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Threats to Marriage Institution in the Modern World: Islamic Panacea

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Abstract

Marriage, a universally recognized union between a man and a woman, has been continually evolving, undergoing changes and redefinitions in the modern world. Towards the end of the 20th century, other forms of unimaginable unions emerged and were consequently legalized thereby constituting threats to marriage. Issues like gay union, high cost of wedding feast, indiscriminate use of contraceptives by the unmarried, accessibility to free porn, sex video, sex dolls and sex games on the Internet/social media and a host of others are seen as threats and challenges to the institution of marriage. It seems that the legal union between man and woman is being re-interpreted and discouraged. Discussing the marriage institution from Islamic perspective, this paper, adopting analytical method, critically examines the threats against marriage and makes a concise attempt to identify ways of combating them. The paper, which also highlights divergent views of Muslim jurists on marriage, offers Islamic panacea to what constitutes threat to marriage; with a view to sustaining the institution through, the establishment of marriage counseling units, complimentary role of government, the Imams/missionaries, relatives and friends in offering financial and spiritual support for the unmarried and married couples. Realizing the distinguishing features between human beings and animals, the paper offers recommendations towards preserving the institution of marriage and as well discouraging all other forms of unions that are forbidden in Islam.

Keywords:

Threats, marriage, modern world, Islamic panacea

Introduction

Marriage is one of the institutions that distinguish animal kingdom from human beings. It is practised all over the world. Marriage concept varies from one culture to another and from one country to another. It is also influenced by religion which people profess. In some societies, marriage is recognized by law as a legal union between a man and a woman purposely to live as husband and wife. It is a union expected to last long till death. In some African cultures, efforts are always made through performance of rites to sustain marriage. For instance, in a typical Yoruba traditional set-up, parents and guardians of a man or a woman who is ready to enter into a matrimonial home will have to consult *ifa* oracle to find out who he or she should marry or to find out whether the marriage will be successful or not. All these and similar measures taken by the African people are pointer to the fact that marriage is a serious relationship or spiritual contract which must be jealously guided from collapse.

In the modern world, there are different kinds of civil union or relationship known as marriage. The kind of marriage a country approves or adopts could be found in its constitution. The unions known today as marriage are monogamy, polygamy (polygyny) and gay. Monogamy is a marriage between one man and one woman. Polygamy is plurality of marriage which could either be polygyny or polyandry. Polygamy is defined as marriage in which a spouse of either sex may have more than one mate at the same time. While polygyny is the practice of having more than one wife or female mate at a time, polyandry is the state or practice of having more than one husband or male mate at one time¹. Gay marriage is a union of the same sex. It is a marriage where a man gets married to his fellow man. This is known as homosexual or same-sex marriage. Gay marriage is also applicable to a woman marrying to her fellow woman, otherwise known as lesbianism. Gay marriage has been legalized in some western countries. In June 2015, Supreme Court in the United States of America (USA) legalized gay marriage². While,

¹ Webster Dictionary (2012)

² A. Vogue and J. Diamond . (2015) "Supreme Court Rules in Favour of Same-Sex Marriage Nationwide" accessed from <http://edition.cnn.com/2015/06/26/politics/suprem-court-same-sex-marriage-ruling/>, downloaded 18th August 2016.

gay marriage is condemned by some countries especially African countries, monogamy and polygyny are widely practised by the Africans. Traditional marriage, which is usually based on the tradition and custom of each tribe, is also rampant in African countries. Court marriage is a marriage usually conducted by a magistrate court and it is based on the rules and regulations of marriage act of a magistrate court. Court marriage otherwise known as white marriage in African context is a practice borrowed from the western culture by some African elites.

The union of man and woman is being threatened and challenged by some trends in the modern world. The Islamic marriage, which is believed by Muslims to have been divinely ordained and regulated, seems to be one that can wither the storm of threats confronting the marriage institution in the contemporary world. It is against this backdrop that this paper aims at highlighting factors that are threatening marriage institution, examining marriage from the Islamic perspective, and as well, identifying ways of combating the threats through the application of Islamic marital or family law.

Marital Practices in the Modern World

Marriage is being looked from different perspectives as new meanings and definitions are coined for the union of human beings in the modern world. To some people, marriage is a legal union of a man and a woman or two people of the same sex as partners in a relationship. This connotes that marriage could be between people of the opposite sex and as well between people of the same sex. To other people, marriage is a union for child bearing and pleasure or for other purposes³. Marriage is conceptualized as sexual and economic union between man and woman. It is a relationship that exists between those who share a sexual union and economic cooperation. It is also seen as a voluntary union of one man and a woman or women to the exclusion of others⁴ (Terna, 2014). Marriage is the solemnization of pre-marital, sex free relationship between two persons of the opposite sex after fulfilling all established conditions, primarily for a legitimate union and sexual relationship⁵.

³<http://www.gistfree.com/2015>.

⁴T. A. Terna, (2014). "African Religio-Cultural Practices on Marriage As Panacea for Crises: The Tiv in Focus" *Journal of University Scholars in Religions (JUSREL)*, Oshogbo: Jemilah Publishers, pp.558-571.

⁵I. O. Yekini. (2012). "Islamic Approach Towards Sustainability of Virginity in Modern Time" *Orisun: Journal of Religion and Human Values*, vol (2) no.2, September, Ago-Iwoye: Department of Religious Studies, Olabisi Oanabanjo University, pp.91-117.

In some western countries, marriage is assuming a new dimension as some unions are being considered or defined as marriage. Contrary to what is obtainable in African countries and elsewhere, marriage is being conducted between people of the same sex and as well as between human beings and animals in the advanced countries. It is on record that about twenty-one countries in the western world have so far legalized same sex marriage otherwise known as gay marriage. With the legalization of civil union in Vermont, many gays and lesbians in committed relationships have gone on vacation in Vermont, where they entered into a civil union, returned to their home state and asked for their unions to be recognized. Consequently the term “civil union” between people of the same sex is now being replaced by the term “marriage” and instead of using the term “civil unionized partner” the gays and lesbians now prefer to refer their partners as wife, husband and spouse⁶. In 2015, United States of America became the 21st country that legalized gay marriage through the judgement given by Supreme Court of the USA⁷ (Vogue and Diamond, 2015).

Incredibly, between 1992 and 2013, there were recorded cases of marriage between human beings and animals. Umansky⁸ has a record of twelve people who married animals. These people were reported to have got married with animals like pony, cow, dog and goat.

In many countries in Europe and elsewhere in the world, a couple goes to a city hall or event centre to have their relationship recognized as a marriage by the government. They may decide to follow this arrangement with a religious ceremony in a church, mosque or synagogue. In African countries, where religions permeate their lives, marriage is usually conducted in accordance with the religion people profess. For instance, a Christian couple will prefer to have their marriage solemnized by pastors in a church or in a city hall while a Muslim couple will prefer to conduct their marriage in an Islamic manner by the Imams either in a mosque or in a hall. For those who profess indigenous religions or African Traditional Religion, marriage is usually conducted in a traditional way taking into consideration their culture and custom.

However, in the modern world, most African elites prefer to conduct their marriages in religious, civil and traditional ways. For instance in Nigeria, a Christian or Muslim couple often solemnize their marriage starting with introduction (i.e. formal recognition of

⁶www.religioustolerance.org/hom.mar2.htm/2016.

⁷Vogue and Diamond, 2015.

⁸N. Umansky. (2013) “12 Unbelievable People who married Animals” accessed from http://www.oddee.com/item_98774.aspx, downloaded 18th August 2016.

the two families) followed by engagement (usually performed in accordance with culture of the couple) and then proceed to a registry (i.e. court marriage) in a local government area of their state. Thereafter, a religious marriage either in a church or in a mosque is conducted for the couple. The religious or traditional marriage is usually rounded up with reception where a lot of food and drinks (often accompanied with music) are served usually in an open space or a city hall. All these arrangements and new developments being introduced into the institution of marriage have constituted challenges and threats to the institution in the modern world.

Marriage Institution from the Islamic Perspective

In Islam, marriage is known as *an-Nikah* which literally means to unite. Originally, *Nikah* means intercourse which was applied to the marriage agreement⁹. The word *Zawj* is used in the Qur'an to denote a pair or a mate and in usage it connotes marriage. The term *Zawj* is used for pair in Qur'an 20: 53 which reads thus:

He who has made for you the earth like a carpet spread out; has enabled you to go about therein by roads. (And channels): and has sent down water from the sky, with it have We produced diverse pairs (*Azwaja*) of plants, each separate from the others.¹⁰

Marriage is also known as *mithaq* (covenant) in the Qur'an, a covenant between the husband and the wife¹¹. Marriage is a religious act, an act of responsible devotion. Essence of marriage in Islam is to provide companionship, to procreate, to live in peace and tranquility and to earn the pleasure of Allah by following His commandments on marriage¹². In short, marriage in Islam is a means of emotional and sexual gratification, a mechanism of tension reduction, a means of legitimate procreation, a social placement, an act of piety and a form of *Ibadah* (worship). It is a religious and a social contract between a man and a woman. In Islam, marriage is a commitment to life, to society and to the dignified, meaningful survival of the human race. It is a kind of commitment in which the Muslim married partners find mutual fulfillment and self realization, love and peace, compassion and serenity, comfort and

⁹al-Jibali, 2005.

¹⁰Qur'an 20: 53.

¹¹Q4:21.

¹²Q30:21, Q16:72, Q4:1.

hope¹³ . In a tradition of Prophet Muhammad (S.A.W), Anas bn Malik narrated thus:

Allah's Messenger used to command us to marry and forbid severely celibacy and say, "Marry women who are very prolific and loving, for I shall outnumber the prophets by you on the Day of Resurrection¹⁴ .

In another tradition, the Prophet said:

O young men, those of you who can support a wife should marry, for it (marriage) controls the gaze and preserve one from immorality, but those who cannot should fast, for it is a means of suppressing the sexual desire¹⁵ .

However, Muslim jurists have divergent views on the institution of marriage. The Sunni schools of Hanafi, Maliki and Hanbali consider marriage as either recommendatory or obligatory in certain cases. The Shafii School of Thought sees marriage institution as *mubah* (permissible act). According to Maliki School of Thought, marriage becomes *wajib* (obligatory) for a Muslim even if he is not financially capable on the condition that there is tendency to commit fornication and he is unable to observe fast in order to control his sexual urge and he cannot find a poor girl to marry¹⁶ . Some Muslim jurists disagreed with Maliki's view on marriage by a Muslim who is financially incapable arguing that if such a poor Muslim has no livelihood, he must not marry for fear of committing theft to maintain his wife and children¹⁷ . Hanafi School of Thought considers marriage obligatory if a Muslim will commit fornication if he does not get married, unable to fast to control his sexual urge and if he has means to pay *mahr* (dowry) and he has means of livelihood otherwise marriage is not obligatory for him. Marriage is *makruh* (discouraged/reprehensive) for a Muslim who has no sexual urge or no desire or love for children and he is sure to be slackened in his religious obligation as a result of marriage. Marriage is said to be *haram* (forbidden) for a Muslim who does not have means to cater for his wife and children or a Muslim who is suffering from

¹³H. Abdalati, (1986). *Islam in Focus*, Lagos: Islamic Publication Bureau.

¹⁴A. H. Al-Asqalani, (1996). *Bulugh al-Maram Attainment of the Objective According to Evidence of the Ordinances*, USA: Daru-us-Salam Publications.

¹⁵Ibid.

¹⁶A. R. I. Doi, (1984). *Shari'ah The Islamic Law*, London: Ta-Ha Publishers.

¹⁷Doi, 1984, p.110.

contagious and protracted illness that may affect his wife and children¹⁸.

Marriage is equally forbidden for a Muslim male and female with some serious defects. Such defects in case of a male Muslim include removal of testis, absence of penis or with small penis and a partially impotent person. While for a female, defects include blockage of the vagina or vaginal horn or uterus didelphy, vesico vaginal fistula (VUF), growth in the vagina or fibroid and offensive odour of the mouth of the vagina. Equally, Muslim suffering from leprosy and leakage of urine or excreta during sexual intercourse may not get married except if the defects or illnesses are treated and healed¹⁹.

Al-Ghazali is of the view that if a Muslim thinks that he would not be able to honourably discharge his duties and responsibilities of this world and the hereafter satisfactorily, it is better for such a Muslim not to perform marriage under these serious circumstances. At the same time, if he is afraid of committing fornication, crime of sex and libido, he had better enter into holy wedlock, the sooner, the better²⁰. On marriage, Fazlul-Karim quotes Imam Al-Ghazali as saying in his *Ihya Ulum-id-Din* thus:

Marriage is good for one who is not diverted from the remembrance of God and from the path of honesty and virtue. In the contrary case, marriage is bad for him. If there is necessity of controlling sexual passion, marriage is necessary. Jesus Christ did not marry in spite of his high and lofty position as a prophet. The holy Prophet Muhammad (S.A.W), placed in the highest rank among men, took several wives and yet, he did not forget God for a moment²¹.

It is important to note that Islam recognizes the union of one man and one woman (i.e. monogamy) as a valid form of marriage. However, under exceptional circumstances, it allows a Muslim to marry more than one wife but does not allow a Muslim woman to

¹⁸Doi, 1984, p.119.

¹⁹R.I. Adebayo, (2013). "An Islamic Perspective on Ante-Nuptial and Pre-Natal Preparation for Effective Child Health Care" *Al-Fikr: Annual Journal of Department of Arabic and Islamic Studies*, Ibadan: University of Ibadan, p31.

²⁰M. A. Bilal, (Trans, 2001). *Kimiya-l-Sa'dat (Alchemy of Eternal Bliss) By Imam Ghazzali*, Pakistan: Kazi Publications, accessed from http://www.brain.net.pk/kazip_downloaded_20th_January_2018.P.440.

²¹F. Karim (Trans, 1993). *Revival of Religious Learnings Imam Ghazzali's Ihya Ulum-id-Din*, vol II, Pakistan: Daru-l-Ishaat accessed from www.kalamullah.org downloaded on 20th February 2017, p..29.

marry than one husband a time. While explaining the justification for polygyny in Islam, Ali writes *inter alia*:

Polygyny in Islam is both in theory and in practice, an exception not a rule, and as an exception, it is a remedy for many evils of modern civilization. It is not only the preponderance of females over males that necessitate polygyny in certain cases but there is a variety of other circumstances which require polygyny to be adopted under exceptional, not only for the morals but also the physical welfare of society. Prostitution which is on the increase with the advancement of civilization and which is eating into it like cancer with its concomitant increase of bastard, is practically unknown to countries where polygyny is allowed as a remedial measure.²²

According to Akanni²³, Islam permits a Muslim to marry more than one wife purposely to take care of certain situations such as infertility, imbalance in the proportion of male to female occasioned by widowhood, war, among others. The reality of polygyny has been substantiated by Mrs Ogechi Ololo, the Imo State Commissioner for Happiness, who appealed to married men (monogamists) in Imo state, Nigeria to marry more women in order to cater for unmarried women whose number/population outnumbered men. It is said that number of women (indigenes) in Imo state was three million (3,000,000,00), while men was nine hundred thousand (0.9) in number²⁴.

Threats to the Marriage Institution in the Modern world

Notwithstanding the different meanings and appellations being coined for the union or relationship between human beings of the same sex and as well as, between human beings and animals as 'marriage' in the modern world, most people still regard the institution of marriage as exclusively an affair or a union between members of the opposite sex (i.e. male and female). In an African proverb, a man without a wife is like a vase without flower.

²²M. M. Ali, (1986). *The Religion of Islam*, Delhi: Taj Company P. 642.

²³A. A. Akanni, (2009). "Dangers in the Muslim Home: Culture and civilization Challenges to Islamic Marriages in Southwestern Nigeria" Akintola, et al (eds.), *Correlates of Islam*, Zaria: The Ahmadu Bello University Press, pp.97-121.

²⁴<https://www.informationng.com> 2018.

However, the waves of westernization, globalization and liberation have been eroding cultures of some peoples in the world. Marriage is one of the cultures being threatened by these waves. Among the identified threats to marriage in the contemporary world include gay union otherwise known as gender neutral marriage, bestiality, pre-marital sex, indiscriminate use of contraceptives, pornographic pictures, sex video, sex doll and the legalization of prostitution. Other threats are high cost of engagement and wedding feast and economic recession to mention but few. We shall make an attempt to examine some of these threats.

(i) **Legalization of Gay Union:** It is a conjugal union between two people of the same sex biological sex. It could be homosexual union which is male- male or lesbian which is relationship between two females. Fawenu states that LGBT (i.e. Lesbianism, Gay, Bisexual, Transgender) is a term used to describe homosexual acts. It is said to be an ancient practice traceable to the Roman Empire where Roman Emperors married males and lived with them in conjugal relationship. While noting the influence of the union on the adherents of Christianity, Fawenu writes:

Gay is a practice among the adherents of Christianity in the Western world. Public and legal recognition has been given to same-sex marriage. It is generally accepted as alternatives to heterosexual marriage with churches at the heart of the activities by not only recognizing it or solemnizing union of two males but equally having clergy in same sex union²⁵.

Syed²⁶ states that in the Netherlands, Belgium, China, Ontario, Canada and Columbia, same sex marriage is a legal practice. In these places, male love is usually cultivated; men would marry youths in elaborate ceremonies. According to him, the term "same sex marriage" has been displacing "gay marriage" which is being used for the union of two partners of the same sex or bisexual. The gay union is also found among the Azande of the Congo in Africa where men would marry youths for whom they had to pay a

²⁵O. B. Fawenu, (2014). "An Exegetical Study of Genesis 2:18-25 vis- a- vis The Agitation for Same Sex Marriage in Nigeria", Akanni et al (eds.) *Religion, Peace and Development in Nigeria, A Festschrift In Honour of Prof. E. Ade Odumuyiwa*, Ago-Iwoye: Department of Religious Studies, Olabisi Onabanjo University, p. 104.

²⁶I. B. Syed, (2012). "Same Sex Marriage and Marriage in Islam" accessed from www.irfi.org downloaded 6th August 2016.

bride price to the father²⁷. The clamouring for gay union has been on increase nowadays as the practice is being extended to other countries in the world. Though majority of African countries oppose it, some Africans have been accused of homosexual acts. That is why in Nigeria, the Same-Sex Marriage Prohibition Act 2013 does not only condemn same sex marriage but also criminalizes homosexual clubs, associations, and organizations with penalties of up to 14 years in jail²⁸. The legalization of same-sex marriage by the western world, no doubt, is a threat to the institution of heterosexual marriage. As time goes on, marriage may no longer appeal to human beings and its purposes and benefits may collapse. While examining the threats which same sex union constitutes to marriage sustainability, Adaja²⁹ observes thus:

In spite of the criticisms, single sex marriage, lesbianism, homosexuality etc are being promoted in some quarters especially by some of the human rights' organizations and churches... This is a serious threat to the continuity and sustainability of the marriage institution in the modern societies³⁰.

(ii) **Bestiality**: Bestiality has been defined as sexual activity between a human being and an animal. It is a common practice in some countries in the world where human beings contract marriage relationship with animals in a formal way and thereafter have sexual affairs with such animals. Between 1992 and 2013, there were recorded cases of 'marriage' between human beings and animals. According to Umansky³¹, a nine-year old Indian girl Karnamoni Handsa got married in 2003, to a stray dog as part of a ritual to ward off an evil spirit in her. In 2006, a Sudanese man, Charles Tombe was forced to take a goat as his wife and pay the goat owner a dowry of 15,000 Sudanese dinars (US \$75) after he was caught having sex with the goat. In 2010, Ngurah Alit, an 18 year old Balinese teenager was caught in the act of intercourse with a cow after claiming that it had

²⁷Ibid.

²⁸Fawenu, 2014.

²⁹Adaja, 2009, p. 26.

³⁰T. A. Adaja (2009). "The Imperative of Communications in Marriage Sustainability in the Modern Society", *Orisun: Journal of Religion and Human Values*, vol.8, (8) Ago-Iwoye: Department of Religious Studies, Olabisi Onabanjo University, P. 26.

³¹Umansky (2013).

flirted with him. Alit was forced to marry the cow. Zaimov³² reports Canada's Supreme Court declaring that most sex acts between people and animals are legal as long as no penetration is involved. The case was in favour of a British Columbia man, DLW who was convicted on 13 counts of sexually assaulting his stepdaughters but was acquitted of bestiality because, according to the Supreme Court, he only forced dogs into oral sex without penetration. A situation whereby human beings prefer getting married to animals in the advanced countries is a wrong signal and a threat to the institution of marriage in the modern world.

(iii) **Pre-marital Sex:** This is an act of sexual cohabitation before marriage. It has become a common practice among the unmarried people of diverse backgrounds to engage in sexual activities without formal marriage or official solemnization. Pre-marital sex is prevalent in societies where the committal of the act is neither condemnable nor punishable. Though pre-marital sexual affairs are frowned at in some Asia, African and other countries where religious law guides their lives, the western world sees nothing wrong in the act under the guise of freedom or human rights, as long as there is consent of the people involved in the act, it is acceptable. Due to indulgence of people in this act, marriage is no more given a second thought or priority in the modern world.

(iv) **Accessibility to Contraceptives:** Contraceptives are devices being used by men and women, married and unmarried to prevent pregnancies. There are a quite number of contraceptives in developing and developed countries. These contraceptives, otherwise known as birth control methods include condom, diaphragm, pills, injections, contraceptive foam, intrauterine device (IUD), withdrawal or coitus interruptus and rhythm method³³. Availability of different contraceptives which are accessible and affordable to unmarried men and women in the modern world has, to some extent, exposed them to sexual affairs, thereby discouraging a number of them to get married. As long as an unmarried person satisfies himself/herself sexually without being legally married, he/she will not give marriage a priority in life. The fact is that sex occupies significant position in the life of married people and in some tribes/cultures; marriage is the only legitimate means of having sexual affairs among the married couples.

³²S. Zaimov, (2015). "Canada Legalizes Most Sex Acts with Animals" accessed from <http://www.christainpost.com/news/canada-legalizes-most-sex-act-with-animals-166053/> downloaded 18th August 2016.

³³D. Werner, (1995) *Where there is no Doctor: A Village Health Care Handbook for Africa*, USA: Macmillan Education Ltd. Pp203-213.

(v) **Legalization of Prostitution:** Prostitution is the act of providing sexual services to another person in return of payment. It is the commercial exchange of sex for money, goods, services or some other benefits agreed upon by the transacting parties. Prostitution is the world's oldest profession. It is a legalized profession in Netherland, Germany, Indonesia, New Zealand, Canada, Argentina, France, Italy³⁴ . The legalization of prostitution in these and other countries discourages some young men and women from entering into a marital life. Prostitution is indeed a threat to marriage institution in the modern world.

(vi) **Cost of Wedding Feasts:** All over the world, people of diverse cultural and religious backgrounds have different ways of celebrating the union of a man and a woman. In some countries especially African countries, weddings are usually celebrated in an elaborate form with pomp and pageantry; with a lot of merrymaking. For instance in Nigeria, bride, groom, their parents, guardians, friends and well-wishers spend a lot of money on weddings. An elaborate wedding consists of hiring a venue, catering, gifts, outfits (for the bride and groom), entertainment of guests, photography, video, protocol, transportation, accommodation of friends, honeymoon among others. The total cost of these items could gulp millions of naira in Nigeria³⁵. . In most cases, foods, drinks, cocktails, small chops and cake take a lion share of a wedding budget. Due to this high cost of wedding feast, a quite number of marriageable men and women often delay marriage or at times run away from marriage especially in a society where greater value is placed on wedding ceremony not minding the financial capability of the intending couple. Elaborate wedding feast has been identified as one of the challenges facing marriage institution in the modern world. While examining the negative effect of culture and civilization on Muslim's marriage in the Southwestern Nigeria, Akanni remarks thus:

Elaborate wedding ceremony ruins the young couple and their families economically. Both not only save money to conduct their wedding but also often end up in debt after the wedding. The new couple could also quarrel about money

³⁴www.listland.com/top-10-reasons-prostitution-is-legalized.

³⁵<http://www.storypageevents.com/weddings>.

matters immediately the ceremony is over since they had spent their fortunes on the wedding³⁶.

It is observed that in many Muslim countries, the bride's parents often request for high dowries. This has led many young men to forsake marriage or postpone it for a number of years which has in turn led to the spread of fornication and other sins among the youth³⁷.

(vii) **Economic Depression/Recession:** High rate of unemployment coupled with economic depression around the world especially the Third World countries has made marriageable young men and women to shun marriage institution probably due to financial commitments involved. It is said that most of the people living in the Third World countries earn below a dollar per day. For instance, poverty has risen in Nigeria, with almost 100 million people living on less than a \$1 (£0.63) a day³⁸ The economic woes occasioned by bad governance and leadership in some countries have made it difficult for their citizens to enter into marital life. Consequently, number of unmarried young men and women keeps on increasing.

(viii) **Sexual related problems:** Another factor identified as a threat to marriage institution is sexual related problems. These include sex deprivation, non-gratification of sexual desire and complaint about spouses' poor sex performance³⁹ (Raji, 2014, p.98). It is believed that these identified sex related problems and similar ones could lead to cold war, breakdown in communication, extra marital relationship and eventually a marriage break off. A quite number of matrimonial homes have broken due to sex related problems among couples. The poor sex performance of married people has been threatening marriage institution in the modern world.

(ix) **Accessibility to free porn, sex video and games:** With the advancement in Information and Communication Technology, the modern human beings have been exposed through the Internet, *WhatsApp*, *Facebook* etc to pornographic pictures, sex games, videos

³⁶Akanni 2009, p.117.

³⁷M. M. Al-Jibaly, (2005). *The Quest for Love and Mercy (Regulations for Marriage and Wedding in Islam)*, *The Muslim Family -1*, USA: Al-Kitaab and As-Sunnah Publishing. P. 72.

³⁸<http://www.bbc.com/news/world-africa>.

³⁹M. O. Raji, (2014). "The Place of Sex in Marriage: Emerging Issues in Yoruba Muslim Marriages and the Islamic Panacea" Akanni et al (eds.) *Religion, Peace and Development in Nigeria, A Festschrift In Honour of Prof. E. Ade Odumuyiwa*, Ago-Iwoye: Department of Religious Studies, Olabisi Onabanjo University, pp. 94-101.P. 98.

and sex dolls. A Sex doll is a toy made in the size and shape of a sexual partner for aid in masturbation. It may consist of an entire body with face, a head, pelvis or other partial body with the accessories (i.e. vagina, anus, mouth, penis) for sexual stimulation. Sex dolls are made in different sizes and shapes and they are commonly found in Britain, Japan, China and USA. Like sex dolls, people are also having sex with robots⁴⁰ (https://en.wikipedia.org/wiki/Sex_doll, 2018). In this modern world, people have access to free porn sex, sex video, sex games and sex dolls in the print and electronic media. Due to cultivation of habit of visiting websites of free porn sex, some people may detest and loose interest in marriage. To what extent can these threats against the marriage institution be curbed by Islam? The next section of the paper will provide an answer to the question.

Islamic Panacea to Curbing Threats to the Marriage Institution

It is gratifying to note that marriage institution is facing a lot of challenges in the modern world. As earlier noted, the threats to marriage institution are multi-dimensional. There is, therefore, the need to urgently address those challenges with a view to preserving the sanctity of the institution. Islam, a world monotheistic religion is poised to proffer antidotes to the factors threatening the institution of marriage in the world. Islam recognizes marriage as the union of a man and a woman for the purpose of living together as husband and wife under the provisions of the *Shari'ah* (Islamic law). Among the laid down conditions for the validity of Islamic marriage include puberty age, compatibility, reasonable dowry, good will, free consent, unselfish guardianship, honourable intention and judicial discretion⁴¹.

Islam does not consider a union of same sex as a marriage because it is not only condemnable but also punishable under the Islamic marital law. In other words, sodomy or homosexuality which is known as *Liwat* in Islamic marital law is described as an unnatural act of sex to satisfy one's passion. The people of Prophet Lut (A.S) were said to have committed sodomy and they were punished according to Q7:84 where Allah says:

And We rained down on them a rain (of stones).
Then see what was the end of the *Mujrimun*
(criminals, polytheists and sinners).

⁴⁰https://en.wikipedia.org/wiki/Sex_doll, 2018.

⁴¹H. Abdalati, (1986). *Islam in Focus*, Lagos: Islamic Publication Bureau, P.115.

On homosexuality, the Prophet Muhammad is quoted as saying:

If you find someone who is committing an act of the commitment of Lut (that is homosexuality), kill the one on top and the one below and in another statement, the Prophet said: Kill the doer and the one with whom the act is committed⁴².

Sodomy is not only prohibited and punishable under Islamic marital law, bestiality, which is the act of having sexual intercourse with animal is equally prohibited and punishable. Stoning to death is the prescribed punishment for the committal of bestiality. According to the *Aimah* Hanbali and Shafi'i schools of thought, both the culprit and the animal are to be killed. The Prophet Muhammad (S.A,W) is quoted as saying "Kill the animal and the person who commits sexual intercourse with it"⁴³.

Pre-marital sex which is rampant in the modern world is seriously frowned at and punishable under Islamic marital law. It is known as *zina* (fornication). It is an act usually committed by unmarried people who cohabit sexually before marriage. In Qur'an 17:32, Allah condemns pre-marital sex by saying:

And come not near to unlawful sex. Verily, it is a *Fahishah* (i.e. anything that transgresses the limits, a great sin), and an evil way (that leads one to Hell unless Allah forgives him).

There is a prescribed punishment for pre-marital sex in the Glorious Qur'an. It is punishable by one hundred strokes of cane. In Qur'an 24:2, Allah declares thus:

The fornicatress and fornicator, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allah, if you believe in Allah and the Last Day. And let a party of the believers witness their punishment. (This punishment is for unmarried person guilty of the above crime).

While condemning pre-marital sex, the Prophet Muhammad (S.A,W) is quoted as saying:

⁴²Doi, 1984,243.

⁴³Ibid.

There is no sin after association (with Allah) greater in the eyes of Allah than a drop of semen which a man places in the womb which is not lawful to him⁴⁴ .

Pre-marital sex is not only a great sin but also an act that opens the gate for many other shameful acts. Islam abhors fornication and thus enjoins Muslims to keep away from all those satanic things that could lead a Muslim to fornication. It is often said that through indiscriminate pre-marital sex, a person may be infected with sexually transmitted diseases such as gonorrhea, Chlamydia, syphilis, genital herpes, Chancroid and HIV/AIDS⁴⁵ . Unmarried people who indulge in pre-marital sex do not get married on time or delay marriage or end up not marrying at all especially ladies who later become commercial sex workers.

Payment of exorbitant dowry and high cost of wedding feast have become the order of the day in the modern world. Peoples of diverse cultural and religious backgrounds have made marriage too expensive due to high cost of wedding feast expected to be provided by the groom, bride, and their family members. Islamic marital law does not stipulate high cost of wedding feast or payment of exorbitant *Mahr* (dowry) by the groom. Muslim jurists unanimously agreed that dowry has no maximum limit but disagreed about its minimum. According to Nyazee⁴⁶ , Imam Shafi'i , Ahmad, Ishaq, Abu Thawr and jurists of Maliki among the *Tabiun* (followers of the companions) opined that there is no minimum limit for dowry and anything can be a price or value for dowry. However, Imam Maliki opined that one-fourth dinar of gold or three *dirhams* of silver or its equivalent is the minimum amount of dowry. Abu Hanifah is of the view that ten *dirhams* is the minimum.

According to Doi⁴⁷ , *mahr* (dowry) has no limit and the words used in the Qur'an (Q4:20) indicate that any amount of dowry may be settled on the wife. He further writes:

The Prophet was reported to have paid different amount of dowry to his wives. Four thousand *dirahms* was paid to Umm Habiba when the marriage took place in Abyssinia, while in the case of other wives, it was five hundred *dirhams*.

⁴⁴Doi, 1984:236.

⁴⁵Werner, 1995, 252-260.

⁴⁶Nyazee, 2006.

⁴⁷Doi, 1984.

The *mahr* of Fatimah was 400 *dirahms*. The lowest amount mentioned in the hadith is a ring of iron and a man who could not present even that was told to teach the Holy Qur'an to his wife⁴⁸.

Going by the above explanation on the amount of dowry, Muslims are not expected to pay exorbitant dowry before marriage.

On wedding feast, it is observed that the manner in which guests are entertained is considered in some cases as *Israf* (extravagance and spendthrift). Reception and cocktail parties of the wedding feast are said to be expensive of the entertainment. This prohibitive cost of wedding feast often scares people from getting married⁴⁹. Islam does not encourage elaborate *walimatun-Nikah* (wedding feast). Anas bn Malik is reported to have said:

I never saw Allah's Messenger offer as much food in any of his wives' wedding feast as he did in Zaynab's. He slaughtered a goat and fed the people bread and meat until they were full⁵⁰.

In a *walimatun-Nikah*, (wedding feast), it is acceptable in Islam for the groom to invite a few guests and serve them orange drinks and biscuits. The relatives and friends of the groom can also be assisted in bearing the cost of wedding feast. In Islam, wedding feast usually comes up after the consummation of marriage⁵¹. While condemning extravagance and show-off in an elaborate wedding feast, al-Jibaliy comments thus:

Some people like to impress others about their wealth and status by holding extravagant banquets and receptions in expensive hotels and by offering costly food and services that are often beyond their means and are extremely straining to their resources for a long time to follow⁵².

Sex related problem is a threat to sustainability of marriage in the modern world. Married people often have challenges in carrying out their conjugal responsibilities. A quite number of couples have

⁴⁸Doi, 1984, pp.65-166.

⁴⁹Adetona, 1998, p.43.

⁵⁰al-Jibaliy, 20005:104.

⁵¹L.M. Adetonal, (1998). Wedding Feast: A Misconceived Phenomenon Among the Nigerian Muslims" *AL-HADARAH: LASU Journal of Arabic and Islamic Studies*, Ojo: Lagos State University ,p.43.

⁵²Ibid ,p. 106.

little or no knowledge about sex education prior to solemnization of marriage. This lack of knowledge and skill in cohabitation has led to crisis in some homes. To address sex related problem, Islam encourages Muslim couples to be sexually aroused through fore play and sexual stimulations. According to Raji⁵³ , fore play, which involves kissing, caressing of the sensitive sexual parts and gentle strokes of the clitoris with fingers is acceptable in Islam. Prophet Muhammad is quoted as saying:

Let none of you come upon his wife like an animal. Let there be an emissary between them. When asked what the emissary is, he replied: The kiss and sweet words⁵⁴ .

Islam allows married people to explore sexual techniques with a view to enjoying themselves. Sexual techniques acceptable in Islam include penetration of the wife by her husband through the vagina orifice, placing the husband above the wife, face to face, wife above, face to face, side position, face to face and rear entry position in which the husband penetrates the vagina from the rear. Islamic marital law allows the Muslim couple to explore and experiment whichever technique they wish in order to derive sexual satisfaction that could sustain their marriage⁵⁵ . Cohabitation with one's legal wife is like entering into a farmland, where one can cultivate as one likes. This is deduced from the Qur'an where Allah declares thus:

Your wives are as a tilth unto you, so approach your tilth when or how you will, but do some good acts for your souls beforehand and fear Allah, and know that you are to meet Him (in the Hereafter) and give (these) good tidings to those who believe⁵⁶ .

Islam condemns all forms of pornographic pictures and nudity that promote immoral sexual acts. Watching nudity, sex videos, games or having sex with robot or sex dolls is condemnable and punishable in some Muslim communities. Exposing sexual intimacy and sinful acts such as looking, flirting, touching and kissing of the unmarried people are considered as acts of *zina* (fornication) which Muslims are strongly warned against their committal⁵⁷. The Prophet is quoted as saying:

⁵³Raji .2014.

⁵⁴Raji, 2014,p.96 in al-Bukhari.

⁵⁵Raji, 2014,p.100.

⁵⁶Q:223.

⁵⁷al-Jibaly, 2005:60.

A son of Adam's share of *zina* has been predestined for him, and he will inevitably fulfill that. Thus, the eyes commit *zina* by looking, the ears commit *zina* by listening, the tongue commits *zina* by speaking, the mouth commits *zina* by kissing, the hand commits *zina* by acting, the foot commits *zina* by walking (toward the sin), the soul (or heart) wishes and desires (the sin) and the private part confirms all of that or denies it)⁵⁸.

Conclusion

From the foregoing, the paper has been able to examine some threats against the institution of marriage. It argues that it is only through the union of man and woman that procreation of human being can be possible and it is only such union that can be properly defined as marriage. Hence, bestiality, lesbianism, bisexual, transgender, homosexuality cannot and should not be defined as marriage of people living in a human society. This is due to the fact that those who practise bestiality and gay cannot come into existence if not through heterosexual marriage. Importance of marriage cannot be over emphasized in a human society. It is through the institution of marriage that a family can be properly established and it is through a good family that a good society can be formed. Notwithstanding the identified threats against the institution of marriage, Islamic perspective of marriage establishes the fact that legal union of the opposite sex is the only ideal for the human society, while any other unions such as lesbianism, homosexuality and bestiality are condemnable and punishable. The study has also been able to show that the religion of Islam has some antidotes that, if properly administered, can serve as panacea to the threats of marriage institution in the modern world. Therefore, for the sustainability and preservation of the union of man and woman, the following recommendations are offered:

- (i) Legal union of man and woman should be defined as marriage while other unions such as gay and bestiality should not be defined as marriage. The fact that such unions are legalized by some advanced countries does not suggest that they should be recognized and defined as

⁵⁸al-Jibaly, 2005, pp.60-61.

- marriage. The term “civil union” may be appropriate in countries where those unions are legalized.
- (ii) Marriage counseling centres should be properly established in every human society and the centres could be managed by psychologists, clergy men and women and other experts in family affairs. The counseling centres should be meant for the intending couple and the married.
 - (iii) Elaborate wedding feast by the low income families should be discouraged. People should avoid extravagance in organizing wedding feasts/ cock tail parties. Moderation should be the watchwords. Marriage institution is bigger than wedding ceremonies.
 - (iv) Sex plays a vital role in marriage. Hence, married people with sexual related problems should consult medical doctors and sex therapists for proper treatment to forestall possible break off that may occur among the couple.
 - (v) The newly weeded couples that are not well informed of sex education or techniques of cohabitation should consult sex therapists and other experts in sexology to address their sexual problems.
 - (vi) Every well organized human society should discourage all forms of union that are against the heterosexual union.
 - (vii) Governments of developed and under developed countries should provide enabling environment to improve the economy of their countries so that unemployment and other economic factors that threaten marriage institution will be tackled.
 - (viii) Financial and spiritual support could be regularly offered by family, friends and relatives to the intending couples and as well as the already married people towards sustainability of their marriages.
 - (ix) Accessibility to free porn sex, sex videos, sex games, sex dolls etc and other indecencies in the print, electronic and social media should be regulated and discouraged by Government, parents, guardians, religious preachers and civil liberty organizations.
 - (x) Missionaries of different religious groups in every society should regularly preach against all forms of sexual affairs that are against their scriptures with a view to sustaining and preserving the marriage institution in the modern world.

