

DIVORCE IN CONTEMPORARY MUSLIM SOCIETY AND ITS IMPACTS ON CHILD UPBRINGING

By

Umar Garba Ibrahim PhD¹

Gombe State College of Education and Legal Studies, Nafada
Phone No: 08067831956 Email address: dokajiu@gmail.com

Suleiman A. Isa²

JIBWIS College of Education, Gombe, Gombe State
Phone No: 07066593269 Email address: abuamatullah600@gmail.com

Lawal Saidu Yalwa³

Adamu Tafawa Balewa College of Education Kangere, Bauchi State
Phone NO: 08036027095 Email address: lawalsaiduyalwa3@gmail.com

Abstract

Islam provides the groundwork for solving the issue of broken homes as long as couple observe Allah's commands and prohibitions, so that they can share a happy life together. Child upbringing in marriage needs to be realistic. The same husband she is fighting is the one with whom she will share the bed. He is the very man she depends on, love and support. The rate of divorce in Nigerian society is on the increase with its attendant effects on the individuals involved, particularly the women, who suffer discrimination because she is neither accepted in her matrimonial home in some traditions. This paper discusses divorce in the contemporary Muslim society and its impacts on child upbringing. The paper highlights the causes of divorce and its negative impacts on child upbringing. It also raises some questions thus: What are the factors responsible for broken homes? What are the impacts of broken homes on children? What are the possible solutions and precautionary steps and solution to be taken against broken homes and child upbringing? The qualitative/library research methods would be used, and at the end suggestions/recommendations that would help in controlling divorce among the Muslim society and its impacts on child upbringing would be offered.

Keywords: *Child upbringing, Consequences, Divorce, Effects, Impacts, Muslim Society*

¹ Umar Garba Ibrahim PhD, is with the department of Islamic Studies, Gombe State College of Education and Legal Studies Nafada Nigeria. He can be reached at: dokajiu@gmail.com+2348067831956

² Suleiman Alhaji Isa, is with the department of Islamic Studies, JIBWIS College of Education Gombe, Gombe State Nigeria. He can be reached at: abuamatullah600@gmail.com +2347066593269

³Lawal Saidu Yalwa, is with the department of Islamic Studies, Adamu Tafawa Balewa College of Education Kangere, Bauchi State Nigeria. He can be reached at lawalsaiduyalwa3@gmail.com +2348036027095

1. Introduction:

Marriage is a coming together of adult male and female conducted according to the norms and values of a particular

society to become husband and wife. Marriage is a basis of family. Family is the foundation of the society.¹ However, in adverse circumstances,

divorce occurs between couple. Allah says in the Glorious Qur'an: "*The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness*"² This means that if divorce occurs for the third time, the marriage will be revoked, until the woman marries another man and divorces her.

Divorce is becoming a common event in the lives of many people. It is now easier to dissolve marriage, and less stigma is attached to divorced women. For many, couple's divorce remains a negative and traumatic experience. Not only does the divorcing couple suffer, but their children are affected as well. In the past, concern has been focused on the problems of the parents, but lately there has been a growing interest in the effects of divorce on children.

The issue of divorce is an increasing social problem that has become a topic for discussion in recent times. It is traumatic for those who experience it. Thus, those affected may experience grief, embarrassment, resentment, disappointment, intense anger and divided loyalty. The prevalence of divorce among married couple poses a serious threat to family as a cornerstone of African society and the world at large with its attendant consequences.³

This research aims at enlightening both Muslim male and female about the factors responsible for broken homes on child upbringing, to assess the role of parents in their child upbringing, evaluate the negative impacts of broken homes on children and to provide possible solutions and

precautionary steps against broken homes on their children.

2. Meaning and Purpose of Divorce

Nature demands that, in normal circumstances, men and women lead their lives together in the ideal way for Muslims, leading such a life according to the shari'ah within the bond of marriage. Islam sees marriage as a social contract as well as a highly sacred bond in which religious and social importance are attached, and controlled by the husband.

The most commonly used expression to signify divorce in Arabic is "Talaq" which literally means to set an animal free. In legal sense, it relates to the legal method where by marriage is brought to an end. It is also defined as dissolution of its legality by the pronouncement of certain words.⁴

Allah says:

*"O prophet! When you divorce women, divorce them at their 'Iddah (appointed time)"*⁵

Sometimes, divorce is obligatory when any one of the spouses causes any harm that will not be removed except with divorce. Sometimes divorce is unlawful when anyone of the spouses caused any harm and the divorce will not bring any benefit to overcome the harm or both the harm and the benefit are equal.⁶

Validity of Divorce

The timing preceding steps and the consequences of choices as well as other related factors all seem to place some impact. Certain limitations of divorce, if divorce is to be resorted in

several conditions, must obtain to make it valid, they include:

- a. The husband must be of age capable of “discrimination”, a state usually measured by reaching the age of puberty.
- b. He must be sane, conscious, alert and free from excessive anger. If he acts while under influence of intoxication, pronouncement is void according to some jurists, while it is valid according to others, provided the intoxicant is prohibited but is used voluntarily.
- c. He must be free from external pressure. If he is forced to divorce his wife against his will and he is under pressure to pronounce, his pronouncement is void according to schools of law except Hanafi.
- d. There must be clear intention on his part to terminate the marriage. Some scholars, however, accept as valid to the divorce pronouncement of adjusting and thoughtless or forgetful husband.⁷

3. Rights and Obligations of Spouses

Having examined the issues involved in marriage formation, it is pertinent here, to focus attention on those legal and social effects of marriage which have been properly concluded and fully enacted. It is obvious that once a marriage contract is concluded, the parties have to become invested with certain rights and duties towards each other. These could rightly be termed as marital roles of spouses. The marital roles allocate to the wife certain rights which are the husband's duties and corresponding obligations which are his rights. Allah said: “.....And women shall have rights

similar to the rights against them according to what is equitable.....”⁸

It is noteworthy that allied to the marital roles of spouses, the almighty Allah has certain rights upon both spouses which must be adhered to just as the children of the marriage have their rights.

i. Rights of the Husband

These rights are numerous and varied, the most pronounced being that of obedience. For our present purpose, we shall be confined to three basic and most important rights of a husband these are:

a. Rights to obedience

As noted earlier among the rights guaranteed for a husband in Islamic marriage, the most important is that of obedience by his wife. The question of the wife's obedience to the husband has stimulated more comments and attention than any other single problem.

Allah said:

Men are in charge of women by (right of) what Allah has given one over the other and what they spend for maintenance from their wealth. So righteous women are devoutly obedient, guardian in (the husband's) absence what Allah would them guard.....⁹

b. Rights to a Cohabitation

In Islam, legitimate sexual access is considered to be one of the essential aims of marriage and a conversely function of a family. It is therefore the wife's obligation to sexually responsible and to make herself attractive, available and co-operative. This right of the husband is undeniable. The wife must not deny

herself to her husband unless for genuine excuse recognized by Shariah.

The Qur'an states:

*"Your wives are place of cultivation (i.e sowing of seed) for you so come to your place of cultivation however you wish....."*¹⁰

c. Rights to Care for his Properties and Children

Another important duty of a wife towards her husband in the absence of the husband, as the husband is duty bound to cater for the family, it would be extremely difficult to combine some with the task of looking after her household. It is also of utmost importance that the wife takes proper care of, and disciplines the children, ensures their peaceful and comfortable coexistence and gives them good educational background.¹¹ The Prophet (pbuh) was reported as saying:

*".....The wife is a head unto her husband's house and the children and shall bequeath in respect of them all".*¹²

ii. Rights of the Wife

As early mentioned, there are rights allocated to the husband which are the wife's obligation and corresponding rights of the wife which are his duties and obligations. We may highlight these rights given to the wife under three important headings thus;

a. Right to Maintenance

The wife's maintenance entails her incontestable right to lodging, clothing and numeral care. There seem to be no prescribed pattern of residence in Islam. What is rather prescribed is the husband's

responsibility for the wife's shelter. He must lodge her where he resides; according to his means without causing her sufferness.

The Qur'an says:

*"Lodge them (in a section) of where you dwell out of your means and do not harm them in order to oppress them....."*¹³

b. Right to Dower and Other Economic Rights

A part from the wife's maintenance, there are a lot of others. She is entitled to dower which is her exclusive right. In Islam, women are allowed to hold property in their own names. They are entitled to dispose of it independently as they wish, to retain their separate estates, to remain mistresses of their dower and of any goods they may acquire by inheritances, gift or by the fruits of their own labour and investment.

c. Other Non Material Rights

A husband is commanded by Allah to treat his wife with equity, to respect her feelings and show her kindness and consideration, especially if he has other wives. The Prophet (pbuh) also explained that the best Muslim is one who is best to his wife, and in many instances, he called upon Muslim to take good care of, and show kindness towards their wives.¹⁴

Allah said:

*".....And women shall have rights similar to the rights against them according to what is equitable....."*¹⁵.

4. Consequences of Divorce

Generally speaking, the consequences of divorce are multidimensional in terms of the situation and the victims, because the entire members of the affected family must feel its impacts and the society in general. These consequences are seen in all ramifications of life such as economic, socio-cultural as well as psychological fitness of the victims. These can be seen clearly on the following: On the children, on the divorced women, on the men, on the two families, on the society at large and the stoppage to social objectives to procreation.

However, divorce has many significant effects, as it impedes the emotional security and support that is found in marriage and family. The menace of divorce in the family threatens the harmonious and social stability that the family is known for. It signals dangers and insecurity in the society at large. Relatively, divorce results in family crises. Family crises are unhealthy for any society, as a healthy family breeds a healthy and stable society.¹⁶

Also, divorce among married couple reduces children's learning capacity and educational attainment, as parents may not be able to effectively take good care of their children. Divorce impedes the wealth and wellbeing of children. It weakens children's health and longevity. It also increases behavioural, emotional and psychiatric threats, including suicide and other deviant and criminal behaviours, as the parents, who are supposed to serve as role-models are divorced.¹⁷

The primary effect is a decline in relationship between parent and child. Immediately after divorce, most parents have two set of problems: their adjustment to their own intrapsychic conflicts and to their role as divorced parents.¹⁸ The stress of divorce damages the parent-child relationship for as many as 40 percent of divorced mothers.¹⁹ Divorced mothers, despite their best intention, are less able than married mothers to give emotional support to their children.²⁰

The consequences of divorce on the children are seen to be more than any of the above mentioned. This is because of their tender age stage, the consequences start on them from the onset as they are often confused as to what is the matter between the father and the mother. The confusion extends to the fact that they are used as powers; that is, they are often instigated as tools against one of the divorced couple. The confusion still grows on; who among the parents are they to stay with depending on their ages?²¹

5. Effects of Broken Homes on Child Upbringing

i. Stages of a Child

Some scholars were of the opinion that childhood is the period from birth to puberty, the period is divided into two parts, early childhood, 3-5 years, and late 5 years to puberty. It is a period of limited ability and responsibility.²²

Islam shows relationship between the different kinds of food eaten by the parents with the child's behaviour, and behaviour of the parent towards

the child in his early age, and the community/environment which surrounds him, all have a great impact on the upbringing of newly born child.²³

ii. Parent Child Relationship

After having children, the final and foremost desire of parents is to prepare them for bright and successful future. Thus, every parent hope and wishes that their children be fine with excellent character but can only be achieved if the correct method towards this goal is adopted in the right environment from the very beginning.

The Prophet (PBUH) said:

*All of you are guardians and are responsible for your subjects; the ruler is guardian for his subject, and a man is guardian of his family, and a lady is guardian of her husband's house and his offspring and all of you are guardians and are responsible for your subjects.*²⁴

It is clear that all parents are the persons who give us numerable favours. It is very important to note that, the spiritual upbringing is more important than the physical upbringing of the child, which depends entirely on the parent's teachings, training and environment. The parent is like a mirror, the reflection it gives, the child adopts if the reflection is good, the child is good, if the reflection is bad, and child is bad.²⁵

iii. Discipline and Punishment

The Islamic view point on this matter is very clear. Islam allowed

disciplining of children as a necessity, so that children do not go out of hand. On the other hand, some strict rules have been imposed in this matter that does not allow any abuse of authority by the parent, in accordance with the teachings of Islam. For example, the Prophet (PBUH) advised:

*"When one of you beat any one, he should avoid our striking the face".*²⁶

However, one of the rules to remember is never to punish the child in the state of anger or emotion. In this state, the intellect become clouded and proper reasoning is impossible. Calm down completely, think twice over the gravity of the situation, the extent of mischief and misbehaviour.

6. Causes of Broken Home on Child Upbringing

Some of the main causes of broken home can be divided into five (5) major categories which emanate from the spouse or from their family, relatives and friends thus:

a. Lack of Proper Upbringing

Some spouses end up having problems with each other because either or both of them lack the proper training right from childhood, Some of them might be from broken homes, where they were left under the custody of a surrogate mother who did not care to discipline them properly.²⁷

There are certain cases whereby the parents are educated but due to the extreme love they have for their children, they did not give them proper training that they needed as human beings.

b. Contributing Factors from Both Spouse

There are a lot of contributing factors which emanate from both of the spouse which aggravate the problem. The following are some of them:

1. Western Civilization

With the introduction of western civilization in Islamic civilization, our cultural ways of life, people do not consider religious right as injunctions from Allah. They mixed up religious obligations with western civilization to the extent that the Islamic injunctions are not considered as Allah's injunctions. The spouse looks at the matrimonial home life from the western perspective, what they watched in films and how they socialized with their colleagues at offices tend to have drastic effect in their matrimonial life.²⁸

2. Impatience

Some people are impatient in handling life. As life is made to be, there is need for the spouse to be complement each other. But at times, the wife becomes impatient if the husband happens to become poor. There is a need for the wife to bear with him and be patient.²⁹

3. Lack of Understanding

Inability to know and understand each other brings rifts and disputes between the spouses. They may come from different backgrounds and have differences in perceiving their things. Therefore, there is a need for the wife to understand who her husband is, what he hates or likes and so on. They should also know who their creator is and how to worship Him. It is also good for them to know how the

Prophet (pbuh) stayed with his family, so as to base their matrimonial life on that.³⁰

4. Lack of Appreciation

Some couples are ungrateful to each other, whatever the husband does to the wife; she fails to show her gratitude to him, and the same thing with the husband; she may prepare a delicious, favorite dish for him from her own resources but will disgrace her, even before mates. And at times both of them will reprimand themselves in front of their children. This attitude, at the end, leads to broken home.³¹

5. Poor knowledge of Islam

Poor Islamic background and culture of practicing religious teaching lead to grave consequences on the existence of the family.

6. Consulting Soothsayers (Bokaye)

Some women indulge in consulting soothsayers, unmindful that power comes from Allah. They may do something which may appear to benefit or harm someone but the real power comes from Allah, so women should be alert for the fact that this is purely polytheism (kufr) and said to avoid it and always seek for Allah's help in all kinds of problems.³²

7. Clumsiness

Some women are so clumsy that no matter what the husband does to make her look neat, she cannot change.

8. Undisclosed Bad Behaviours etc.

Due to puberty and ignorance, in some instances, some involve themselves in stealing people's properties. They see it as a means of

obtaining their livelihood. But as times goes on, they will be exposed and not every wife could tolerate that.³³

c. Economic Hardship

The economic predicament of the country leads to social and religious problems to the Nigerian society in general. Some people cannot afford to pay the house rent and in these cases, broken homes face problems because there will be no shelter for the wife. There are many who can no longer provide the basic necessities of life adequately to their families, not to talk of some luxuries.³⁴ Therefore, some of the husbands had to struggle daily, some do it by hook or crook to feed their families because the husband takes the burden of supporting the family.

d. Lack of Religious Background

The main factor of broken home is lack of both Islamic and western education. Some broken home cases occurred because the spouses failed to satisfy each other in some ways. This could be traced to lack of knowledge of Islamic rites on matrimonial life. Sometimes, one finds out that it is the wife who is ill prepared in discharging her duties towards her husband or vice versa.³⁵

In certain cases, she may be educated but lacks knowledge of Islam on how to handle matrimonial affairs. There are also some parents who are unable to contribute positively towards the wellbeing of the matrimonial life of their children.

e. Failure to Uphold Marital Obligations

There are many people whose approach to marriage is purely traditional. They are unmindful of the laws governing this important social Institution. They only think everyone should get married. They separated rituals and transactions including marriage.³⁶

For instance, some do not clothe their wives in accordance with the Shariah principles which obligate them to clothe their wives as they clothe themselves. Sometimes, they don't even provide materials at all. The wives look for means of preparing the meals from their own resources.³⁷

Part of the failure of some husbands in holding their responsibilities is the habit of partiality to children, in cases of polygamous family. Some husbands even maltreat the other wife/wives children and favour those of the other wife.³⁸

The Prophet (p.b.u.h) said: *“Treat women kindly, they are like captives in your hands, they have rights over you.....”*³⁹

Spending for the families by the husband should be according to his means, and it should be remembered that Allah made it obligatory upon you, not the wife. Therefore, men should think very well and hold to his important aspect or pillar of marriage. They should avoid habits of partiality and showing of preference to a particular wife.⁴⁰

The Prophet (p.b.u.h) said: *“The best of you are those who are best to their wives.....”*⁴¹

f. Mistakes Committed by the Parents During Upbringing

It is incumbent upon parents to teach their children what Allah (s.w.t) has made obligatory for them and what He has forbidden. We cannot deny the fact that everybody makes mistakes, and this includes parents who are in the process of upbringing their children.

There are certain common mistakes done by some parents which they may or may not know based on observations and research as follows:

- a. Many parents are careless about the issue of frequent sitting with their children and giving them time to discuss with them especially adolescents.
- b. Giving their children too much love and materialistic affirmation, by giving a child whatever he wants any time he demands for it.
- c. Showing more love to one child over others. This is logically and islamically unacceptable. This mistake is very destructive because it causes disruption of peace and unity among children in their homes.
- d. The issue of not observing what the child does outside the home, such as who are his/her friends, what kinds of books, magazines and novels he/she reads, which type of friends he/she associates with on social networks and other vital issues which the parents ought to know about their children.⁴²

7. Conclusion

The family is the substratum of any society and marriage is the basis of the family. Families play a key role in any society like Nigeria, because the future society depends very much on successful parenting and marriage. Therefore, married couple should see it as a matter of responsibility to raise children according to prevailing societal norms and values to enhance stable home and society. For Muslims, it should be according to the teachings of Qur’an and Sunnah. Child education in Islam is very important, for indeed all of the religion is based upon education and upbringing of the people and most importantly, children. Most of the divorced women are not from humble beginning and lacks education.

8. Recommendations

The following suggestions/recommendations are made to enable government at all levels, Muslim scholars, parents as well as the spouses, for use, which will help in controlling rampant divorces in the society.

- i. There should be a massive anti-divorce campaign in the area through mass mobilization and orientation of the spouses and potential spouses about the importance of marriage stability.
- ii. That government should provide enough rehabilitation and information facilities specifically for the divorced women in order to reform and rehabilitate them in their quest for coping strategies, so as to be able to readjust themselves into the social mainstreaming of the society.



- iii. There should be an effective legislation by the State Assemblies on maltreatments of either of spouses, so as to be used as deterrants for maltreatments of wives by either the husband or other family members.
- iv. There should be a marriage counseling body in the social welfare unit of the Local Government Area which has to complement efforts of religious bodies, N.G.O. and civil societies. They are to involve in campaign activities on issues mentioned above.
- v. Parents should inculcate good morals to their children for a better generation.
- vi. Parents should also try their best to see that their wards/children are given better education.
- vii. Religious leaders should educate the spouses, especially the youth, on the consequences behind the condition of divorce and instil in them the fear of Allah, so as to succeed in this world and hereafter.

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