

DESERTION AS A GROUND FOR DISSOLUTION OF MARRIAGE IN NIGERIA: LEGAL AND SOCIAL IMPLICATIONS

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Abstract

Marriage is the globally recognized institution through which the family, the smallest unit of society, is created. The celebration and dissolution of marriage and all questions concerning all matrimonial causes are conceptualized and regulated by the State's legal and institutional frameworks, reinforced by the State's constitution. In Nigeria, the Matrimonial Causes Act provides the grounds for dissolution of marriages, based on the overarching concept of 'irretrievable breakdown' of the union. The legal validity of marriage is tested on the theory of 'a bundle of rights and obligations' known as 'consortium', a term with an elastic interpretation. Prominent among these rights and obligations is cohabitation. The opposite of cohabitation is desertion, which may be physical or constructive. The paper revisits 'desertion' as a ground for divorce, premised on irretrievable breakdown of marriage. Adopting a doctrinal approach and a socio-legal methodology, the study finds that the courts in Nigeria have appropriately applied the ground as a basis for divorce. Premised on human rights theory of best attainable quality of life and zero tolerance to domestic violence, the paper examines the adverse effects of cultural

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and religious biases that cast opprobrium on spouses who seek divorce, especially based on desertion. It recommends mass education on the rights to equality of spouses, dignity of the human person, and eschewing perverse cultural practices that force couples to cohabit within the shells of dead marriages.

Keywords: Desertion, Family, Marriage, Irretrievable breakdown of marriage, Matrimonial Causes

1.0 INTRODUCTION

Universally, marriage is a legally recognized institution that imposes mutual rights and obligations on the parties who thereby attain the status of spouses. States are obligated to make laws to protect the family, as an offshoot of recognized marriages. The importance of the family is encapsulated in international treaties from the Universal Declaration of Human Rights (UDHR), 1948, which declares the right in article 16:¹

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

The above article recognizes dissolution of marriage in article 16(1) as a possibility, not forbidden or scandalous. The African Charter on Human and Peoples' Rights (African Charter) goes on to acknowledge all possible entities that could be part of an African family, further

¹ UDHR, article 16.

emphasizing the importance of protection for all, including the extended family, in its article 18:²

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and children as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

While the above provision does not mention dissolution of marriage, in its protocol³ it sets out details of the rights of parties in a marriage in article VI. In article VII it obligates States to make laws for the realization of the rights and obligations of spouses in the event of ‘separation, divorce and annulment’ thus:⁴

States Parties shall enact appropriate legislation to ensure that women and men enjoy the same rights in case of separation, divorce or annulment of marriage. In this regard, they shall ensure that:

- a. Separation, divorce or annulment of a marriage shall be effected by judicial order;

² The African Charter, article 18.

³ The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), adopted by the 2nd Ordinary Session of the Assembly of the Union Maputo, Mozambique 11th July 2003 (entry into Force 25th November 2005)

⁴ Ibid, article VII.

- b. Women and men shall have the same rights to seek separation, divorce, or annulment of a marriage;
- c. In case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance;
- d. In case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

While noting that Nigeria is yet to domesticate both the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁵ and the Maputo Protocol, this paper notes that the documents are landmark best practices in international human rights regimes and are adopted here as such. In any case, Nigeria's body language is decipherable from the fact that it has captured both overt and subtle forms of marital violence and criminalised them as crimes in Nigeria.⁶ Desertion, as a ground for divorce, has the double effect of granting couples the right not to remain in toxic marriages, as well as being a domestic violence avoidance strategy.

Being a multi-ethnic and multi-religious society, Nigeria has been noted for cultural and religious practices that sustain the perception of inequality of the sexes. Such practices have resulted in large numbers of women who are not empowered to be independent. Many young girls typically transit from the care of their parents where a strong patriarchal figure dictated her life choices right into marriages, often to older and more established men, who continue to exercise control over her in an unequal relationship that tilts against her interests. On the religious side of things, both Christianity and Islam enforce women's

⁵ Adopted 1979, came into force in 1981.

⁶ See Violence Against Persons Prohibition Act (VAPP Act), 2015, Section 16.

second-class status by preaching that they submit to the authority of the husband. It is trite to say that these social constructs have the effect of forcing couples who resent each other to remain in toxic marriages where they may retreat into themselves, thus abandoning the duties and obligations which spouses owe each other in a marriage.

Through the years, case law has illustrated these rights and obligations which spouses owe each other in a marriage, and without abiding by which no marriage can be said to thrive. Of the rights, otherwise known as consortium, one of the most fundamental obligations of marriage is cohabitation. This embodies companionship, mutual support, and the intention to live together as husband and wife. When this obligation is deliberately abandoned by one spouse without justification, the law recognizes such a conduct as desertion.

Desertion is defined as the ‘voluntary and continual absence from cohabitation of a spouse without reasonable cause and the consent of the other spouse’ or ‘the failure by a husband or wife to cohabit with’ with the other.⁷ Desertion is not always absolute as circumstances could exist that could result in spouses necessarily living apart as illustrated in the common law case of *R v Creamer*⁸ where it was shown that being away on military duty or travelling often on business did not constitute desertion. The law also recognizes constructive desertion where a couple may still cohabit physically but have ceased to fulfil their obligations to each other in reality. The Nigerian Matrimonial Causes Act (MCA)⁹ provides for constructive desertion thus:

⁷ S. I. Nichi, *Nigerian Law Dictionary*, 3rd Edition, Bar and Bench Publishers in association with Greenworld Publishing Company Limited, Abuja, Nigeria, 2022, P.532

⁸ (1919)1 KB 564 (CA)

⁹ *Matrimonial Causes Act*, Cap M7, Laws of the Federation of Nigeria 2004, Section18.

A married person whose conduct constitutes just cause or excuse for the other party to the marriage to live separately or apart, and occasions that other party to live separately or apart, shall be deemed to have wilfully deserted that other without just cause or excuse, notwithstanding that that person may not in fact have intended the conduct to occasion that other party to live separately or apart.

The MCA recognizes desertion as a ground for dissolution of marriage in situations where one spouse has effectively withdrawn from the marriage, either physically or morally, for a significant period without the consent of the other spouse. Thus, it has been provided under section 15(2)(d) MCA that a marriage will be said to have broken down irretrievably where ‘the respondent has deserted the petitioner for a continuous period of at least one year immediately preceding the presentation of the petition.’¹⁰ In fact, where spouses willingly separated for a period of time under any form of agreement, whether oral or formal, if the other requests the resumption of cohabitation, refusal by the other to resume cohabitation ‘without reasonable justification also constitutes ‘wilful desertion without just cause or excuse on the part of the party refusing.’¹¹

The rationale behind recognizing desertion as a ground for divorce is that marriage cannot reasonably be sustained where one party has wilfully repudiated its essential obligations.

2.0 LEGAL FRAMEWORK OF MATRIMONIAL DESERTION IN NIGERIA

The Constitution of the Federal Republic of Nigeria provides in Chapter Two for ‘Fundamental Objectives Directive Principles of

¹⁰ Ibid.

¹¹ Ibid, s 19 (1).

State Policy,’ and under its social objectives, it states the ‘the sanctity of the human person shall be recognised, and human dignity shall be maintained and enhanced.’¹² Moreover, it also provides for the rights to life and to human dignity.¹³ Marriage is not one of the recognised derogations from the above rights. Rather, it has been argued that the right to life, with its corollaries, is meaningless if the requisite environment for its attainment does not exist. The Indian Supreme Court in 1978 in the case of *Maneka Ghandi v Union of India*¹⁴ in interpreting article 21 of the Indian Constitution which deals with right to life and personal liberty, explicitly linked human dignity to environmental integrity. It emphasised that there can be no enjoyment of life nor its attainment unless it involves the protection and preservation of nature’s gifts. Granted the above case and others like it dealt with the environmental protection, this paper argues that toxicity within a marriage or family depreciates the quality of life within it. This is of concern to the State as has been amply illustrated in the introduction of this paper, as the family is the society itself. Family harmony is a duty entrusted to the State under article 18 of the African Charter. In fact, Nigeria has taken the question further by criminalising certain behaviours that affect the family, including ‘abandonment of a spouse without provision’.

The MCA is the principal legislation governing matrimonial causes in Nigeria. It incorporates desertion as a ground for dissolution of marriage as already stated above, in section 15(2)(d). It stipulates ‘a continuous period of at least one year immediately preceding the presentation of the petition’ as an unreasonable period for a spouse to be away from the other without a just cause, thus constituting desertion. For the court to grant the decree for the dissolution of a

¹² The Constitution of the Federal Republic of Nigeria (CFRN) 1999, s. 17(2)(b).

¹³ Ibid, Chapter Four, Ss. 33 and 34.

¹⁴ AIR 1978 SC 597.

marriage on the ground of desertion, the petitioner must prove to the satisfaction of the court that the marriage has broken down irretrievably, on the ground of such desertion by the respondent. The timeframe must be 'continuously for a period of one year immediately preceding the date of presentation of a petition' for the dissolution of the marriage celebrated between the petitioner and the respondent under the Act.

It has also been pointed out above, that a party to a marriage may have conducted himself or herself in a manner that will lead to a presumption that desertion has occurred. The statute does not define desertion in express terms, thereby leaving its interpretation largely to judicial exposition. However, the statutory requirement of continuity, duration, and absence of justification are clearly stated. The Act also reflects the modern approach to divorce by emphasizing the 'irretrievable breakdown' of marriage, of which desertion is a recognized indicator.

On the premise of constructive desertion, the Supreme Court of Nigeria has held in *Tabansi v Tabansi* that there is constructive desertion where the petitioner is the cause of the respondent leaving the matrimonial home. In other words, where the behaviour of the petitioner forced the respondent to move out of the matrimonial home, he is the one who is guilty of constructive desertion. In the instant case, the respondent admitted packing out of the matrimonial home but she was compelled by circumstances to do so. From the surrounding circumstances, it was the behaviour of the appellant that forced the respondent to move out of the matrimonial home. Therefore, he was the one guilty of constructive desertion.¹⁵

¹⁵ (2018) 18 NWLR (Pt. 1651), 294, Para-D; 294–295, paras H–A.

The Court of Appeal also reiterated the provisions of section 18 of the MCA in *Nnanna v Nnanna*.¹⁶ In the above case, the evidence adduced before the trial court showed clearly that it was the conduct of the appellant that compelled the respondent to abandon the parties' matrimonial home. The court held that in the circumstance, it was the appellant who deserted the respondent. In *Olekah v Olekah*,¹⁷ the petitioner petitioned for the dissolution of the marriage, alleging desertion by the respondent. The respondent cross-petitioned that she did not wilfully desert, stating that the petitioner had sent her a message while she was travelling, telling her not to return. She also averred that he went further to change the locks to the matrimonial home and dumped her belongings in her car. The court rejected the petitioner's claim of simple desertion on the part of the respondent, holding that it was he who had locked the respondent out, thus setting up the premise for brink of petition. The court went on to grant the wife's cross-petition.

In another recent unreported case from the Benin Judicial Division¹⁸ the petitioner sought a decree of dissolution of marriage on the sole ground that the respondent had deserted her for a continuous period of at least one year immediately preceding the presentation of the petition in May 2023. The respondent did not challenge the petition despite being served hearing notices and court processes. The court strictly reviewed the case to ascertain that the ingredients for desertion had

¹⁶ (2006) 3 NWLR (Pt. 966).

¹⁷ *Chinedu Nathaniel Olekah v Chidera Sabina Olekah*, Suit No. FCT/HC/PET/247/2021. < <https://www.fcthighcourt.gov.ng/wp-content/uploads/2025/02/CHINEDU-NATHANIEL-OLEKAH-VS.-CHIDERA-SABINA-OLEKAH-DISSOLUTION-OF-MARRIAGE-.pdf> > accessed 30 May 2026.

¹⁸ *Bose Jose Igunma v Austin Osaretin Igunma*, Suit No. B/429D/2023. <<https://edojudiciary.gov.ng/judgements/judgment-suit-no-b-429d-2023-bose-ijose-igunma-petitioner-vs-austin-osaretin-igunma-respondent/>> accessed 30 May 2026.

been met. The court went on to hold that the petitioner had met the threshold required by section 15(2)(d) MCA.

Thus, to be in desertion from the matrimonial home, it is not only the final act of one spouse physically moving out of the house that should be considered. Other circumstances may operate to compel such an action or reaction. These judicial decisions demonstrate that Nigerian courts adopt a substantive, rather than a purely formalistic approach to assessing the act of desertion. The judgments focus on the reality of marital breakdown rather than mere physical absence.

The MCA requires desertion to be continuous for a period of at least one year immediately preceding the presentation of the petition. However, a petitioner may file a petition at any point after that threshold is met. In *Ikwenobe v Ikwenobe*,¹⁹ the petitioner filed for dissolution of marriage over ten years after the respondent deserted the matrimonial home in February 1987. The court pronounced a *decree nisi* of dissolution, confirming that the statutory requirement was satisfied. It is to be noted that a court will hold that a marriage has broken down irretrievably on grounds of desertion where there is proof that the petitioner neither condoned nor connived at the respondent's desertion.

It is imperative, at this juncture, to emphasize that in line with the relevant provisions of the Evidence Act,²⁰ the onus of proving that the marriage has broken down irretrievably is on the petitioner.

¹⁹ *Ikwenobe v Ikwenobe* (2002) 1 LHCR (Pts 4–5) 21

²⁰ Evidence Act 2011 ss 135–137.

3.0 ESSENTIAL ELEMENTS OF DESERTION

Four key ingredients that must be established before the court to demonstrate that a marriage has broken down irretrievably on the grounds of actual or constructive desertion are discussed below:

i. Physical or Constructive separation (*de facto* separation)

This element is satisfied when cohabitation has been ended by severing all marital obligations. Desertion will occur when it is obvious that one spouse has physically departed from the matrimonial home.²¹ However, as established in *Pulford v Pulford*²² desertion is not the withdrawal from a place but from a state of things. A *de facto* separation may therefore occur when a spouse repudiates all marital obligations without necessarily leaving the home. It should also be noted that *de facto* separation may exist without desertion, for instance due to imprisonment or other forms of internment where proof of intention is clearly established.

ii. Intention to desert (*animus deserendi*)

Animus deserendi means the intention to withdraw from cohabitation permanently.²³ Temporary absence is insufficient. There will be a presumption of an intention to desert where a spouse voluntarily abandons the matrimonial home. In *Agu v Agu*,²⁴ the court held that the respondent deserted the petitioner at the moment the *animus deserendi* supervened — that is, when she definitively declared, she would not return to Nigeria. It is equally important to note that an involuntary separation may be turned into desertion by the subsequent *animus deserendi* of a spouse.²⁵ With regard to insane persons, it must

²¹*Roseanwo v Roseanwo* (1961) WNLR 297; *Shyngle v Shyngle* (1923) 4 NLR 94.

²² (1923) P 18, 21.

²³ *Odigie v Odigie* (2000) 1 LHCR (Pt 8) P. 121

²⁴ (Unreported, Suit No E/ID/1966, Oputa J, High Court, Enugu, 18 July 1966).

²⁵ *Beeken v Beeken* [1948] P 302 (CA).

be proved that the necessary *animus* exists to make the insane party guilty of desertion.²⁶

iii. Absence of reasonable cause

A spouse will have a good excuse to desert the other spouse when there exists conduct which makes the continuance of matrimonial cohabitation virtually impossible.²⁷ Generally, any conduct that makes the continuance of matrimonial cohabitation impossible will provide a just cause for a spouse to desert. In *Sowande v Sowande*,²⁸ it was held by the Supreme Court that the outbreak of World War II was not a just cause for the wife to leave the matrimonial home without her husband's consent. Similarly, in *Sode v Sode*,²⁹ the court held that the dullness of social life in Zaria and discomfort from harmattan were not just causes for deserting a husband.

In contrast, in *Glenister v Glenister*,³⁰ a husband's reasonable belief that his wife had committed adultery was held to provide just cause for desertion. However, the test of reasonable belief must be an objective one; a husband is not justified in deserting his wife simply because he was told by his mother that she had committed adultery.³¹ Section 19(2) MCA defines 'reasonable justification' as 'justification that is reasonable in all the circumstances, including the conduct of the other party to the marriage since the marriage' and in cases where there was an initial agreement to separate, whether that conduct took place before or after the agreement.'

²⁶*Kaczmarz v Kaczmarz* (1967) 1 ALL ER 416.

²⁷*Jackson v Jackson* (1932) 146 LT 406.

²⁸ (1960) LLR 58, rev'd by the Supreme Court, FSC 130/1962 (unreported, 28 June 1963)

²⁹ Suit No HD/35/1966 (unreported, Alexander J, Lagos High Court, 6 June 1967)

³⁰ (1945) P. 30.

³¹ *Beer v Beer* (1948) P. 10.

iv. **Absence of consent of the deserted spouse**

A spouse may be in desertion if he or she leaves the matrimonial home without the consent of the other spouse. Consent to separation must be genuine and must not be obtained by duress, fraud, or misrepresentation.³² Desertion will supervene when a spouse unilaterally withdraws consent to an agreed state of separation. In *Ikpi v Ikpi*,³³ the court held that by writing to assure his wife of maternity facilities in Zaria, the husband had put an end to the agreed separation, and the wife was in desertion when she refused to join him. Notably, if there is no consent, there may be desertion even when the petitioner is content to see the respondent go.³⁴ As already stated in the said section 19 MCA, an agreement for separation may be oral and need not be in writing or contained in a deed, so long as it provides for the spouses living apart.³⁵

4.0 NIGERIA'S SOCIO-CULTURAL MILIEU AND RECURRENT INCIDENTS OF DESERTION IN MARRIAGES

The courts have been consistent in applying best practices as reflected in the international frameworks cited in this paper. These authors, however, find that a dissonance exists between the court's approach and the culture and traditions of the Nigerian society which normalise domestic violence:

Violence in the home is the most endemic and dangerous form of violence against women and children in Nigeria, often invisible, shrouded in a lot of silence and secrecy until perhaps permanent disability and psychological trauma are inflicted on the victim or ... death occurs. It is an issue of global concern and in recent years has

³² *Holroyd v Holroyd* (1920) 36 TLR 479.

³³ (1957) WNLR 59.

³⁴ MCA, section 19.

³⁵ *Crabtree v Crabtree* (1953) 1 WLR 708.

begun to be viewed as a criminal problem even though ... (taken as) a fact of life ... (and) culturally acceptable in the Nigerian society... Domestic violence is so entrenched ... that even victims condone such violations of their rights, some claiming it is a sign of love.³⁶

Desertion is one of the most alleged grounds for seeking divorce in Nigeria, often coupled with other facts. The increasing cases of desertion could be linked to poverty, migration, prolonged separations, and marital intolerance. Petitioners are obligated by the court to show clear evidence of both the fact and intention of desertion, which often requires corroborative testimony. In cases of constructive desertion, the burden is even heavier, as the petitioner must establish a pattern of conduct sufficiently grave to justify leaving the matrimonial home. Mere physical separation may not suffice in the circumstance. It is as such, quite burdensome to articulate the grounds for desertion, especially of the constructive type. Many couples are as such forced to weather the storm of keeping up appearances, which as stated by the Mbajiorgu above, is detrimental to the health of the individuals involved, as well as being a violation of their fundamental rights to life, liberty and other freedoms.

To establish desertion as a ground for irretrievable breakdown, a petitioner must also show that they did not in any way influence the moving out of the respondent from the matrimonial home.³⁷ Lack of communication between the parties following a separation is a strong indicator of desertion, as parties who are not in desertion typically continue to communicate, including regarding the welfare of

³⁶ Kenechukwu Mbajiorgu, 'Domestic Violence: The Problem Pervading Nigeria', Epiphany Azinge and Lilian Uche (Eds) in *Law of Domestic Violence in Nigeria*, Nigerian Institute of Advanced Legal Studies, 2012, Pp. 147/8.

³⁷ *Adebusoye v Adebusoye* (1978) 10-12 CCHCJ 277.

children.³⁸ Lack of communication constitutes a major basis of desertion as a ground in dissolution of marriage in Nigeria. Irretrievable breakdown of marriage typically follows when communication, both physical and otherwise, is completely lacking between spouses. Often, couples would involve the extended families in the effort to resolve family disputes verging on lack of communication. However, due to power imbalance which often exists between the families involved, resolution is often difficult to attain. For instance, where the husband is the breadwinner of the families on both sides, culture- and religion-infused advice would most likely colour such attempts at resolution. Often the lowly wife in the equation would be tossed verses from the Bible or the Quran to chew on and repent. In a fewer number of cases, where the wives have the stronger earning power, many a man would feel emasculated by family interventions that would appear to defer to such women. In both cases, the unresolved issues could lead to more domestic violence, some of which may become fatal. The pragmatic approach of the courts can only apply where matters go before it. Most families and religious groups come down heavily on couples seeking divorce as marriage used to be universally seen to be unbreakable till death doth part the spouses.

Even though MCA does not govern customary law and Islamic marriages, unfortunately, customary law and Islamic law govern the daily lives of the parties whose marriages are statutory. Most spouses marry under both the statute and customary law, sometimes contrary to the ingredients of the offence of bigamy. Many times, obedience to cultural and religious prescriptions conflate circumstances within a marriage, often resulting in recurrent domestic violence.

³⁸*Odogwu v Odogwu* (1992) 2 NWLR (Pt. 225).

5.0 CONCLUSION AND RECOMMENDATIONS

Desertion remains a valid and significant ground for dissolution of marriage under Nigerian law.³⁹ Both simple and constructive desertion are recognized, ensuring fairness and adaptability to real-life marital situations. The courts play a central role in defining and applying the concepts due to the absence of a statutory definition of desertion in the MCA. However, many marriages celebrated under the statute, which may be dissolved on proof of desertion bow to cultural and religious precepts that frown at the dissolution of marriages, thus leaving many couples trapped in marriages that should be dissolved.

The tripartite requirement of ‘intention, continuity, and lack of justification’ protect spouses from frivolous or malicious divorce claims.⁴⁰ Constructive desertion is particularly important in addressing situations where physical departure is absent but marital obligations have been fundamentally breached. Ultimately, before divorce can be granted on grounds of desertion, a petitioner must prove to the satisfaction of the court that the respondent has deserted the matrimonial home, that there is *animus deserendi*, and that neither consent nor just cause existed for the departure.⁴¹

Desertion, whether simple or constructive, reflects a fundamental repudiation of the marital relationship and justifies judicial intervention through dissolution of marriage. Nigerian matrimonial law, through a combination of statutory provisions and judicial interpretation, provides a balanced framework that recognizes both the sanctity of marriage and the realities of marital breakdown. By

³⁹See n.30 above.

⁴⁰*Odigie v Odigie* (2000) 1 LHCR (Pt 8) 117–121.

⁴¹*Beigan v Beigan* (1956) P. 313.

acknowledging constructive desertion, the law avoids rigid formalism and ensures that justice is not defeated by mere physical presence.

Ultimately, the recognition of desertion as a ground for divorce underscores the principle that marriage is sustained not by form alone, but by genuine commitment, cohabitation, and mutual respect. With the rising cases of domestic violence and intimate partner violence that dominate Nigeria's social milieu,⁴² this paper recommends that more efforts should be exerted in counselling couples to work on marital communications and to address their problems timeously. It has been suggested that mass education could curb violence and encourage equality of parties to a marriage.

Proper Civic Education with current description of human rights devoid of religious colouration and infused with the idea of gender equality will help ... adolescents appreciate what constitutes Domestic Violence. Boys will ... be brought up not to expect that women were born to serve them on the pains of being struck down for their sins. Positive masculinities should be modelled, and young girls should no longer perceive any barriers to the full development of their potentials.⁴³

This paper must add to the above, the acknowledgement that violence in marriage could be perpetrated by both genders. Also, the fact of economic imbalance should not be weaponised by either spouse. Girls should be brought up to abhor economic dependency and the fact that equality entails obligations and duties on both parties, often referred to in terms of what parties 'bring to the table'. The culture of bringing up

⁴² Ozioma Izuora, 'The Perspective of the Nigerian Women on Domestic Violence', in Epiphany Azinge and Lilian Uche (Eds) in *Law of Domestic Violence in Nigeria*, Nigerian Institute of Advanced Legal Studies, 2012, Pp. 64 -95.

⁴³ Ibid, P. 95.

girls solely for marriage without equipping them with life skills must be discouraged. Both boys and girls must be brought up with clear understanding that marriage entails rights and obligations on both parties as equals who must work out mutually acceptable terms to their marriage.

Where it proves to be impossible to remedy marriages that appear to have fallen apart, they should be dissolved. Desertion, especially constructive desertion, is an ill-wind that could only endanger life, limb and property. The popular ‘leave to live’ chanted on social media each time one spouse physically abuses or kills the other holds true at all times. If one party to a marriage voluntarily deserts the marriage, it makes sense to let him or her go, rather than encourage toxic relationships that hurt the peace of society at large.