

Divorce in African Marriage System: Course, Causes and Consequences **By**

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Abstract

Marriage and family life are among the core values cherished in African society. The sanctity attached to marriage stems from the understanding of it as a divine institution; as such efforts are made towards its safeguard. In recent times, however, the institution of marriage has continued to decline as a result of many social, economic and cultural factors. This has produced a myriad of social problems such as divorce, considered by some opinions as solution to troubled marriages. Divorce is a cankerworm, a negation and a setback to healthy family; given its many negative effects to the society. Sociological approach and the use of secondary sources of data collection were adopted for this research. The paper discovered that divorce is inimical in solving marriage problems. Divorce leads to broken homes, single-parenting, child abandonment, frustration among others. It advised that couples should seek for better ways in resolving their differences rather than opting for divorce. The

Church, law makers and marriage counselors have a great role to play in restoring marriage institution to its original divine intention and essence.

Keywords: Divorce, Marriage Union, Family, African Tradition, Separation, Religion and Morality.

Introduction

The importance of marriage institution cannot be over-emphasized in African society. Ilogu (1974) noted that, "marriage has a unique place in the social life of Africa especially, the Igbo. A man who fails to marry when he is old enough to marry is regarded as irresponsible. In a similar development, a girl who is not married when she is old enough to be a mother, is looked down by the society" (p. 102).

Egbucha (2007) argued that "marriage is a sacred institution, which is viewed as an affair of unity between individual and communities" (p.147). It is not a one man affair; rather it is a community affair. There is no specific age for marriage, though sometimes, if a man at the age of forty has not married; such a person loses some moral respects in addition to social rights.

The sanctity of marriage hinges majorly on the purpose of marriage which has social, cultural and religious relevance. Marriage is the foundation and the very cradle of the society. This is why Africans in many quarters, place much premium on procreation. The place of sexuality, geared towards procreation is paramount. The need to raise a stable family, where both parents and children live in peace is key to societal development (Obi, 2014). Stable marriage makes for stable family and consequently, stable society, which is the desire of everyone.

However, recent events have proved that the sanctity, the expectations and hopes of marriage have always hit the rock as a result of many factors, chief among which is divorce. It must be noted that divorce is connected with irresolvable marital crisis. It entails a breakdown in the known social and

lawful order (Bonham and Balsweick, 1980). This breakdown in the social and lawful order represents the dissolution of the actual or nuclear family, which has far reaching consequences. Obi (2014) accentuated that love requires fidelity. When couples become disillusioned and enchanted by deceptive love, the result usually includes: division, separation and consequently, divorce.

Divorce is seen by those who sanction it as the last resort to troubled marriage relationships without considering the implications. The implications of divorce include the problems created for the spouses, the children, the relationship between children and parents, kinship families, old friends and associates, potentials new friends and the society in general. This is true because divorce does not only affect the couple concerned but also the children and relatives of the divorced persons.

Divorce is not part of God's plan for marriage. In the sight of God and before the Church, husband and wife are one. According to the law of God and the Church, they cannot be separated... 'what God has joined together, let no man separate...' (Matthew 19:6).

The sociological view of divorce as applied in this paper is based on the notion that marriage is a social institution (Wilcox and Dew, 2009). In this view certain cultural beliefs and norms are what constitute a marriage. When these beliefs and norms are violated, either a wife or husband is more likely to leave due to lack of social support, or because the spouse feel dissatisfied because of the norms have been violated (Sayer, England, Allison, & Kangas, 2011). As a result many sociological dislocations occasioned by this failure are witnessed in the society.

Conceptual Framework

Under this sub-heading, two key concepts shall be examined, namely: marriage and divorce.

Marriage is one of the greatest human institutions God himself established in the Garden of Eden (Genesis 1:27-28). Obi (2014) affirmed that, "marriage

is a synergic relationship; it is a blessed union where two people, a man and a woman or better put, a husband and wife combine efforts to make good home for the enjoyment and pleasure, which could not have been achieved by only one of them" (p.102). Everybody's role is a complementary.

Obi (2004) further noted that marriage "is the voluntary union for life of one man and one woman to the exclusion of all others" (p.100). This definition is however debatable as many scholars agree that in Africa, a man has right to marry as many wives as possible; so long as he can take care of them. It is often contracted between families and has economic, social and religious aspects which overlap so firmly that they cannot be separated from one another (Mbiti, 1970, Ebifie, 2010, Nwankwo, 2017). Polygamy has always been a feature of African marriage just as we have it in other cultures in the world. It is never considered as a sign of promiscuity on the side of the man, rather as a sign of wealth and as antidote against childlessness (Nwankwo, 2017).

Sibani (2014) citing Carmody (1992) said that "marriage in Africa is an arrangement which enables individuals to live together and co-operate in an orderly social life" (p.125). According to Arugu, (2014), marriage is considered a "lifelong contract in African societies" (p.382). In the same line of thought Chimezie (2002) observed that, "marriage is the focus of existence, the point where all the members of the society meet, a duty, a requirement from the corporate society and a rhythm of life in which everyone must participate" (p.32). Through marriage, social life is shared, status for the couples is changed and a new way of life is defined for those involved. African marriage is often polygamy; it is an alliance between two families and death of the groom does not always terminate the alliance (Nmah, 2003).

On the other hand, divorce is considered a "life-altering decision" that encompasses many ways of addressing the challenges that lead to divorce prior to the final legal decision (Tanaka, 2010). Most authors regard divorce as a permanent separation of a married couple. (Fagan & Churchill, 2012;

Treas, Scott & Richards, 2013) It is a cankerworm to marriage and family system in Africa.

Nmah (1998) defined divorce as “a legal ending of marriage so that the husband and wife are free to marry again” (p.42). Two terms vividly elucidate the concept, namely: *a mensa et thoro* meaning separation. In this case, the partners in marriage live separately and cease to cohabit. Also *a vinculo* meaning the dissolution of the bond of marriage, leaving partners free to marry as if they were never married in the first place (Nmah, 1998). Divorce can be viewed as a special category of life crisis because it offers the divorcees new problems and new solutions. It solves the problem of having to endure to live and interact daily with someone one will rather do without. It also creates problems of new challenges due to changed lifestyles, integrity, expectation and perhaps new environment. Indeed the great number of problems created by divorce has led some people to believe that it is rather a major life crisis on the other hand, the opportunity for growth and life development (Wallerstein and Lee, 1989).

In the modern society, divorce has become a more frequent phenomenon that the society frowns at and has a bias against a divorced family. Divorce is assumed to be the result of physiological disturbances which leads to marital instability or dysfunction. Divorce can be associated with failure and inadequacy leading to stress and trauma. In what follows, the paper will consider the reasons for divorce in marriages today.

Why Divorce in Marriages Today?

The institution of marriage has been robbed of its sacredness in recent times. It has been trivialized and misunderstood as a mere social contract that can be terminated at will by those who fail to seek for lasting solution to their seemingly collapsing marriages. Many factors have been adduced as reasons why the rate of divorce in the society has snowballed today.

Lack of proper enquiry before Marriage

One major factor leading to divorce in marriages today in Africa is lack of proper enquiry before marriage contract (Nwankwo, 2018). This was against the known norm in marriage contracts in traditional African society. Those who want to marry make thorough investigations to know the real backgrounds of their spouses. Nmah (2003) agreed with this assertion as it concerns marriage in traditional Igbo land by noting that:

Before marriage is contracted, the consent to marriage has been built into an elaborate ritual and is conducted through public channels. The diviner's opinion is sought as to the auspiciousness of the marriage. Other primary investigations are conducted to ascertain the rate of premature death, whether there are histories of twin births, whether the status is *osu* (outcast) or *diala* (freeborn), whether there is evidence of divorce rate in the family, and whether the rules of exogamy are respected (p.46).

Ebifie (2010) emphasized that:

Marriage was often contracted between families; each family took care to study the other family and know the background. Many questions were raised including that of good character, wealth and past history on health and public image of members of the family. It could be denied if there is a curse of witchcraft or premature death of young ones (p.32).

In traditional African society, marriages are not consummated until enquires are made by both parties. Usually, this enquires are made without either party knowing about it. The findings from both parties will determine whether the marriage will hold or not.

Unfortunately, young men and women marry without recourse to necessary preliminary enquiries. Nwankwo (2018) noted that, "most men and women meet their spouses in big cities, others meet through the internet like facebook and instagram; and propose to marry without knowing the background of each other." This has resulted into many heart-

breaks, separations and consequent divorces in marriages. The time they were able to know the real background of their spouse, and how incompatible both are to initiate marriage relationship; the only option available to them is to divorce (Nwankwo, 2018).

Infidelity/Adultery

Infidelity, also referred to as 'adultery' and commonly known as 'cheating' on one's partner, is near the top of the list of reasons for divorce among couples in Africa (Preller, 2014). It does not matter whether it is a wife or husband who is unfaithful, the repercussions can be devastating for the entire family. Various factors may lead to adultery such as lack of intimacy and communication as well as sexual dissatisfaction in marriage. Some cultural beliefs may also promote infidelity; for instance, after giving birth (during the postpartum period of sexual abstinence), a woman is expected to abstain from sexual intercourse for a specific period to recuperate (Awusabo-Asarea & Anarfi, 1997). The disadvantage of this practice is that some men may become tempted and indulge in promiscuity, which is detrimental to the couple's relationship and marriage (Shirindi & Makofane, 2015).

Obeta (2002) describes the offence of adultery in Igbo land as it concerns the women and its consequences to the health of marriage relationship in Africa. The result is usually divorce. He avers that:

The act of committing adultery, in most parts of Igbo land is peculiar to married women only. The tradition exonerates a man who engages in extra-marital relationship, especially with unmarried women or widows. However, the same tradition frowns seriously on any married woman who attempts having sexual relationship with any other man but the husband (p. 137).

The result of adultery when discovered has led to divorce in many marriages today. Collins (1998) affirms that, "sexual unfaithfulness can cause divorce. There is a relationship between sexual unfaithfulness and

divorce. Infidelity has been called the most common disruptive force in families, the most devastating, and the most universally accepted justification for divorce.”

In many countries of the world today the proof or claim of adultery against a spouse is enough to be awarded divorce of the marriage provided the plaintiff is not guilty of similar offence. Divorce can be granted upon the ground of one spouse’s grave marital misconduct especially adultery ... provided the petitioner himself is not guilty (Rheinstein, 1972).

Violence/Abuse

Violence is any kind of behaviour that one person uses to control another through fear and intimidation. It includes emotional and psychological abuse, battering and sexual assault (United States Bishops, 1992). Violence or abuse is often associated with women as victims and men as perpetrators. Baholo, and Christofides eds. (2015), explain that Africa has many such communities where domestic violence is culturally entrenched, and where men exert power and control over women; in fact, domestic violence is on the increase in many parts Africa today. Mathews, Jewkes and Abrahams (2014) posit that a cultural twist to domestic violence is that in certain cultures beating a wife and violence to a wife is tolerated as a response to infidelity or other infractions of the family honour by her. In some communities the terms ‘abuse’ or ‘domestic violence’ do not even exist; in other communities religious and social norms hold that domestic violence is a private matter between partners rather than a crime for which the perpetrators should be held legally responsible (Nkuke, Sello, and Modjadji, 2018).

Adjei (2017) suggest that the ideas and attitudes in African cultural notions of male patriarchy abound within marital relationships, where the subordination of women is underscored by the tradition of bride price, which reinforces the notion that husband has purchased and now owns his wife, including her labour and sexuality. When this abuse becomes unbearable to the point that the life of the woman or the man, (in a situation

where the man is the recipient of violence), divorce is usually the only option.

Childlessness and Male Child Preference

Childlessness and male-child preferences are areas through which women are culturally abused in Nigeria. In this regard Anyalechi (1992) captured a scenario in a typical Igbo society of Umuahia where a woman insisted that her daughter-in-law should give her a grand-child, or she leaves the son's house, "for what's use is a wife, if she has no children" (p. 82). This is almost the case in many African societies. A woman without a child or male child in many parts of the land loses the rights of inheritance and the family is considered hopeless. On the other hand, the woman's security is removed and the man may decide divorce her and get another woman.

Nmah, (2003), noted that:

In rural areas the roles of women centers on being a wife and a mother. The bearing of children is seen as a means of maintaining the lineage, whether it is in the patrilineal or matrilineal society. Barrenness could easily lead to divorce of a woman and her going back to her people. In fact barrenness is often seen as a disgrace, especially in patrilineal societies (p.143).

Infertility may cause anxiety, distress and frustration in marriage and subsequently lead to divorce. Having children is the most common reason why people get married (Benokraitis, 2007). Arugu (2014) said that, "in African culture, any marriage that is not blessed with children is not considered to have achieved its aim" (p.375). Childlessness is not acceptable in many societies that place a high value on children. It is assumed that when a couple cannot bear children, there will be nobody to remember them. Their genealogical line will disappear.

Another serious factor that results in the subjugation of women is the male-child preference. This is a cultural menace. Cases abound where mothers

are neglected or thrown out of their matrimonial homes for failure to give birth to male children (Nwankwo, 2011).

Moreover, in some cultures a woman who gives birth to girls only may be divorced, because the girl child cannot continue with the surname of the father (Mohanty & Biswal, 2007; Thabede, 2017). In fact the hope of a woman in marriage is in the production of children, especially, male children. This male child preference and the consequent tendency to care more for the male child than for the female child in matters of upbringing and education, put women at a serious disadvantage for life. Sometimes it plants a feeling of inferiority or low self-esteem, or even self-hatred in the girls who suffer such cultural rejection on their family (Uchem, 2005). A woman without a child or male child is abused by other women. This situation can lead to her losing her rights of inheritance or even a share in her husband's property and in a stricter dimension, may lose her marriage through divorce.

Problem of Social Media and lack of Communication

Today, family interaction is affected by social media such as Facebook, WhatsApp, Instagram and Twitter. People are free to post or share any sensitive comments without thinking about the influence the shared information may have in a relationship or marriage. Many hours are spent on social media, leading to a disconnect between the couples that often cannot be repaired, and consequently divorce follows (Preller, 2014).

Conversation between husband and wife is a form of loving encounter. It is also a challenge. Marriage counselors believe that communication is first of the efforts or practices that lead to a successful married life. The opposite is also true (Obi, 2014).

Cox (2010) notes that the underlying cause of many divorces among couples is a lack of, or poor, communication. Tembe (2010) suggests that failure to communicate makes it difficult to resolve financial and emotional issues, among others. Hohmann-Marriott (2012) holds that communication problems between a couple may possibly exist long before they even get

married officially, and that expectations may not have been made clear, or certain issues that could affect the marriage may not have been discussed. Communication makes for mutual relationship. Problems are identified, solutions proffered and burdens lifted together by the couples. In conversation, there is openness of heart. Secrets and past experiences of both parties are brought to bear and nothing is hidden from each person. Many marriages have broken due to lack of communication between couples.

Negative Influence of Mother-in-laws

In some marriages, mother and daughter-in-law relationships may be a challenge. Another observation by researchers is that some husbands may leave their wives because they do not get along with their mothers-in-law. The relationship problem becomes rife especially when the daughter-in-law stays with the in-laws. This observation is consistent with the findings of a number of researchers (Merrill, 2007; Fingerman, Gilligan, VanderDrift & Pitzer, 2012).

Other factors that can lead to divorce include: lack of support by each other in terms trouble, lack of trust, bartering and abuse of the woman by the husband, sexual dissatisfactions among others. Given the causes of divorce, the family life cycle process may be disrupted. The complexity of the consequences of divorce include are enormous; and that will form the nexus of our discussion in the next sub-heading.

Implications of Divorce to African Family System

Divorce is undesirable, psychologically traumatic and socially disruptive (Kunhiyop, 2008). It means disunity, the separation of two parties who were formerly united. Kore (1995) notes, "the damage of divorce is irreparable. It is one of the worst tragedies in human life, which shatters the hopes and aspirations of many families" (p.91). Marital breakdown is always a tragedy. It contradicts God's will, frustrate his purpose, brings husband and wife the acute pains of alienation, disillusion, recrimination and guilt,

and precipitate in children a crisis of bewilderment, insecurity and often anger (Stott, 1999). The effects cut across social dislocation, psychological trauma, and ethical and religious bastardization. It destroys family stability and gives room for all manner of abuse especially to children affected by it. Children may be affected in various ways. For instance, their academic achievements and relationships may be affected. Furthermore, they may have difficulties in internalizing problems (such as anxiety, stress, depression and emotional maladjustment), and with externalizing behaviours (such as aggression, rule-breaking, delinquency, disruptive conduct). Children of divorce parents may have a lower sense of psychological well being than children who grew up with families intact. Research also confirms that children of divorced parents may experience emotional problems such as loneliness and depression (VanderValk, Spruijt, etal, 2005).

It was also discovered that educators are often the first to notice a change in behavior when a family is in transition. Teachers have observed that some children from divorced families may show decreased functioning in academic performance and display oppositional behavior or signs of anxiety and depression. Furthermore, the diminishing ability to concentrate in class, declining attendance and willingness to participate in class may indicate a child is having a difficult time adjusting to a transition in family dynamics (Whitemarsh, 2008). This is true because even in a natural sense, development cannot really take place when there is inability and divorce in marriage brings a kind of instability in the family.

Also, the impact of separation or divorce can have negative consequences on adolescent if they do not understand what is happening within their families, and if they lack the essential coping skills to manage and adjust to the new change in their lives. Coping skills may include communicating about feelings, developing strategies to remain organized between homes, and not playing a messenger between parents (Golden, and Henderson, 2007).

Obi (2014) discussed the ethical implications of divorce. The ethical behavioural effect of divorce cannot be overemphasized. Divorce and separation affect how people feel as well as their behaviour. Many activities that were done together by the couple such as eating, making decisions, sharing and solving problems, etc. must continue but now without one's partner. Consequently, in trying to cope with all the behavioural effects of separation, one's quantity and quality of life and output might drop considerably. Adjustment takes time. This is because divorce, like an earthquake, shakes the divorced persons to their fabrics; it may leave the divorced persons confused in their behavioural patterns for the rest of their lives (Obi, 2014).

Socio-culturally, divorce provokes many socio-cultural evil. It endangers social values; disintegrate the moral and ethical soundness of the society. It is like a knife-wound, a severe one that results in the breakdown of the society (Iginio, 1989). It is a breeding ground for armed robbery, delinquency, drug abuse, prostitution, nuisance and all manner of social unrest. Children from divorced homes are prone to social vices having lost the ethical and moral upbringing expected of them by their parents.

The implications of divorce are endless. Efforts to exhaust them in the paper may prove abortive. It affects the woman, the man, their children, families extended, and the entire society. It has physical, ethical, social, psychological and emotional, and spiritual effects on the people. It leads to hatred, distrust, abandonment and rejection, frustration and anger, embarrassment and sense of stigma, loss of stable environment, and loneliness (Obi, 2014).

However, Andersen (2006) noted that, "despite the problems faced by those who divorce, for many it can be a better option than remaining in a troubled marriage" (p.168). Reports focusing on women in the aftermath of divorce show that although divorce is emotionally stressful and financially risky, many women agree that it is a positive option (Andersen, 2006).

The Church in the Restoration of the Dignity of Marriage in the Society

The church has a great role when it comes to solving marriage problems like divorce. Obi (2014) affirmed that, "it is the sole duty of the church to continue to preach the significance of unity of families and the damaging effects of divorce" (p.117).

Kunhiyop (2008) reiterated the need for Christian leaders to have a biblical, theological and pastoral perspective on marriage so that they can offer humane teaching and counseling to those in their congregations who are dealing with marital problems.

The Christian ideal is that marriage is a lifelong union of a man and woman. Christian marriage is monogamous and indissoluble and is intended to be enjoyable and fruitful (Gen.2:24; Matt. 19:5-6' Rom. 7:2-3); divorce is the antithesis of marriage and God's reaction to it is succinct: "I hate divorce" (Mal.2:16) (Kunhiyop, 2008). This should be the hallmark of the church's teaching on marriage.

The role of marriage counselor and experts in issues relating to relationship at all levels cannot be over-emphasized. Majority of marriages having issues today are those with little or no counseling at all. This problem is more with young people. It is a situation where people meet, and without any form of enquiry, courtship or counseling begin to live as husbands and wives. In many cases the parents and families of the couples are not contacted.

The church should strengthen her marriage committee. Experts in marriage issues and relationships should be invited from time to time to educate the young ones contemplating marriages on what to do. Married one should be taught how to make their homes peaceful.

The church will also create an advisory system that will keep couples having challenges in their marriages close to the members, enough to detect divorce signals in families and begin in time to deal with it (Obi, 2014). The church should often pray for families, organize marriage seminars, reconcile families prone to divorce and separation. The church should not

encourage re-marriage of divorced persons, as is the case in some denominations, even among the clergymen.

To the already divorced, the pastor and the entire church should see it as a challenge to its faith and practice. Anyanwu (2003) observed that guilt and depression seem to be the major problem of divorcees. The church should use the opportunity created by divorce, to minister love, compassion and forgiveness to the divorcee and find a common ground for reconciliation. Reconciliation is in fact, the most important ministry of the church. Strong emphasis must be continuously placed upon the fact that marriage is an "until death do us part" relationship. To lightly consider marriage bond is to disregard God's order for the human race and to undermine the very foundation God has designed for the betterment of humanity (Maxey, 2017).

Conclusion/Recommendations

Marriage is a natural spring of life that God in his wisdom instituted. Divorce is against the perfect will of God, it is against the society's norms, the law of God and work negatively against the children, the divorcees and the society at large. Divorce is certainly, not the answer to marital problems. A better approach should be employed in order to heal ailing marriages. Religious laws and sanctions, ethics, socio-cultural norms, and economic consideration should continue to keep spouses living in family discord or friction from seeking divorce. These restrictive institution and conditions shall continue to be emphasized and reinforced to prevent the total breakdown of the family system.

Traditional institutions should address the problem of cultures that relegate women; that see them as objects that can be manipulated in marriage. The sanctity of marriage should be restored in every of its stage. The young people seeking to marry should be encouraged to make necessary enquiries through their families to avoid giving room to divorce later.

The government should pass legislations that will ensure that pre-marital counseling is mandatory for couples entering marriage for the first time. This will help curb divorce among young couples.

Family counselors such as social workers may also work with family members when they are in the process of deciding to divorce, during the actual time of a divorce, or after a divorce has taken place. Working on problems of custody, visitations and finances becomes important. Social workers may utilize their various skills and values to assist divorced couples when mourning the loss of the intact family and adapting to living apart. During the divorce process, the focus of counseling should be working on the emotional separation and overcoming hurt, anger and guilt. All hands must be on deck to prevent divorce from occurring in the first place.

Married couples should seek for experts and professionals in marriage issues to resolve their marital problems. They should endeavour to communicate and share their feelings anytime things are not working as expected. The well-being of their children, families and of themselves should be paramount in any decision they want to take, especially, when divorce seems to be the only solution or is being contemplated.

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