005).

This overburdened and malnourished wife is also expected to manage pregnancies and rear healthy children. The health and social implications of all these are obvious. Young girls who are sent out to hawk *talla* are exposed to sexual abuse through overtures by men who pose as buyers of their wares. Children reared in such situations of deprivation are often malnourished and stunted in their development. Indeed, VVF has been linked to low socio-economic status of the patients.

### **Exclusion from Decision-Making**

These deprived and oppressed women in spite of their contributions to sustaining the family are excluded from household level decision-making. They are also powerless even in taking critical decisions that affect their health, including when and whether they should attend ante-natal clinic. NDHS (2003) shows that half of the women in the North do not attend ante natal clinics: 47 percent for mothers in Northeast and 59 percent for the Northwest. It is common among the Hausa for women to have babies delivered at home without qualified health attendants. The NDHS 2003 shows that about 82 percent and 89 percent of women in the Northeast and Northwest respectively had deliveries at home in the past five years. Traditional birth attendants TBAs are often consulted and the *gishiri cuts* (local episiotomies) they perform on women to ease delivery could result in VVF.

For some women, the cost of healthcare delivery, the distance from the health facility and attitude of healthcare personnel serve as a disincentive to seeking medical attention. (A. Adamu:1996, Ejembi: 1997)

### **Seclusion of Women**

The practice of *kulle* purdah which totally confines women to their homes and prevents them from going out even for their urgent and lawful needs has no basis in the sharia. This has been linked to a cultural preference and “a convenient way for Northern Muslim men who think the practice enables them to conform to required modesty expected in a Muslim society” (Adamu, Ahmad and Sada: 2005). “Many women who observe *kulle* would not attend ante-natal clinic and when they do, such attendance might be delayed. According to Shehu (1992) “Delay in seeking hospital care has far-reaching consequences on women’s health in Northern Muslim societies. It has been implicated as an important cause of high maternal mortality and morbidity rate”.

### **Socio-cultural Practices**

Under the sharia, parents, particularly mothers, are supposed to be the first teachers of their children. However, certain socio-cultural practices among the Hausa and Fulani hamper communication between parents and their children. One of these is the practice of *kunya* whereby mothers develop an avoidance relationship with the first child and some parents extend this to the second. The *kunya* observing mother refrains from calling the child by its name or showing it affection. In extreme cases they do not even talk to the

child. Likewise children are discouraged from asking even innocent questions about sexuality because parents shut them up.

Although, adolescent marriages are common among the Hausa and Fulani, the pregnant adolescent is expected to observe *kunya* modesty and refrain from discussing her pregnancy, especially the first one. With the onset of labour, the adolescent mother-to-be is supposed to observe *kunya*, exhibit bravery and endure pain silently *dauriya*. It is considered shameful among the Hausa and Fulani for women to cry, shout or express pain during labour (*nakuda*) and child birth (*haihuwa*).

In the *kunya* observing society, these adolescents are forced to rely on their peers for information, which is often inaccurate and misleading. Although the practice of harmful *kunya* is gradually being eroded, its existence still warrants considerable attention because it affects attitudes and behaviour to issues of sexuality.

### **Family Planning or Child Spacing**

The sharia recommends spacing of birth through the Quranic injunction of two years of breastfeeding and weaning. It states:

*Mothers shall suckle their children for two years if they wish to complete breastfeeding.* Al-Baqara 2:233 “*and his weaning is in two years.* (Luqman 31:34).

The hadith also recommends *azl*, coitus interruptus. In spite of these, many couples among the Hausa and Fulani do not plan their families. Women begin childbearing quite early, births are poorly spaced and it is common for women in polygamous marriages to complete with co-wives in reproduction by having as many children as possible. Within such families, children are seen as a security that will stabilize a marriage and also as means of getting more shares of the inheritance. Islamic law allocates a specific share to each child. It is common for some women to have ten or more children. Some husbands also object to any attempt by women to plan their family.

Poorly spaced birth has health risks particularly in communities where health services are inadequate. Concerned about the need to enlighten Muslim women about their reproductive health, the Federation of Muslim Women’s Associations in Nigeria FOMWAN, at its first annual conference in 1986 deliberated on Islam and family planning and resolved as follows:

“the family planning allowed in Islam is geared towards child spacing to promote the mother’s health and not the prohibition of childbirth out of fear of poverty. In addition, all methods that are harmful to the body are prohibited. While sterilization, harmful oral contraceptives and injectibles are prohibited, the condom is recommended as much as coitus interruptus which is the *azl* recommended by the shariah. Family planning is also a decision to be jointly taken by the married couple” (Yusuf, 1995, 2005).

According to scholars (Omran, 1992:26) “All Muslim couples at all times and places are advised to space their children since breast-feeding is recommended by the Qur’an, while pregnancy during the lactation period is discouraged by the Prophet” (PBUH). In line

with this, in the traditional Hausa Fulani society, breastfeeding is encouraged and poorly spaced pregnancy is prevented through the practice of sending the wife to her parent's home to give birth *goyon-ciki*. There, she is also supposed to get adequate attention and learn how to look after the baby. A poorly spaced birth *kwanika* is also discouraged.

To prevent *kwanika* the traditional child spacing methods used among the Hausa and Fulani women are Quranic verses written out on wooden slate and washed for drinking *rubutu* or written on a piece of paper and covered with leather and worn round the waist *guru* or made into an amulet *laya* and pinned to the head.

### **Conjugal Rights**

The husband and wife are supposed to provide sexual fulfilment to each other. Older women prepare young brides for fulfilling this role. During the wedding ceremony the bride and her friends are decorated with henna - *kunshi* - and given *tukudi* a drink made from herbs, dates, flower pollen, millet flour, yoghurt and sugar. Indeed, part of the bridal presents sent by the husband's family to the bride's family include bowls of henna *lalle*, millet and sugar for preparing *tukudi*. *Tukudi* is supposed to stimulate the desire of the bride.

Older women also use traditional aphrodisiacs *maganin mata* to enhance their performance. Different brands such as *yaji*, *Hakin maye*, *stimi* etc are hawked by women traders. Sokoto State in Nigeria and Niger Republic are known for stocking the most popular brands. Some men also buy these products for their wives. For male clients, a herb *gaggai* is mixed with spices *yaji* and used for meat and chicken dishes. Some meat *tsire* sellers and tea hawkers *mai shayi* provide this to male clients when they ask for them.

The health implications of these have not been ascertained because research has not been conducted.

### **Gender Roles in a Sharia Society**

In Hausa and Fulani culture, most careers are open to women and men depending on their talents. Certain strenuous work is reserved for men such as logging *faskare*, sinking wells *hakan rijiya*, truck pushing *turin Kura* etc. Islam also prohibits certain occupations for women to strengthen the society's moral fabric. Such occupations include strip-teasing, dancing, bar tending and all occupations that exploit and dehumanise women. Sharia recommends that boys and girls should be given the same opportunities in education, care and attention to actualise their full potentials without gender discrimination.

Husbands are enjoined to help their wives with effective parenting which is a dual responsibility of the mother and father. Although it is the responsibility of the mother to give birth and nurture the baby, it is the father's responsibility to provide for all the needs of the family as his income permits. Such needs include the father paying the mother to breastfeed her own baby; giving wives cooked food or employing servants to assist because it is not compulsory for the wife to cook. However, if the wife does it

voluntarily, she will be rewarded for an act of charity and for contributing to the development of the family and the community.

Yet, there have been cases of husbands divorcing wives for not cooking or doing household chores. Some men even tell their wives that doing these is the means to their salvation. Indeed, a popular Hausa poetry, *mai kwanciyar tsakar daki* which was promoted as a religious injunction and taught to women in the traditional society reinforce this belief.

From the foregoing, it is clear that in sharia, there is nothing like double workload or over-burdened mothers and overburdened working wives. However, an examination of the gender roles in Hausa and Fulani society reveal the yawning gap between theory and practice that cannot be wished away. To what should this be attributed?

### **Pervasive Ignorance**

According to the sharia, the husband who is the head of the family is the maintainer, protector and role model for the family. The wife is the nucleus around which the family is nurtured and sustained. Pervasive ignorance of the responsibilities of the couple to each other and the role of the parents in the *tarbiyah*, upbringing and socialization in Hausa and Fulani society is responsible for the violations of children and women's rights. If the man who is the head of the household lacks knowledge and the wife is no better, a very poor foundation is laid for family life.

### **Almajirci**

In the predominantly Muslim states of Northern Nigeria, and particularly among the Hausa and Fulani, *almajirci*, the practice of sending boy children of between ages 6 and 15 to urban areas away from home to learn the Quran under the tutelage of a Qur'anic teacher, *malam*, is widespread. While in the cities, these minors are left to fend for themselves by begging and doing menial jobs. Deprived, malnourished and living in squalor, the *almajirai* spend more time out of school abandoning their studies to eke out a living and sometimes giving some the proceeds to the *malam*. (Sule Kano 1992). This neglect constitutes child abuse.

The Traditional Quranic School (TQS) curriculum also concentrates on Quranic recitation and memorization and does not include comprehensive *fiqh* lessons. These schools do not equip their *almajirai* graduates with the sexuality education and skills they need to live the healthy and balanced lives that the sharia demands of them. Deprived and alienated, the *almajirai* fuel the army of hungry and unemployed youths in urban areas who are often used as the cannon fodder for social unrest. (NIPSS research 1994).

### **Misinterpretation of Sharia**

These poorly educated youths grow up to become adults who are ill-equipped to carry out their responsibilities as husbands and parents. Some of them, particularly in the rural areas become teachers and preachers who due to their low level of education mix Islamic injunctions with cultural practices. This leads to criminal neglect of sharia injunctions on educating women, devaluation of their worth and blatant exploitation of women's

ignorant status. This contradicts the hadith, which states: “*Paradise lies at the feet of mothers*”. They tell women that the key to their salvation and paradise lies with their husbands. These category of preachers never stress the fact that an ignorant husband who violates the rights of women and children retards society’s progress. The sharia also makes it clear that every individual is responsible for his or her salvation and the path to it is through knowledge that will enable him or her to live the sharia compliant life.

Before a marriage is consummated, sharia requires a husband to assess his wife’s knowledge of *fiqh* but an ignorant husband cannot fulfil this role.

### **Abuse of the Divorce Clause**

The sharia allows divorce only in cases where a marriage has collapsed and cannot be salvaged. Among all the things sharia permits, divorce is frowned upon. However, the divorce rate in sharia states is high and this is scandalous. Women are married and divorced at will for trivial reasons. Some husbands abandon wives who are no longer attractive to them by denying them conjugal relations, a practice known as *jingina*. Such wives are even recognized as the least loved by the husband *bora* while the favourite is known as the *mowa* or *maifada* aji (the one whose word is law). This is against the sharia which stipulates humane and equal treatment of wives. Women often suffer this ill treatment in silence particularly in polygamous households where they fear being ridiculed by co-wives. Others tolerate it because they want to remain in the house to look after their children or are ignorant of the fact that lack of sexual satisfaction in marriage is a valid ground for seeking divorce.

Among Hausa men, another means of misusing the divorce clause is *saki uku*. It is also common for husbands to divorce women through pronouncing the divorce three times *saki uku* to make reconciliation impossible and the divorce irrevocable.

The sharia condemns this practice as – *bidia* - harmful innovation. A woman so divorced is not entitled to all the post-divorce entitlements such as staying in the matrimonial home for the three months (*iddah*) waiting period, provision for maintenance and custody of her young children.

### **Materialism and Exploitation**

Materialism has also crept into marriage considerations with men and women marrying for material benefits. Women would readily marry wealthy men even if they are known for their notoriety in divorcing women at will *masu auri saki*. The only attraction in such marriages *auren jari* is to get some money which can be used as capital that will enable them to begin or expand their trading activities. Another category of women make marriage a seasonal affair to be contracted just before Ramadan to enable them reap the blessings of the holy month.

Some of them leave after Ramadan when they would have collected *kayan lefe*, clothes the husband buys for the wife before marriage often presented in suitcases, *sadaki*; money or any asset given as *mahr* marriage gift which is for the exclusive use of the wife. Others also demand for *kayan sallah* or *zanin tashin asuba* clothes bought for the wife to wear during eid-el-fitri, the festival that marks the end of Ramadan and clothes given by

husbands during the month of Ramadan in appreciation of the sacrifice of the wife who wakes up to prepare *sahur*, the pre-dawn breakfast for the family.

### **Frequency of Divorce and Its health Implications**

The prevalence of divorce and the ease with which divorcees re-marry in Hausa and Fulani society have serious health implications for the sexual and reproductive health of couples and the well being of the community. Under the sharia, a Muslim has the responsibility to maintain good health, remain chaste and faithful to one's spouse and avoid contacting diseases. With the high rate of HIV/AIDS and other sexually transmitted diseases (STDs), those who marry without pre-marital counselling to ascertain their HIV status, run the risk of getting infected and also infecting others.

Thus the practice of polygamy, high divorce rates and re-marriage provides a conducive environment for the spread of HIV/AIDS and other STDs. The National Adolescent Reproductive Health Survey NARHS 2003 shows that there is awareness on HIV/AIDS nationwide but people in the Northern states have a lower level of awareness of HIV/AIDS and STDs. In the Northwest, the level of awareness and knowledge is 52 percent, compared with 90 percent for the Southeast. Urgent intervention is required to prevent an alarming increase in HIV/AIDS infection rates in the Northwest, which is currently lower than other parts of the country. Islamic scholars who met at a faith-based conference attribute this lower rate to the influence of Islamic moral value in the North.<sup>2</sup>

### **Conclusion and Recommendations**

This paper has discussed the teachings of Islam on issues of sexuality and the marriage institution. In the process, it has focused on the predominantly Muslim Hausa and Fulani society. Various socio-cultural practices that influence the behaviour of partners within the marriage institution which are often ascribed to Islam were also discussed. It is clear from this discourse that ignorance of the teachings of Islam and poverty are critical issues that hinder the development of the community. Several government and Non-governmental interventions have sought to address this. The Federation of Muslim Women's Associations in Nigeria (FOMWAN) is one of them. The federation which is an education and health focused NGO has established 54 model primary and secondary schools, numerous women adult literacy and Islamiyyah schools throughout the country. It has also established four hospitals and maternity homes and three orphanages. FOMWAN is also implementing a sharia and women's rights project in all the twelve sharia implementing states and working with female and male clerics to enlighten the Muslim population on HIV/AIDS prevention and control. Yet, a lot more needs to be done to ensure that people are aware of the true teachings of Islam on all issues including sexuality, reproductive and sexual rights.

Several recommendations have been made at conferences and by non-governmental and educational institutions. They still remain valid and if implemented would prove beneficial to Muslim communities in particular and the society. Below are some of the recommendations:

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<sup>2</sup> Communiqué issued at the roundtable discussion of the Northern Islamic scholars on HIV/AIDS, organised by Society for Family Health, SFH, and Action Aid. 12/5/2004 at NAF Club, Kaduna



- 1) Governments and non-governmental organisations should take all the necessary steps, to ensure effective take off of the Universal Basic Education UBE as a means of providing education for all. Specific attention should be directed at promoting girl-child education.
- 2) Governments at all levels, but particularly in the sharia implementing states, should design a blueprint for integrating Qur'anic education into formal schools.
- 3) Governments and proprietors of traditional Quranic schools (*makarantar allo*) should reform the practice of *almajirci* and rehabilitate the facilities in the schools.
- 4) Steps should be taken to build the capacity of parents to provide sexuality and reproductive health and rights education to their children.
- 5) The sharia-implementing states should partner with non-governmental organisations to develop an Islamic Family Life Education (FLE) curricular for use in all institutions in Muslim communities.
- 6) Religious, traditional and community institutions should be mobilized to support and be utilized for the provision of sexual and reproductive health and rights education to the youth.
- 7) Legislative interventions should be taken to curb harmful practices and provide for civil or criminal sanctions as appropriate.
- 8) Massive enlightenment campaigns should be embarked upon to educate the people on the sharia. This can be achieved through using the mass media, production of information, education and communication (IEC) materials, and sermons by clerics and alternative media such as poetry, songs and drama as well as home videos. The campaign should be geared towards improving the perception of Muslim communities about the status and rights of women under the sharia.
- 9) All efforts should be made through policy and budgetary allocation to improve provision of healthcare services, particularly reproductive healthcare.
- 10) Governments and non-governmental organisations should collaborate in ensuring that poverty eradication programmes are effective and actually benefit the poorest of the poor for whom they are designed.

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