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Violence against Women in Northern Nigeria: An Islamic Rules on Domestic Abuse

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Abstract

Women and girls in northern Nigeria are experiencing many challenges that affect their lives psychologically, emotionally and physically. Some of them experience physical abuse and gender based violence. The ineffectiveness of Islamic law application in many parts of the study area opens up to such acts. Absence of moral integrity and strict Shari'ah courts to adjudicate violent cases signals that the perpetrators can scale through after the evil deeds. Besides that, women are still at the vicinity of not being able to accrue their rights especially when it comes to domestic violence despite both western and Islamic enlightenments. Tradition has overpower the Islamic awareness which makes the victim at the receiving end. This paper therefore, aims to find out the injunction from the primary sources of Islam, the rulings to be applied in case of either of the offences. Being conceptual as well as empirical research, this paper interviewed some women as well as court cases in this aspect. The result indicates some lapses from the respective Shari'ah courts in dealing with some domestic abuse cases. It also reveals how some women disregard their humanly rights for the fear of the societal discriminations. Other aspects include demands by the judges for witness in cases of psychological and emotional abuse. It suggest therefore, that indiscriminate implementation of the Islamic rulings to any Muslim found to be guilty of the evils deeds, is the only proper channel to minimize such problems.

Keywords: Domestic, Violence, Women, Islam and adjudication.

Introduction

Domestic violence is an epidemic affecting individual in every community regardless of age, economic status sexual orientation, gender, race, religion or nationality. It is often accompanied by emotional abuse and controlling behaviour that are only a fraction of a systematic pattern of supremacy and control. In northern Nigerian society, it is almost everywhere and nowhere is this eruption more intense than right behind

the doors of various homes. Behind closed doors of homes, people are being

tortured emotionally, beaten and killed. It is happening in rural areas, towns, cities and in metropolitans as well. It is crossing all social classes, genders, racial lines and age groups. The term used to describe this exploding problem of violence within our homes is Domestic Violence. This violence is towards someone who we are in a relationship with, be it a wife, husband, son, daughter, mother, father, grandparent or any other family member. It can be a male's or a female's atrocities towards another male or a female. Anyone

can be a victim and a victimizer. This violence explode in various forms such as physical, psychological or emotional.

The northern part of Nigeria are predominantly Muslims. In addition to that, certain places have claimed to implement total adherent to the teachings of Islam. Apart from this, the Nigerian constitution has stipulated that Muslims should abide by the injunctions in their script. Despite the Islamic injunctions on family set-up and the exemplary life of the Prophet (SAW) with his family, there are domestic violence against women in various manifestation. Traditionally, the society is patriarchy as well as culture of subservience of women to men. The awareness of both Islamic and western knowledge did not serve as deterrent to commit violence against women. With increase in various types of violence against women in the study area, the consequences will surely manifest to the larger society in a negative manner. Islam as complete way of life has a solution to all problems affecting the life of its adherents. Therefore, this paper brings about the Qur'anic injunctions with Prophetic sayings on how to prevent as well as remedy such in the society.

Literature Review

There are different literatures on domestic violence against women from different parts of the world. Previous studies found that domestic violence can happen to anyone regardless of gender, in which both women (Afifi, et al., 2011; Olorunsaiye, et.al, 2017; Unal, et.al, 2016; Bakare, et.al,2010; Zainab Alwani& Salma Abugideri,2003;Syazliana,et.al 2018) and men (Caetano, et.al, 2013) have the potential to become victims of abuse. In fact, the study also found that the victim

of abuse also involved pregnant women (Coutinho et al., 2015; Ergöner et al., 2009; Felker-Kantor, at.al, 2017; Janssen et al., 2003; Ludermir, et.al, 2010). Thus, the current study posed to suggest an adoption of Islamic method of curtailing the menace by suggesting some lasting solutions to protect the victims, the perpetrators and the society at large. However, this paper focuses specifically on female victims only.

Domestic Violence against Women

Domestic Violence against women which encompasses physical, mental, financial, sexual and psychological abuse that disproportionately impact on women, is a violation of women's fundamental rights with respect to dignity, equality and access to justice. Its impact stretches beyond those women who are themselves victims of violence, since it affects families, friends and society as a whole. The majority of husband's attitude that abused their wives is a very sad phenomenon. The reasons of this violent behaviour include lack of harmony and understanding between partner, different family backgrounds, financial problems, extreme jealousy, mental disorders and lack of religion (WHO, 2013; Isgandarova, 2017; Khan, 2015).

Domestic violence being a form of violence that occurs in a situation of intimate or family relationship. Females usually are often victims of this form of violence. Therefore, domestic violence can be defined as physical abuse, sexual abuse, emotional and verbal abuse between people who have at some time had an intimate or family relationship. According to the Family Violence Prevention Fund described abuse as "a pattern of purposeful behaviours, directed

at achieving compliance from or control over, the victim." When these escalate to violence, creating "domestic violence," the definition becomes, 'a pattern of assaultive and coercive behaviours, including physical, sexual, and psychological attacks, as well as economic coercion that adults or adolescents use against their intimate partner."

(<http://www.themodernreligion.com/women/dv-ending.htm>). This paper is concerned with domestic violence against women in an intimate or family relationship. This would exclude childhood abuse which could also be seen as a form of domestic violence in the context of above definition. What constitutes physical, sexual, emotional and verbal abuses against women often times would be influenced by the socio-cultural norms of a particular society. Just as some controversies would be raised on the definition of domestic violence as related to cultural practices of different societies, gender based domestic violence against women is often maintained or perpetrated by unhealthy societal and cultural practices.

Causes of Domestic Violence in Northern Nigeria

There are several causes of domestic violence against women all over the globe. From the northern Nigerian context, below are some of the causes identified by this paper:

(a) Religious and Cultural Backgrounds

Northern Nigerian is patriarchal and give leading roles to the Civilization. The adherence to the prevailing religions of Islam in the study area is implemented wholeheartedly to help liberate women from gender discriminations imposed on

them by cultural practices. About 50 percent of Nigerian people practiced Islam, the bulk of who inhabit the Hausa, Fulani and Kanuri areas in the Northern Nigeria.

The Qur'an holds men responsible for maintaining the family financially. (4:34). Men are responsible for providing for a broad range of needs, including spiritual, emotional, and educational needs. Without this divine injunction, some men may not fulfil their financial responsibility towards their family. Women are then freed to take care of the family by providing nurturing, without having the added stress of earning an income. Men and women are partners in the endeavour of maintaining a healthy family unit in which children are raised to be God-conscious members of society. While men are obliged to work in order to provide for the family, women are under no obligation to do so and may or may not choose to work outside the home, depending on the individual circumstances of the family. The fact that husband and wife have different roles to play in the family does not in any way suggest that men are better than, or have God-given power over, women to abuse them.

(b) **Polygyny:** A highly misunderstood type of marriage is polygyny. Islam allows men to have multiple wives under specific circumstances and with specific conditions. The single verse in the Qur'an that mentions multiple wives does so in the context of providing a means to take care of those who are orphaned as a result of war. (4:3). The permissibility of taking a second wife creates a means for widows and orphans to be taken care of in the absence of

a husband or father (Badawi, 1995). It is not the intention of this verse to encourage men to take multiple wives simply to satisfy sexual appetites, or for any other worldly reason. When done according to the Islamic guidelines, these marriages are actually for the benefit of women who may otherwise have a great deal of difficulty surviving in certain social and cultural contexts. Some men abuse the permission to have multiple wives which leads to domestic abuse of either or both wives (Informant 2).

(c) Economic and Financial Dependence

The predominant social and cultural norms in northern Nigeria create images of “ideal” women and enforced gender roles on them. The roles placed on women in a family environment in northern Nigeria is that of bringing up the children at home and playing the kitchen role while the man source finance for sustaining the family. Northern Nigerian women because of the enforced societal gender roles and unequal opportunities to education, employment among others, are often not economically empowered and are financially dependent on men. Approximately forty percent of Nigerian population is classified as living in extreme poverty and estimates showed that women constitute seventy percent of those in this category [USAID, 2003].

Inequality of women in access to education and job opportunities or outright refusal of some women the opportunity to work under Islamic laws [Wikipedia free Encyclopaedia] and cultural practices in northern Nigeria put women at a state of perpetual dependence

on men and at their mercy to provide these women with basic needs. This rather creates slave – master relationship as against the mutual partnership which the Islamic marriage institutions purported to offer. The inferiority complex which this situation created pervades all aspect of women lives and indirectly creates inequality of power which forced women into subordinate position, an essential component of the definition of violence by United Nations (U.N) [UN, 1993]. This also opens up for abuse of the obligation imposed on men to their wives.

(d) Ignorance / Contempt for the Sanctity of Marriage and Absence of Strong Islamic Values

It cannot be over-stated that there is no teaching in Islam, when studied within the proper and complete context that can be used to justify any type of family violence or abuse (Badawi, 1995). Islam prohibits any form of oppression, which could be defined as “an unjust or cruel exercise of authority or power.” (*Webster’s Ninth New Collegiate Dictionary*, 1983). A legal maxim used by Muslim jurists to interpret and judge according to Islamic law can be translated as “Do not do harm, nor allow any harm to be done to you.” (Mujallah) Oppression occurs when mercy and justice are ignored. Islam defines oppression as transgressing limits or boundaries defined by God, and it prohibits oppression at all levels of society

These statements may be contrary to misconceptions that are often perpetuated by people who do not have adequate understanding of the Islamic paradigm. Sometimes, even Muslims themselves may take verses from the Qur’an or sayings of the Prophet out of context to justify their behaviour. This

manipulation of religious teachings should be viewed as the same type of behaviour that abusers of other faiths engage in to justify their actions. These kinds of behaviours are apparent within the study area (Kumo, 2018). Advocates should recognize the real teachings of Islam as inconsistent with abusive behaviour, and avoid the confusion that is caused by Muslims who themselves are either not knowledgeable or not sincere about their faith.

(e) Absence of the Nigerian Government rules and legal issues on domestic violence

Nigeria today has no specific law promulgated to protect women against domestic violence, neither is the problem taken with enough seriousness. The notion of family in Nigeria as a whole and northern societies is being perceived as private and beyond control of the State. Although, efforts had been made by Nigerian government over the years to better the lots of women and children (better life for rural women and family support program), specific attention had not been given to issue of domestic violence against women. The same is done by the Muslims organizations proclaiming and advocating for adherence to the teachings of the Prophet.

Types of Domestic Violence in Northern Nigeria

As earlier highlighted, domestic violence against women could include physical violence, sexual violence, psychological and verbal abuses:

a. **Physical violence based on WHO study** [WHO, 2005], definition include the women being; 1 Slapped or thrown something at that could hurt her 2.

Pushed or shoved 3. Hit with a fist or something else that could hurt.

- Kicked, dragged or beaten up
- Choked or burnt on purpose
- Threatened with or actually used a gun, knife or other weapon against her.

b. **Sexual violence as defined based on WHO study** [WHO, 2005] include; 1. Being physically forced to have sexual intercourse against her will or during menstrual period which she found against Islamic injunctions besides being degrading or humiliating.

c. **The acts of psychological and Verbal abuse** could include:

- Being insulted or made feel bad about oneself
- Being humiliated or belittled in front of others.
- Being intimidated or scared on purpose (e.g. by a partner yelling and smashing things).
- Being threatened with harm among others or with divorce.

d. While the concepts of physical and sexual violence might be easier to quantify and defined across cultures, it might be difficult to define and quantify across cultures emotional and verbal abuse which women may found more devastating than physical or sexual abuse. (Informant 3.)

Family Institution in Islam and the Islamic Solutions

The Qur'an recognizes that historically, in many societies men have had power over women. In pre-Islamic Arab society as well as the northern Nigeria before Islam, for example, many women had little as far as property, status or rights is concern. Therefore, men

(husbands, fathers, brothers, or guardians) are warned not to hurt or take advantage of women in any way in both the Qur'an and in the traditions of the Prophet. They are reminded that if they do so, they will be ultimately hurting themselves since they will be held accountable by Allah, with a serious punishment for oppressors. In times of conflict or discord, the reminder of being God-conscious in making choices and decisions is repeated over and over (9:71). These reminders emphasize the relationship between each individual and Allah as over-riding the spousal relationship, or any other human relationship.

From a religious perspective, marriage is an important institution because it provides the basis for the family unit, it provides a legitimate relationship between a man and a woman, and most importantly, provides a vehicle for the fulfilment of the divine purpose for humankind as vicegerents through procreation and human relations. (Al Faruqi, 1992). The foundation of an Islamic marriage is described in the following verse from the Holy Qur'an: "*And among His signs is this: that He created for you mates from among yourselves, that you may dwell in tranquillity with them, and He has put love and mercy between your (hearts). Verily in that are signs for those who reflect*" (30:21). This verse can be taken as a reminder that spouses are inherently equal, and that the union between them is a peaceful and compassionate one.

When two individuals decide to unite in marriage, they are bound by a "solemn covenant" (4:21). Each person entering a marriage makes a covenant with Allah to adhere to the teachings of the Qur'an and the traditions of the Prophet (pbuh) in fulfilling the obligations of the

marital relationship. Allah is a witness over this marriage contract. Any behaviour or interaction done with the intent of upholding divine instruction will be rewarded by Allah in the hereafter and, at the same time, will contribute to a healthy family unit. Likewise, all behaviours that violate divine instruction, including the foundation of mercy and love, are punishable by Allah. Violations of the several conditions and rights of the individuals for smoothness of the marriage indicates possible abuse of the matrimony.

At the heart of the handful of verses that discuss the ideal relationship between husband and wife in the Quran is the following verse: "And among His Signs is that He created for you mates from among yourselves, that you may dwell in tranquillity with them, and He put love and mercy between your hearts. Verily in that are signs for those who reflect" [Quran 30:21]. God also commands men in another verse to "live with your wives in kindness and equity" [4:19], while other verses threaten them with God's admonishment if they intend harm or actually transgress against their wives [2:231]. Furthermore, there are verses that recognize the complementary nature of marriage by describing spouses as garments for one another [2:187] and reminding believers that men and women are protectors of one another [9:71]. These verses set the standard and paradigm of love, compassion, and mutuality for spousal relationships.

As for the Prophetic model that every believer should emulate, it is narrated by his wife that, "the Messenger of God, peace and blessings upon him, did not strike a servant or a woman, and he never struck anything with his hand."

(Ṣahih Muslim). It is also narrated that the Prophet Muhammad stated, "An honorable man treats women with honor and respect, and only a despicable person treats women poorly." (Ṣahih Muslim). Other *hadith*, or narrations, relate the story of a companion of the Prophet who asked the Messenger, "What do you say [advise] about our wives?" to which the Prophet replied, "Share with them the same food you have for yourself, and clothe them by which you clothe yourself, and do not beat them, and do not revile them." (Abu Dawud). Moreover, the Prophet proclaimed, "Would one of you beat his wife like a slave and then sleep with her at the day's end?!" thereby emphasizing the absurdity of someone harming his wife. (Brown, 2014; 274).

There are countless other narrations that illustrate the Prophet Muhammad's abhorrence of domestic violence. In one incident, the wife of a man named al-Waleed ibn Uqbah approached the Prophet to complain about her husband, saying, "O Messenger of God! Al-Waleed has beaten me!" The Prophet responded, "Say to him: the Prophet has protected me." It was not long before she returned, saying, "He did not give me anything except more beatings!" The Prophet then tore a piece from his garment [as a symbol of proof for his protection] and said, "Say to him: Verily, the Messenger of God has given me protection." It was not long before she returned once more and said, "He did not give me anything except more beatings!" The Prophet then raised his hands and he said: "O God, you must deal with al-Waleed for he has sinned against me twice." (Musnad Ahmad)

In another instance, the Prophet actively supported a victim of domestic

abuse, Habeeba bint Sahl, the wife of Thabit bin Qays and the neighbour of the Prophet Muhammad, by helping her leave the abusive relationship. When Thabit struck Habeeba, she turned up at the door of the Prophet Muhammad. After telling him about her situation, she said, "Thabit and I can no longer be married." The Prophet then summoned Thabit, settled their financial affairs, and ensured that Habeeba was able to safely return to her family (Darumi). In addition to these courses of action, the Prophet Muhammad took proactive measures to guarantee women would not be married off to harmful men. It was narrated that the Prophet approached Fatima bint Qays to inquire whether she was ready to get married. She had received proposals from Mu'awiyah, Abu Jahm, and Usama ibn Zayd. In order to help her make the correct decision, the Prophet advised her, "As for Mu'awiyah, he is a poor man without money [and cannot sufficiently provide for you]. As for Abu Jahm, he is a man who habitually hits women. [Therefore] I advise you to marry Usama."¹⁵

Suggested Ways out for the government

Nigerian government should innovate features that will give protection to victim of domestic violence. This will involve granting of a temporary protection order in cases where the court is satisfied that the actions of the perpetrator pose imminent harm to the complainant. This ruling should allow protection of the health, safety and well-being of the applicant and includes provision for the perpetrator to be evicted from the matrimonial home, while continuing to provide the necessary relief to the victim.

However, implementing any law depends on the level of awareness of the victims, the perpetrators of the crime, the prosecutors, and the Judiciary which include the Lawyers and Judges. The law might not serve the purpose it was meant for, if the victims are not aware of their right under the law and refuse to lay complaints appropriately. The perpetrator of an unlawful act would also continue in the habit if he is not aware that there is any law that prohibit such an act.

The prosecutors need to be educated and had their awareness increased on the need to use the existing law to prosecute any perpetration of domestic violence against women. Therefore, for effective implementation of domestic violence laws in northern Nigerian society where the notion of family affairs are perceived as private and beyond the control of the laws of the State, the need to bridge the gap of ignorance that might be existing from the victims to perpetrators, to prosecutors and the judiciary is of paramount importance. This is where organising workshops, use of media and community campaign could work effectively.

Promulgating the law is the first step which would lead to the next step of ensuring implementation. The fact that there is no promulgated law yet in Nigeria to protect the interest of women on domestic violence, coupled with the prevailing ignorance of northern Nigerian women prevents a lot of cases of domestic violence from being reported and gives the perpetrators of the act a free hand to operate.

For Families and Communities

Research shows that the more we are exposed to violence against women, the less we are upset by it. Muslim women need to improve their knowledge of their own faith, and then reclaim their right to define themselves in the light of the Qur'an and the Sunnah, instead of by customary practices, traditions, extremist viewpoints, or those who believe Muslim women need to be saved from themselves.

Families need to maintain open lines of communication between all of their members; regular family meetings where everyone is allowed to express themselves without any recriminations are helpful. Marriage must be seen as a partnership, and marriage contracts should specify a commitment to an abuse, free and violence-free family. The parents must ask of their children only that which is good and which conforms to Qur'anically based concepts. Extended families must stop covering up abuse, violence, and incest in the name of "preserving the family honour." Above all, the family, like the individual must keep Allah as its focus.

Imams or Muslims' organizations leaders must be protectors of women's safety by example, avoid blaming wives, and recognize when they do not have the expertise to truly help women who are battered.

Community leaders should be encouraged to obtain profession training and degrees in counselling. The community is responsible to develop protocols for handling problems of domestic violence, network with existing Muslim and non-Muslim agencies that can provide training or referrals, and set up safe houses for battered women and children.

Conclusion

Domestic violence against women being an abuse of rights done to the female members of the family as focus of this paper. Various reasons are attributed to the causes among Muslims in the study area. Northern Nigerian Muslims' communities are tele-guided by the injunctions of the Qur'an and practical teachings of the prophet (SAW).

However, adherence to the teachings of the Sharī'ah is weak and there is no law that emphasised on the adjudication of the perpetrators. There are several implications to keeping mute on this issues as they will be growing and eventually manifest to the lager society. Suggestions are given to both government, families and community to adhere to several method of curtailing the menace.

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