

Widowhood Practice among Contemporary Yoruba Muslims of South-West Nigeria

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Abstract. Widowhood practice is a universal concept as every woman who lost her husband to death must necessarily observe certain widowhood rites according to the religion or culture in which she got married. Some of these rites which range from confinement, defacement, ritual cleansing, ostracism etc are dehumanizing as well as terrifying. These are in addition to emotional stress, depression, loss of self-esteem and possibly sexual harassment, disinheritance, and loss of custody of children or the challenge of bringing them up that the woman also has to contend with at this critical time of her life. Because of the stigma attached to it, widowhood has become the most dreaded thing by women all over the world. Conversely, however, Islam has a comprehensive rule regulating the practice of widowhood for Muslims in such a way Muslim women are guaranteed right to cleanliness, freedom and decency during this period. The extent to which contemporary Yoruba Muslims comply with these regulations in the face of cultural interference is the focus of this paper. An attempt is made to offer suggestions that will help in achieving total compliance with the dictates of the *Shari'ah* on this.

Keywords: widow, widowhood rites, Yoruba Muslims, Southwest Nigeria

1. Introduction

Marriage, defined as a decision rather than a ceremony (Chanfrault – Duchet, 2000), is expected to be a life-long contract between couples. Hence, divorce is not expected and often considered as a sin, especially in Christianity (Asaju, 1999). Even, in Islam where divorce is allowed when hope for peace between couples is unperceivable, and often times requiring judicial process (Qadri, 1986), marriages are also contracted in the hope that they are as permanent as humanly possible (Abdul 'Ati, 1982).

The couple is, therefore, expected to remain married until death “do them apart”. As long as the man is still alive, she is, to an extent, protected from outside influences and hostilities. Where the expected permanence is a reality, the couple remained married until death strikes one of them, usually the husband. Nussbaum (2001) writes that researchers standardly claim that where equal nutrition and health care are present, women live, on average, slightly longer than men. Lindsey and Beach (2000) add that this is on the average of about 7.5 years. When this happens, the woman becomes a widow and in the words of Ndukwe (2005), “that is when the nightmare starts”. The woman goes through unimaginable horrors. These among other things include is widowhood rite. Islam as a way of life gives clear cut instructions on how widowhood should be practised by its adherents but the extent to which Muslims adhere to these rules vary from one Muslim community to another. This paper therefore critically examines the manner in which contemporary Yoruba Muslims of South-West Nigeria observe widowhood rites as laid down in Islam with a view to offering suggestions for greater compliance if and where necessary.

2. Widowhood Practice: Cultural, Legal and Religious Perspectives

Although culture varies and changes, every culture and indeed every religion has rules regarding widowhood practice. Upon the death of her husband, the woman necessarily observes widowhood rites according to the religion or culture in which she got married. Some of these rites which range from confinement, defacement, ritual cleansing, ostracism etc are dehumanizing as well as terrifying. These are in addition to emotional stress, depression, loss of self-esteem and possibly sexual harassment, disinheritance, and loss of custody of children or the challenge of bringing them up that the woman also

has to contend with at this critical time of her life. Oladeinde (2003) notes that dealing with the loss and grief of losing a loved one is what every widow goes through. In the course of bereavement, the woman withdraws into her shell. In pains, she bottles up all her emotions. Hence, widowhood is most dreaded by women all over the world. This is because of the stigma attached to it. Nussbaum (2001) observes this while writing generally on the impoverished condition of women across the world: "Should the husband die, her situation is likely to become still worse, *given the stigma attached to widowhood in many parts of the world*".

One of such stigma, according to Ray (1999), is that widows are often identified as witches "because they are not controlled by any man". Ray gives two instances among the people of South Bihar to buttress his position. According to Ray, a widow accused of witchcraft was, in September 1995, "pinned down and forcibly fed human excreta, which in the view of the villagers would reduce her evil powers". In the second instance, a widow also alleged of witchcraft was, in May 1996, dragged out of her hut by the villagers, stripped naked, had her hands and legs tied and beaten mercilessly. "They then forced her to eat cow-dung in order to reduce her "evil" power," Ray concludes. Amadi (1982) notes that widows were buried with their husbands in ancient Nigeria though he adds that this happened in extreme cases. All these, Ray contends, are not always condemned as violent but seen as culturally acceptable and necessary for upholding traditional values and beliefs. "Local communities," he writes, "usually condone these practices and often collude with the perpetrators". Decrying this pitiable condition of widows, Nussbaum (2001) concludes: "A tool, whose purpose is gone: that is what a widow is, and that's rather like being dead."

There are many stories about this inhuman tradition particularly in Africa. Among the Avatime of Ghana, for example, a widow is subjected to a mourning period of sixteen months after the initial sixteen days of confinement. During this period, Gunasah (1997) says she sleeps on the bare floor or on rags. This practice, according to belief, wards off the spirits of the deceased, as he would not find the spouse attractive any longer. The ritual is completed with the widow cohabiting with an outsider to remove the woman's ill luck that led to her husband's death.

Ndukwe (2005) also writes about widowhood practice in a part of Nigeria which she did not mention. According to her, if the woman is still young, she is forced to marry the next male adult,

supposedly to continue the man's lineage. In some cases, she can marry any of her sons, though in name only, in which case she is left off the hook. But where she refuses to choose anybody in the family but wants to remain on her own, the family kicks her out with nothing, not even her children. She writes further that on the last night of mourning, she is made to stay all alone in an impoverished hut in the belief that that night, she severs all connections and links with her dead husband. Akintunde (1999) adds that coupled with the restriction of movement and confiscation of the deceased's property, the widow is also subjected to sexual harassment bordering on assaults from neighbours and her husband's kinsmen. "Refusal on her part leads to expulsion from the marital house" she concludes.

Nwachi (2003) writes a similar story. He recounts the words of Udodiri, a woman who became a widow at age twenty-four (24) and had to undergo the widowhood rites among the Ndiameze – Okesi people in Elime local government area of Imo State, Nigeria. The woman had her hair shaved off, mourned her husband for one year after which she was shaved again and her hair with the morning clothes burnt to ashes. She was then led to the market square, to a farmland and to a river at 2:00a.m in the mourning for a supposed ritual cleansing which they claimed was to ensure that the gods of the markets, land and river goddess did not attack her thereafter. At those places she visited, she was made to eat with a broken calabash and widows fed her. She was forced to wake-up at 5.00a.m every day to mourn her husband for about 10-15 minutes, in order to absolve herself of his death. She was not allowed to bathe with soap, neither rub any pomade.

Umeh (1997) also recounts the evils perpetrated by those she called "daughters of image" in Igbo traditional community. These women, according to Umeh, subject widows to continual and ceaseless weeping in the name of widowhood rites. They ensure the widow cries very early in the morning and late at night until they are satisfied enough to relieve her. She must be confined in a room for three months, sitting and sleeping on a mat in order to protect her from the spirit of her dead husband. If she wants to call anybody, she will have to use a stick to tap a chair. While the widowhood rites are still on, she must not participate in hand-shakes and must not engage in sex because she is unclean. Another widow, Mrs. Ronke Balogun, who was married to a Yoruba man, said she was held responsible for the death of her husband. She said, to exonerate her, the in-laws demanded that she opened the coffin of her

late husband and with a life chicken in her hand and red oil, looked into his face (Oyeleye, 2005).

Legally, there are many legal frameworks at local, state, national and international levels that have been instituted to stop dehumanising widowhood rites across cultures. The international concern about the discriminatory character of certain traditional customs and practices was first expressed in 1945 when the United Nations announced its commitment to the equality of women and men (Cagatay, et al, 1989). The “Convention on the Elimination of All Forms of Discrimination against Women” (CEDAW) adopted by the General Assembly of the United Nations in 1979 (Hodges, 2001), for example, seeks to eliminate all forms of discrimination, be they distinction, exclusion or restriction made on the basis of sex that affect women’s enjoyment of political, economic, social, cultural and civil or any other rights, irrespective of marital status, on an equal basis with men. Article 2(f) specifically requires State Parties to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitutes discriminations against women while Article 2(b) wants State Parties to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discriminations against women. Article 5(a) also requires States Parties to the Convention to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. As Osibajo (1995) puts it, “By the U.N. Law practice, a member state would be deemed to be in violation if it pursues policies which conflict with the enjoyment of these rights on a large scale”.

Hodges (2001), however, writes that though Nigeria has ratified the CEDAW in 1985, it has not been domesticated into the Nigerian law. This, he considers a serious legislative omission because Article 12 of the 1999 constitution states that “no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.” Oputa (1995) thus observes that: “Women thus having no legal status correspondingly had no legal rights”. Consequently, the legal provisions directly meant for the widow are, as Hodges puts it, “non-justiciable (sic.) and cannot be legally enforced in a court of law” .

Osibajo (1995), however, writes that having regard to the legislative history of the rights of women in Nigeria, every successive constitution has made or, at least, attempted to make a progressive step. A comparison of the 1963 constitution with the 1979 constitution and the two with the 1999 constitution justifies this position. One would see signs of progression in making legal provisions for the protection of women in general and of widows in particular. The 1963 constitution, for example, says: A citizen of Nigeria of a particular community, tribe, place of origin, religion or political opinion shall not, by reason only that he is such person – be subjected to discrimination or disabilities that similarly circumstanced Nigerians do not suffer.

One could see that the above 1963 constitutional provision against discrimination does not consider it necessary to include *sex* or gender as a basis of discrimination. This is probably because that constitution presumed that no discrimination was conceivable on the basis of gender or that discrimination of such was acceptable in the Nigerian society at that time that the constitution must imaginatively admit it by not looking in that direction. This second interpretation seems more reasonable because the Nigerian culture, which the constitution must also protect also, sees women as inferior beings in comparison with men. The 1979 constitution as observed by Osibajo took a step further ahead the 1963 constitution in making legal provisions for the protection of women when it states *inter alia* in its Section 39 (1) that:

A citizen of Nigeria of a particular community, ethnic group, place of origin, or ... *sex* ... shall not by reason only that he is such person(s) be subjected to either expressly, by or in the practical application of any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions to which citizens of Nigeria of other communities... *sex* etc... are not made subject...

OR

be accorded either expressly by or in the practical application of any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other... communities... *sex* etc.

From the above, one can see that the 1979 constitutional provisions prohibiting discrimination against anybody (and in this case against women) is a far-reaching one. Section 34 of the 1999 Constitution also guarantees every individual respect for dignity of

his person. Accordingly, therefore, no person shall be subjected to torture or to inhuman or degrading treatment. In the same vein, the provision of Section 38 of this same 1999 Constitution guarantees right to freedom of thought, conscience and religion of every Nigerian. Although Esangbedo (1995) posits that the Nigerian constitution is vague with respect to the protection of women, Oputa (1995) believes that some rights are inalienable as they attach to the human person and therefore, form an essential part of his/her humanity. Thus, the right to freedom of thought, conscience and religion of every Nigerian, in the opinion of Dada (2002-2003), violated the rights of a widow when and if she is "inherited" by a member of her deceased husband's family and made to do what she is instructed to do without any right of objection. He also sees the violation of section 35 of the same Constitution which guarantees right to personal liberty in the confinement of a widow to a place, and prohibiting her from bathing, washing of her cloth and using ornaments. "Women who are confined to a mourning house, and made to wail intermittently cannot be said to enjoy their right to personal liberty", he opines.

Specifically, however, the Nigerian Legal System provides for the protection of widows. According to Omiyi (1995), the legal status of a widow under the Nigerian constitution depends (largely) on the type of marriage she has contracted as there are three types of valid marriage in Nigeria and the principles of law applicable to each of these types of marriage differ considerably. These are Customary Law Marriage, Statutory Marriage and Islamic Law Marriage. Legal protection and welfare of widow (under the Marriage Act) is in Section 34 of the Nigerian Marriage Act which provides as follows:

Where a man who is married under the Marriage Act dies in testate leaving

a widow of the said marriage and his children, the wife is entitled to one-third of the whole estate, issue of the said marriage and a widow, however married, the widow is entitled to one-third of the whole estate, and

a widow of the said marriage but no child, the widow is entitled to half of the whole estate.

Where a man who is the issue of marriage under the Act dies intestate is survived by

a widow however married and children, the widow is entitled to one-third of the whole estate.

A widow however married but no child, the widow is entitled to half of the whole of the estate.

Such are the legal rights of the widow who is married under the statutory marriage.

According to Omiyi (1995), the provisions of Section 36 of the Nigerian Marriage Act lumped together reality and personality whereas these are treated separately in some states of the Federation especially the Eastern region to which the operations of the Act have been extended.

The right of a widow whose marriage was contracted under customary law to inherit from her husband is based on the other hand on whether or not such marriage is considered valid "by the law of domicile of the husband". Omiyi (1995), however, notes that customary marriage is regarded as valid by the Marriage Acts provided that, at the time of this marriage, there is no subsisting monogamous marriage. Thus, Section 49 of the Administration of Estate Law of 1959 which governs such position provides that "where any person who is subject to customary law contracts a marriage in accordance with the provisions of the Marriage Ordinance and such person dies in testate after the commencement of this law leaving a widow or husband or any issue of such marriage, and property of which the said in testate might be disposed of by will shall be distributed in accordance with the provisions of this law, any customary law to the contrary, without anything provided that:

- where by virtue of paragraph (vi) of subsection (1) of this section the residuary estate would belong to the Crown as *bona vacantia* such residuary estate shall be distributed in accordance with customary law and shall not belong to the Crown.
- any real property the succession to which cannot by customary law be affected by testamentary disposition shall descend in accordance with customary law anything herein to the contrary notwithstanding.

The above shows the constitutional rights of the widow to inherit from her husband depending on the type of marriage she contracted. The Constitution even goes further to allow a man make provision for his wife by making a will in accordance with the Will's Act, 1837.

The above represents the constitutional provisions for the welfare of widows generally in Nigeria and particularly in the Southwest region of the country. The inadequacy of the two legal systems of law in the country for the well being of widows is glaring so much that renewed calls are always made to review the existing laws. Dada (2002-2003), for example, calls for the criminalising of widowhood practice. He says:

From whatever perspective we examine widowhood practice... we must come to the inevitable conclusion that it is great affront to common sense and an unjustifiable derogation from the inalienable rights of the women who are made to go through it (200)

He continues:

If we are truly committed to the declarations, the letters and spirits of the various human rights instruments, which we have endorsed, ought we now to say farewell to widowhood practice in Nigeria?

...A direct legislation making widowhood practice a criminal offense is what is needed with a view to giving adequate protection to the rights of women (200).

From the religious point of view, the Bible in a number of verses calls for care and support of widows. Exodus 22:22-24, for example, says if widows are maltreated, the anger of God blazes. Leviticus 22:13 calls for care and affection for them, James 1:27 calls for care and visit to the afflicted widow, attributing such acts to true belief. 1 Timothy 5:16 calls for honour for widows. 1 Timothy 5:14 & 15 wants younger widows to remarry and the old ones to be enlisted in the services of God i.e. in the (paid) services of the church (1 Timothy 5:9 & 10). Despite these scriptural provisions and the popular practice of Christianity, the widow in the contemporary world particularly in the Nigerian society is still a culturally and socially endangered human being. According to Nwachukwu (1995), the African Christian widow still remains handicapped in forms of finance and property inheritance". Nwachukwu investigated the widowhood rituals and symbols, which Christian widows face at the burial and mourning ceremonies for their dead husbands. She finds out that widows still suffer emotional and spiritual violence in the Nigerian society thereby becoming objects of hopelessness, neglect, contempt, suspicion and punishment. Her study reveals the churches' inability to address the problems of widows' procreation, sexual life, legal property rights, inheritance of widows, disinheritance and generally the fundamental human rights of widows. She observes that the church has taken over some selected rites and performs them within the church setting as a way of compromise to solve the problems of coming together of two conflicting values. She, however, observes a major problem of syncretism as some of the rituals adopted by the Church such as the Church sanction of shaving, wearing mourning clothes, the ceremonial removal of mourning clothes, and yearly ceremonial remembrance were condemned in the Bible. Nwachi (2003) confirms the findings of Nwachukwu when he quoted a Christian

widow as saying: "I was subjected to a lot of traditional rites against my wish. My shock was that the men and women who spear-headed those acts of dehumanisation claimed to be heads and members of various Christian associations in their Church. Even, the pastor would not stop them" (p. 17).

The story is not different with the practice of Islam. Okoye (1995) finds out that traditional Hausa cultural norms of feudal system have greatly influenced the limited rights of inheritance provided for widows in Islam. He says, widows, for example, are compelled to cry in the midnight for their dead husbands, contrary to Islamic law. He cited the practice in Kogi State where widows pay heavily for the performance of Islamic purification from widowhood. Atseniwa's (1995) findings also agree with Okoye's who observes that traditional feudal class in Hausa rural villages is still exploiting and disinheriting widows of their husbands' landed property. Despite the practice of Islam, they still uphold the pre-Islamic tradition in Hausa land, whereby inheritance was exclusively through men succession and where the eldest brother of the dead husband inherited everything in areas such as Zaria. Adeyi (2003) notes that among the people of Binchi in Plateau State, the father of the deceased is by the 'Rukuba' tradition, the inheritor and administrator of his late son's assets and liabilities "for the benefit of his children, wife and immediate family". Okorougo (2005) concludes: "Despite the new inheritance rights given to women in Hausa land through Islamic law, in practice, conflicts still exist. Where there is a conflict between what is written in the Qur'an and the traditional cultural practices of the people, men in Hausa land often follow cultural norms" (p. 67).

Such are the experiences of widows the world over, and particularly of the somewhat beleaguered African women. In the words of Awe (1999), the African woman is exposed to widowhood practices, which demand from her and leave her with virtually no resources to look after her when her husband dies. Akande (1999) sees these practices as punishment – mainly underserved – for the widow for having the good fortune to survive her husband. She notes further that there are no degrading traditional rites for a widower; rather his welfare is the paramount concern of both family and friends adding that in some parts, custom and tradition demand that a widower should not sleep alone but with another woman of his choice until his wife is interred so that the spirit of the dead wife may not come and disturb his peaceful sleep. Osita (1976) corroborates this view when he observes that upon the death of a wife, the widower can immediately after burial leave his

house and travel to any place he likes with or without the mourning black cloth. He contends that the series of restrictions imposed upon the widow during the long period of mourning make the last discrimination. Amadi (1982) adds that a widower could, in fact, marry another wife within a matter of weeks after his wife's death. Barer (1994) also says that although the death of a spouse has a profound and devastating effect on the surviving partner, becoming a widow is a qualitatively different experience than becoming a widower. Women, he contends, are more likely to form their identity around marriage, so losing a spouse literally means loss of a central life role. He adds that widows are likely to experience a sudden decrease in standard of living, and for working-class women, widowhood can quickly result in poverty. All these constitute the cultural, legal and religious concepts and features of widowhood across the world, and particularly in Nigeria, South West inclusive.

3. Widowhood Practice in Islam

As noted in passing, every religion has rules and regulations guiding its adherents on widowhood practice. In Islam, the rules are clear and comprehensive. According to the Glorious Qur'an, a widow is to observe a waiting period (i.e. *'Iddah'*) of four lunar months and ten days. The Qur'an says: "If any of you die and leave widows behind, they shall wait concerning themselves four months and ten days." (Qur'an 2:234). The observance of this waiting period is to serve a number of purposes. First, it is to determine whether or not the widow is pregnant as at the time of the death of her husband. If she is, the waiting period will help in protecting the consanguinity (*nasab*) of the unborn baby. It is worthy of note that paternity of a child occupies a position of eminence in Islamic law, particularly in the Islamic law of inheritance. Hence, the need for its protection. Where the widow is pregnant, her waiting period will obviously last for as long as she carries the pregnancy (Rahimuddin, 1985). In the words of Ali (1975), "there is, of course, no question of remarriage for the woman until it is born and for a reasonable time afterwards." Qur'an 65:6 also lends credence to this. The significance of this waiting period for this purpose is, however, being challenged by modern medical practice, which through the scanning machine and other devices can determine not only the levels of pregnancy development but also the paternity of a child. The well-known uncertainties that often characterise the results of such medical practices, however, make Muslims stick to the Qur'anic injunction. Besides, Muslims consider disobedience to any injunction of the

Glorious Qur'an as an act of unbelief, which is outright condemned in the Qur'an (Q5:44). The other purpose the waiting period serves is to mourn the departed soul.

During the waiting period for widows, however, men are permitted to make proposal to them but they are warned against making any secret contract that could undermine the essence of the waiting period while that period lasts. The Qur'an says:

There is no blame on you if ye make an offer of betrothal or hold it in your hearts. But do not make a secret contract with them except in terms honourable, nor resolve on the tie of marriage till the term prescribed is fulfilled. And know that God knoweth what is in your heart, and take heed of Him and know that God is Oft-forgiving, Most Forbearing (Qur'an 2:235).

This position is taken by Islam to allow for love, care and affection for the bereaved woman (i.e. the widow) and as well as to prepare grounds for her remarriage while the waiting period lasts. This is where the levirate marriage comes in. In Islam, a widow is at liberty to choose for herself as husband anyone that does not fall within the forbidden degree of men to be married which, according to Qur'an 4:23-24, constitutes three broad categories – (a) consanguine (blood relatives), (b) affinal ("in-laws"), (c) lactational (relatives in milk fosterage and through wet nursing). The verse of the Qur'an reads:

Prohibited (for marriage) are your mothers, daughters, sisters, father's sisters, mother's sisters, brother's daughters, sister's daughters, foster-mothers (who gave you suck), foster-sisters, your wives' mothers, your step-daughters under your guardianship, born of your wives to whom ye have not gone in – no prohibition if ye have not gone in, - (those who have been) wives of your son proceeding from your lions; and two sisters in wedlock at one and the same time, except for what is past, for God is Oft-Forgiving, Most Merciful. (Prohibited are) women already married, except those whom your right hand possess. Thus hath God ordained (prohibitions) against you. Except for these, all others are lawful, provided ye seek (them in marriage) with gifts from your property desiring charity... (Qur'an 4:23-24).

Suhrawardy and Russel (1986) add that the Prophet Muhammad (SAW), having been empowered to do so by the Qur'an (Qur'an 59:7; 7:70-71 and 157) also prohibited, on the ground of fosterage, any woman who would be forbidden on the consanguinity. He also prohibited the bringing together in marriage of a

woman and her paternal or maternal aunt. From the above, it is obviously clear that the widow does not fall under the prohibited degree for the brother-in-law to marry in Islam. She is therefore, lawful for the man just as he is lawful for her. Thus, levirate marriage is lawful in Islam provided none of the two parties involved is forced into it. If the widow accepts to marry any of her brothers-in-law, so be it. If she refuses, so be it also. In Islam, she enjoys the freedom to make her choice. The Qur'an says: "...But if they leave (the residence), there is no blame on you for what they do with themselves, provided it is reasonable. And God is Exalted in Power, Wise" (Qur'an 2:240). In fact, a verse of the Qur'an specifically forbids marrying a widow in such a circumstance, against her wish. The Qur'an says: "O ye who believe! Ye are forbidden to inherit women against their will nor should ye treat them with harshness..." (Qur'an 4:19).

The Qur'anic verse restraining men from making definite contract of marriage with women observing *Iddah*, however, suggests that *there is a code of conduct* for them in Islam while the period lasts. In other words, there is the Islamic form of widowhood, which is different from other forms. The hadith of the Holy Prophet Muhammad (SAW) provides us with information on this. According to one hadith, widowhood practice in the pre-Islamic era requested that the woman stayed in the house for one year after which "she would throw a globe of dung". Explaining what throwing a globe of dung means, the hadith says:

When a lady was bereaved of her husband, she would live in a wretched small room and put on the worst clothes she had and would not touch any scent till one year had elapsed. Then she would bring an animal, e.g. a donkey, a sheep or a bird and rub her body against it. The animal against which she would rub her body would scarcely survive. Only then she would come out of her room, where upon she would be given a globe of dung which she would throw away and then she would use the scent she liked or the like (Khan, n.d: 192).

It is with a view to discouraging this dehumanizing practice among Muslims and to obey the Qur'anic injunction that the Holy Prophet Muhammad, as reported in the hadith, had to tell the Muslims on the pulpit that: "It is not lawful for a lady who believes in Allah and the Last Day to mourn for a dead person for more than three days *unless he is her husband for whom she should mourn for four months and ten days*" (Khan, n.d:193).

Although the understanding that is penetrating from the above is that the period is a mourning moment for the woman, there is nothing in the hadith to suggest that she is denied the benefits of certain basic needs. According to one hadith, the prophet Muhammad (SAW) is reported to have told a woman who was in mourning for her husband and her eyes were paining her to apply collyrium or any other medicine even if it contained scent (Rahimuddin, 1985). The woman observing *Iddah* in Islam, according to the Prophet Muhammad (SAW), could also "wash her head (with pear leaves) and apply olive oil" (Rahimuddin 1985). She could also apply perfume. The hadith that gives this impression says that Umm Habiba, one of the wives of the Prophet, while mourning the death of her father, Abu Sufyan bin Hard, asked for a perfume which contained yellow scent (*khahid*) and she first perfumed one of the girls with it and then rubbed her cheeks with it and said: "By Allah, I am not in need of perfume but I have heard Allah's Apostle (SAW) saying, it is not lawful for a lady who believes in Allah and the Last Day to mourn for a dead person more than three days unless he is her husband for whom she should mourn for four months and ten days" (Khan, n.d). In another hadith, the Prophet emphasised the essence of moderation while observing *Iddah* when he said: "She should not use perfume except when she becomes clean from menses whereupon she can use *Qust* and *Azfar* (two kinds of incense) (Khan, n.d). This does not, however, mean prohibition of the use of perfume. Rather, it is a call for moderation. It is this call for moderation that some scholars understood and interpreted as prohibition. Malik, for example, writes: *The woman who is mourning her husband should abstain from putting on ornament, not even a finger-ring, nor clothes of Yemen (meaning fine cloth) nor wear coloured clothes except coarse cloth dyed black. She should not comb her hair or use any kind of shampoo for washing hair except the leave of berry. She is permitted to use olive oil but should be without any scent.* (Rahimuddin 1985:551).

Doi (1984) also writes that widows should not wear ornaments, coloured and showy dresses nor adorn themselves with any kind of make-up during this period. Suhrawardy and Russel (1986) put it better when they observed that a woman undergoing retreat after the death of her husband *may* not adorn herself with jewellery or *Kohl* or any other means. She *ought* to avoid all colours except black and all perfumes. She *ought* not to dye her fingers with henna, and should not use scented oil or dress her hair with any scented substance (emphasis mine). Thus, the idea of the widow wearing black or not combing her hair for

four months and ten days while observing *'Iddah* does not have divine origin in Islam.

The widow can go out to attend to some of her needs. We have it on the authority of Imam Malik that: Said B. Khabhab died and his wife went to Abd Allah B. 'Umar and informed him of her husband's death and said: "I have some cultivation in Qanab, if you permit, I may spend the night there". He forbade her from doing so. She then used to go in the morning from Medina, spend the whole day on the land and return to Medina in the evening and pass the night in her house (Rahimuddin, 1985: 543).

Again on the authority of Imam Malik, "Naif reported that Abdullah B. 'Umar said: The woman whose husband should die, or whose husband should divorce her, should pass nights at home" (Rahimuddin, 1985:543).

Again on the authority of Abu Daud and Nisai, both great narrators of hadith, Jabir, a companion of the Prophet reported that his aunt while observing *'Iddah* went out to cut the fruits of her date – palm and someone met her and told her not to do so. She then reported the matter to the Prophet who replied: "You may go out to cut the fruits of your date palm so that you may give charity out of it or do something good with it" (Doi, 1984:201).

From the above, it is clear that, from the point of view of Islam, widows observing *'Iddah* can go out to meet their daily needs even if for the purpose of giving charity. It needs, however, be added that women are not allowed to perform Hajj (i.e. pilgrimage to Makkah) while observing the *'Iddah* (Rahimuddin, 1985). It is worthy of note that Aisha was one of the Prophet's widows. She became a widow as early as eighteen years of age, having been married to the Prophet at age nine only for the Prophet to die nine years after. The relevant hadith indicates that the Prophet married her when she was six years old and he consummated his marriage when she was nine years old, and then she remained with him for nine years (i.e. till his death) (Khan, n.d). This suggests that a woman can become a widow at any age from the point of view of Islam.

Widowhood Practice among Yoruba Muslims

One major thing about widowhood in Africa, especially in Nigeria is that the practice of Islam and Christianity has not (significantly) positively influenced the practice. Traditional method of widowhood practice still largely subsists among Muslims in Yorubaland. Although, Muslim women stay indoors as required by Islam to observe *'iddah*,

the number of days a woman stays varies from eight, twenty-one, or forty days to four months and ten days stipulated in Islam. This is largely determined at will by the whims and caprices of the individual wife/wives, depending on the relationships between her and the late husband. The level of faith (*Imaan*) and the economic prowess of the woman are also factors in the determination of the numbers of days to be spent during *'iddah* by a woman in Yorubaland. Often times, Yoruba women claim the deceased husbands did not marry them legally, traditionally or Islamically and do not therefore not under obligation to observe complete *'iddat ul wafa'i* stipulated in Islam. Women who had divorced their husbands and are married to new husbands also sometimes return to their former husbands' houses upon their deaths to observe *'iddat ul wafai*. Though, often found in situations that the deceased was well-to-do than when he was a pauper, the attitude, in the opinion of the women, is a duty they owe either the late husband or the children born for the deceased husbands or both of them. It will however not be out of place to say that the decision is more or less for the purpose of being partakers of the inheritance of the deceased. Often times, it is to ensure that the children born by the woman are not cheated in the inheritance because of the absence of their mother.

Furthermore, Muslims in Yorubaland also consider it a must to sacrifice a goat to mark the official exit of the woman from the *'iddah* upon completion of the *'iddah* period regardless of whether she observed the *'iddah* for eight, twenty-one, forty days or according to the Islamic rulings of four months and ten days. On the night of the last day of the *'iddah* period, she must keep vigil, with the support of friends and relations. This is a duty she must perform as a form of respect for her late husband. All the clothes and other materials used during the period are given out as charity or set ablaze; hence she restricts herself to few material things during the period. This is to finally sever any connection between her and the late husband as serve as security for her in future endeavours. These and some other traditional widowhood practices are still very common among Muslims in Yorubaland and no one wants to dare the consequences of not observing any part of those rituals. Doi (1984) account of what widowhood rites look like among Yoruba Muslims of South-western Nigeria more than three decades ago which further shows a somewhat heavily clouded traditional widowhood practice neatly knitted into the Islamic timing for widowhood rites. In his words:

When the husband dies, the widows have to sleep together on mats and do not sleep in their separate rooms. They wear dresses with black designs in them or completely black outfit. They confine themselves

in the house for five months. Any visitor who is not a widow or a widower is not supposed to sit on this mat because it is believed that the person may become a widow or widower. For five months, they would not plait hair. Some Muslims also believe that in order not to see the deceased in dreams, all the children and close relatives should cut small face-marks and apply *etu*. Such widows, if they have to go out for unavoidable circumstances, are not supposed to go out unless escorted by a responsible person (p.146).

He continues by noting that after five months, they pack their sleeping mats and all their dresses, which they put on during this period and burn the mats and some dresses and give other dresses to other widows. While some of the things mentioned by Doi above are still part of the widowhood practice among Yoruba Muslims, it is worthy of note that some of the practices like the children and close relatives cutting small face-marks and applying *etu*, the widows bathing after midnight in a running stream, going to a nearby market temporarily set up by widows and widowers where they buy and sell something in the night, as well as going home and coming out again at dawn to knock at some sympathisers' doors to say "*Opo n kin yin o*" meaning "the widow is greeting you" and to which those inside are not to respond or open doors mentioned by Doi are fast disappearing if at all they still exist. It is also worthy of note that Yoruba Muslim women who became widows and are civil servants go back to their works after few days that the management of the agencies give them to mourn the death of their husbands. In that case, it is difficult to determine how long such women spend for the '*iddah*' period but generally, this may be determined also by factors that had earlier being mentioned.

4. Conclusion

The focus of this paper is to examine widowhood practice among Yoruba Muslims in relation to *Shari'ah* principles with a view to offering suggestions towards total compliance. Our efforts have revealed that widowhood practice among Yoruba Muslims is heavily clouded with traditional widowhood practices neatly knitted into the Islamic timing for widowhood rites. This has many serious implications for the practice of Islam and the well-being of Muslim women in the area. One of such implications is that practices that are not Islamic are being considered Islamic with people making frantic efforts to fulfil them, thereby encouraging and perpetuating syncretism. Another is that the status and rights of women are being denied and trampled upon in the name of Islam whereas women's right to

cleanliness, freedom and decency during *iddah* are guaranteed by Islam. In order to ensure the practice of widowhood according to Islamic provisions among Yoruba Muslims, Islamic scholars in the area would have to intensify their efforts at educating people on the Islamic teachings on the issues surrounding widowhood practice in Islam. They would have to explore and exploit all avenues and opportunities of addressing Muslims at providing proper Islamic education on it. The pulpit, Asalat sessions and other Islamic programmes could be used for this purpose. Seminars, symposia, and public lectures could also be organised from time to time to educate people on it. Some organisations particularly women organisations could also take it upon themselves to do this through advocacy. Free legal services could also be given by Muslim lawyers as a way of protecting the integrity of Muslim women in the area on the one hand and promoting the teachings of Islam on widowhood practice on the other hand.

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