

INDIGENOUS MARRIAGE INSTITUTIONS AND DIVORCE IN NIGERIA: THE CASE OF ABIA STATE OF NIGERIA

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Aim: This paper examines the principles and structure of marriage institutions in Nigeria. It notes conditions and factors that induce divorce by using empirical examples drawn from the family as a formal institutional structure and from the administrative operation of this institution. Marriage in its present institutional functions are compared to show how divorce affects its stability and to document the results, which follow from this interaction.

Methods: Information for this study was collected from key informant interview and review of relevant literature. Here, 12 key informants who were purposively chosen from 8 randomly selected small towns and villages were studied.

Results: Findings show that nature, organizations and administration of marriage institutions center on principles of behavioural attributes, goal orientation and social norm/ roles. Study notes that some conditions that influenced divorce in olden days, such as infidelity, barrenness, frigidity, impotence, cooking food late or cooking poor quality food, lazy and dirty habits and others, are still the common causes of divorce today.

Conclusion: The researcher is of the view that the factors and conditions that influence divorce should be modified by health promotion practices so as to improve development and reduce the extent to which women are exposed to humiliating conditions of divorce.

Key words: Marriage, divorce, Nigeria

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INTRODUCTION

Discouraging socio cultural factors and/or conditions that influence divorce and/or separation have long been matters of concern to spouses in Africa especially in Nigeria where divorce affects the overall development of women. For instance, a divorced woman suffers discrimination because she is neither accepted in her matrimonial nor maternal home. However, some actions against divorced women are done in other to humiliate them for bringing shame and dishonour to their maternal families (1).

In Igbo tradition, men who have large acres of farmland are encouraged to engage in multiple marriages so as to have women who would work in the farms. Women who are lazy to do farm work or not so fertile as to have large number of children who would also work in the farm were divorced. This means that hard work and high fertility were the basis for successful marriages. Today, with

increase in education and less emphasis on farming as only means of generating income, marrying many wives, or having large number of children are no more necessary (2).

Modern marriage institutions are time-honoured on policies that are increasingly mimicking western models where indigenous cultures are often overlooked. Such marriage institutions are established by forces external to the community and characterized by functional and structural arrangements that are fairly standard and reflect specific image of western development. Marriage institutions represent established systems of authority and other phenomena derived from socio-cultural and historical processes with roots from the culture. Such indigenous institutions reflect the knowledge, experiences and level of development of the local people. Each society has its own peculiar actions and/or behaviour that signal divorce and what

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Table 1. Principles of marriage institutions

Principles	Rooted in	Implication
Behavioural attributes	Systems of authority reserved for husbands and kinsmen	-Structures are in place to exercise direct authority in deciding matrimonial affairs. -Communal ownership of marriage rites
Goal orientation	Experiential knowledge based on moral expectation or philosophy of marriage that women's position is subordinate	-Women constantly view marriage as unstable and adjust their future activities in this regard. -Women have no right of inheritance, especially, landed property.
Social norms and roles	-Culture and social values -Sanctional aspects of violated norms, culture and roles	-Stringent roles assigned to each sex -Local judicial systems set at family, village and community levels -Settlement of internal disputes, and conflicts guided by wisdom of elders.

obtains in one society, to a large extent influences that in another society (3,4). For instance, infidelity, infertility, laziness and unhygienic behaviours are some of the major causes of divorce in many societies and women with these attributes are usually returned to their parents.

Divorce is viewed as a social prejudice used to subdue women in most societies (5,6) agrees with this opinion only in the area of stringent gender roles, where women perform majority of roles in the family.

This study intends to identify conditions and factors that encourage divorce by using empirical examples drawn from administrative operations and formal institutional structure of indigenous marriage institutions. It examines how easily available historical records on marriage institutions are. It also notes the extent to which factors that cause divorce in the old are still relevant today.

MATERIAL AND METHODS

The study focused on Abia State of

Nigeria. In Igboland, farming is the main source of livelihood. The Igbo of Abia State, especially the elderly, are good in preserving culture as well as in retaining oral historical records on indigenous marriage institutions.

The study used purposive sampling, to interview 12 key informants from 8 randomly selected small towns and villages. Information was collected from key informants using interview guide. Also relevant literature was reviewed. Data were analyzed qualitatively.

RESULTS

The study showed that the nature and organization of indigenous marriage institutions revolve around three distinct principles (Table 1). These are the behavioural attributes, goal orientation and social norms/roles. The findings revealed that the bases for divorce are deep rooted in these abstract principles.

Marriage institutions in Abia State are organized on the basis of traditional roles and systems of authority legitimized in

Table 2. Summary of local taboos and prohibitions that point to divorce

Actions
a husband pouring away or breaking the wife's pot of soup,
asking a wife to fill a raffia basket with water,
putting broom inside a basket and telling a wife to carry it to her parents,
hanging a husband's cloth over a wife's shoulder,
taking a wife back to her parents with a jar of palm wine,
locking out a wife from the matrimonial home,
giving a spouse dry stick
a wife abandoning her matrimonial home to live with another man.

Table 3. Conditions that result to divorce

Reasons
infidelity
infertility/barrenness
impotence
probing a husband's sexual life
inability to reproduce male children and/or large number of children
laziness in taking on assigned gender roles including farming
cooking late and/or inability to cook delicious food
disrespect to husband and his kinsmen
deviant actions like stealing, prostitution, witchcraft, fighting especially in public
cases of leprosy, tuberculosis, epilepsy and sexually transmitted infections including HIV

such structures as family, kinship, clan, village council and indigenous judicial court systems where husbands and kinsmen act as arbiters. The study shows a number of local taboos and prohibitions related to practices believed to defile the cultures and usually indicate divorce. Table 2 contains summary of actions and behaviours that point to divorce.

Findings identified several factors and conditions that contributed to divorce in the traditional society (Table 3).

Tradition supports divorcing women for the reasons listed above. It is a taboo for a wife to ask her husband about his extramarital sexual relationships even if she sees him with multiple sex partners, she is not expected to probe, and otherwise, she gets divorced. In divorcing, the wife, the husband will simply return her to her parents after stripping her off resources accruing from the marriage including custody of the children.

In addition, the husband will demand for the refund of her bride prize. Important in the finding is the practice of the husband asking for a refund of bride prize from the parents of the wife irrespective of who initiated the divorce. The refund is usually through prominent traditional rulers from the wife's side to the husband's side. The handing over of the bride prize signifies the end of that marriage. Because tradition sees marriage relationship as a private matter where external influence is forbidden, husbands and their kinsmen

decide the fate of women who err and tradition prescribes rituals for erring women (Table 4).

The general belief is that failure to perform these rituals to the satisfaction of the gods of the land would result to calamities like protracted labour, insanity and sudden death, especially if the woman is accused of adultery, stealing or witchcraft. The significance of giving the woman dry stick symbolizes death, which would occur if guilty, while green stick shows life if innocent. An intriguing finding of this study is that successful completion of this ritual does not totally guarantee that the woman's husband and kinsmen would withdraw their intention to divorce her for erring.

DISCUSSION

No matter the extent of knowledge westernization offers to change indigenous institutions, the greatest demand to ensure stability is implicit respect and adherence to socio-cultural, moral and traditional expectations (7,8). In this study, the level of socio-cultural norms spouses observe and respect measures the stability of their marriage relationships. That is the philosophy of successful marriage in Abia State is a reflection of the efficient performance of the woman's subservient roles in her marriage. Also, the philosophy of indigenous marriage is aimed at the perpetuation of ascribed gender roles. Violation of gender roles

Table 4. Common rituals performed by women who err

Cooking food and serving it for husband's kinsmen with chicken and/ or goat for 7days,
Offering 8 kola nuts and 8 alligator pepper to elders,
Holding green and dry stick while swearing with coffin,
Staying naked and swearing with life chicken before husband's, kinsmen to exonerate self from suspected sexual promiscuity,
Staying in secluded place for 7 days to enable elders appease the god's of the land.

especially by women is viewed seriously. The fate of such women is determined by the collective wisdom of elders from the husband's kinsmen who express this through arbitration in local judicial system held at family, village and community levels. The level to which this judicial system would hold depends on the type of cultural practice violated. For instance, if it entails adultery, stealing, witchcraft and/or fighting a husband, the entire village would be involved and serious sanctions and/or rituals would be apportioned.

For this, it is believed that killing of male goat with 8 kola nuts and 8 alligator pepper have the power to propitiate the gods of the land to avert calamity. This belief is a powerful moral sanction against wanton destruction of family members of the erring woman and a spur for good behaviour to prevent other women from similar actions.

The practice of requesting the parents of the divorced to refund the bride prize of their daughters, tantamount to inflicting financial hardship on the divorced and their families. In most cases, to meet up with the demand of raising funds for the refund, some divorced women usually take to prostitution or multiple sex partners. This practice could expose the divorced to sexually transmitted infections including HIV. According to (2,4) divorce in western world entails that the husband provides resources for the maintenance of the wife and offspring(s). This practice of husbands in the western world providing for family members on divorce is currently being appreciated by many people in Abia State especially the educated because of the aesthetic and values now attached to women empowerment and childcare.

There are other indigenous beliefs and practices in Abia State designed to humiliate and exploit women that require modification. For instance, the practice of divorcing a woman for reason of infertility or inability to reproduce male issues should be discouraged. There are now opportunities for spouses to foster and/or adopt children of their choice. Also the denial of the custody of underage children in the guise of preventing them from being exposed to their mother's deviant behaviours could place them at risk of malnutrition and infectious diseases. Denying mothers the custody of their underage children could negatively affect

the overall development of the children as they are denied their mothers' tender loving care which could have helped in promoting increased survival rate of the children. According to (1,5) some indigenous restrictions on women parallel scientific prescriptions.

Indigenous marriage institutions in Abia State contain ideas, principles and practices that can serve as entry points in the effective family life in Nigeria and that of developing world. However, there are constraints in the maintenance of indigenous marriage institutions. These include the difficulty in refining entrenched attitudes as well as the continuous loss of indigenous belief systems and practices of marriage institutions as a result of the effects of western education on the younger generations. In addition, in communities where Christianity is very strongly practiced, some rituals prescribed for estranged families, which involve shedding of animal blood are now discouraged, often leading to the loss of traditional beliefs especially in the urban areas where culture seems to subvert indigenous practice. In this way, people in the towns no longer have the same sense of indigenous practice like their counterparts in the rural areas (8-10).

Although cultural practices have been eroded and continued to be eroded, this does not necessarily render indigenous methods outdated. Cultures advance with new changes and experiences (3,6,11). However, the harsh conditions divorced women are exposed to in indigenous marriage institutions have much to offer in terms of discouraging divorce and increasing stability in marriages. Stability in marriages will also influence reduction in activities that encourage HIV infection as there would be less number of women tempted to practice multiple sex. This shows that the more stable a marriage, the more women are empowered with education and the less they are tempted to engage in multiple sex.

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