

**ADVANCING A LEGAL FRAMEWORK FOR RENEWABLE MARRIAGE
CONTRACTS IN NIGERIA: AN ALTERNATIVE TO DIVORCE**

BY

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DECLARATION

I, Festina **IZE-IYAMU** with matriculation number **LAW2002884** hereby declare that this work is the product of my own research efforts; undertaken under the supervision of Dr. Jacob O. Garuba and has not been presented elsewhere for the award of a degree or certificate. All sources have been duly distinguished and appropriately acknowledged.

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CERTIFICATION

This is to certify that the research work for this dissertation and the subsequent preparation of this dissertation by [name of candidate and (in parenthesis) his/her matriculation number] were carried out under my supervision.

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DEDICATION

I dedicate this project to God Almighty, who made this whole journey possible. Words fail me to express my deepest gratitude to him. And to my wonderful parents Mr. Francis and Mrs. Imade Ize-Iyamu who has been with me at every step of the way, and their unwavering support towards ensuring the success of my LLB journey.

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INTERNATIONAL

African Charter on Human and Peoples' Rights (ACHPR, 1981)

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Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

Convention on the Rights of the Child (CRC, 1989)

International Covenant on Civil and Political Rights (ICCPR, 1966)

Universal Declaration of Human Rights 1948

Nigeria

Marriage Act

Matrimonial Causes Act

Constitution of the Federal Republic of Nigeria, 1999 (as amended) LFN 2004

LIST OF ABBREVIATIONS

ACHPR African Charter on Human and Peoples' Rights

CEDAW Convention on the Elimination of All Forms of Discrimination Against
Women

CRC Convention on the Rights of the Child

ICCPR International Covenant on Civil and Political Rights

UDHR Universal Declaration of Human Rights

ABSTRACT

This study explored the concept of renewable marriage contracts as a promising legal reform to address the challenges of traditional marriage and divorce systems, with a focus on the Nigerian context. Traditional views of marriage as a lifelong and irrevocable commitment are increasingly questioned due to rising divorce rates and changing social values. Renewable marriage contracts offer a flexible fixed-term arrangement allowing couples to periodically reassess and renew their marital commitments, thus reducing the social, emotional, and economic costs of divorce. This study critically examines the legal principles underpinning this model and its compatibility with existing family laws. In Nigeria, the single most populous country in Africa, marriage is culturally and religiously regarded as sacred and permanent, with divorce carrying stigmatization and significant procedural burdens, especially for women. Despite this, increasing marital incompatibility and domestic violence highlight the need for alternative frameworks. The research utilizes doctrinal, comparative, and socio-legal analysis to evaluate the feasibility, benefits, and challenges of renewable marriage contracts in Nigeria. Drawing from comparative insights from countries like the Philippines and selected European jurisdictions, the study examines how fixed-term contracts could alleviate court congestion, empower spouses trapped in harmful unions, and normalize marital reassessment in culturally sensitive ways. Challenges including religious opposition, moral objections, and public policy concerns are assessed. Ultimately, the study argues that renewable marriage contracts, while challenging traditional norms, represent a pragmatic legal innovation that balances respect for marriage's sanctity with contemporary realities. It offers a realistic and humane alternative that can help reduce divorce burdens, protect

vulnerable parties, and promote social stability within Nigeria's evolving socio-legal landscape.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Marriage is often regarded as the world's oldest institution. In Christendom, it is traditionally believed to have been instituted by God himself, existing as long as humanity itself. It is widely viewed as a sacred union between a man and a woman, a concept found across many cultures and religions.¹ In Christendom, it is traditionally believed to have been instituted by God himself, existing as long as humanity itself. It is widely viewed as a sacred union between a man and a woman, a concept found across many cultures and religions. Marriage has been described as “a socially sanctioned union, typically of one man and one woman, who form a family unit that often extends biologically through offspring.”² This institution exists universally but takes on widely varying forms culturally and legally.

In Islam, marriage is defined as a contractual agreement where a man and woman live together and support each other according to mutually recognized rights and obligations, forming a pious family and a sound society.³ The common law tradition credits Lord Bughley with defining marriage as “the voluntary union for life of one man and one woman to the exclusion of all others.”⁴ Under Nigerian law, specifically

¹Odiase-Alegiemenlen and Jacob O. Garuba, ‘Same Sex Marriage: Nigeria in the Middle of Western Politics,’ 2014 (3) 1 (262) <https://etelsa.org/resources/article/570e459f-2d0c-11ed-ad9e-0a0027000027/05a46a0a-2d10-11ed-ad9e-0a0027000027.pdf>

² Ibid.

³ Ibid

⁴ Ibid at 263.

a monogamous union between a man and a woman, legally binding and exclusive until dissolution.⁵

Marriage performs various functions, including acting as an outlet for sexual needs, regulating sexual conduct, establishing families, and serving as the fundamental unit of society. It embodies the biological necessity of reproduction through the union of complementary sexes and the social reality that children benefit from both a mother and a father.⁶ While marriage is fundamentally a private agreement between consenting parties, its profound social significance necessitates regulation by the state or government.⁷ The earliest legal frameworks, from Mesopotamia to English common law traditions, emphasized marriage for maintaining lineage, property and alliances, while modern systems have advanced towards individual autonomy, gender equality, and mutual consent.⁸

The government's role in marriage is grounded in its responsibility to protect the welfare of society. Marriage is recognized as the institution that benefits society uniquely by encouraging commitment for childbearing and child rearing, thereby supporting stable family structures essential for social order.⁹ As such, state regulation encompasses aspects such as age of consent, procedural formalities for solemnization, legal rights and duties created by marriage, property relations, and grounds for dissolution. This position is reflected in jurisprudence emphasizing marriage as an institution involving public interest well beyond the private rights of the parties.

⁵ Ibid.

⁶ Jennifer Nedelsky, *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (Oxford University Press 2011) 45.

⁷ Andrew J Cherlin, *Marriage, Divorce, Remarriage* (Harvard University Press 2009) 1–7, 265-266

⁸ Ohio State University, "Marriage in Ancient Mesopotamia and Babylonia" (2022) <https://ehistory.osu.edu/blog/ancient-mesopotamia-marriage>

⁹ Heritage Foundation, "Why Is Government in the Marriage Business?" (2012) <https://www.heritage.org/marriage/report/why-government-the-marriage-business>

Marriage thus unites individuals emotionally, physically, and legally, extending to the family life it fosters and demanding an all-encompassing commitment, traditionally understood to be permanent and exclusive. Consequently, governments enact laws and policies impacting marriage to preserve societal stability and moral standards.

However, the traditional model of lifelong, irrevocable marriage is increasingly questioned in contemporary society due to rising divorce rates and changing social values. In response, renewable marriage contracts have been proposed as progressive alternatives. This contract establishes marriage for fixed terms, such as two, three, or five years, with options to renew or terminate upon expiry. This flexible framework treats marriage somewhat like a trial period, enabling couples to reconsider their relationship periodically and potentially avoid the adversarial and costly process of divorce.¹⁰

Renewable marriage contracts offer promising solutions in jurisdictions where divorce faces legal restrictions or social stigma, aligning with constitutional protections of human dignity and autonomy.¹¹ By legally recognizing marriage as a modifiable contract, they promote premarital transparency, individual autonomy, and adaptive family structures capable of reflecting modern realities. This study seeks to critically analyze renewable marriage contracts as viable legal reforms addressing the limitations of the conventional marriage-divorce paradigm, enriching family law discourse and advocating contractual flexibility within marital relations.

In jurisdictions where divorce is legally restricted or socially stigmatized, such as the Philippines, Nigeria and others, renewable marriage contracts present a humane and practical solution that aligns with constitutional values protecting human dignity and

¹⁰ Refaad Journal, “Trial Marriage: Jurisprudential Conditioning and Judgments” (2024)

¹¹ Counselor First, “Renewable Marriage Contract: What You Need To Know” (2018)

rights.¹² The approach also anticipates opposition from traditional legal frameworks and conservative social groups, but its potential to reduce marital conflict and improve relationship satisfaction positions it as a compelling alternative worthy of scholarly exploration. The study seeks to critically examine renewable marriage contracts as a viable legal reform to address the limitations of conventional marriage and divorce laws, contributing to the evolving discourse on family law and contractual autonomy.

1.2 Statement of the Research Problem

The rising global divorce rates have become a significant social concern, reflecting changing societal norms and increasing challenges within marital relationships.¹³ In 2025, countries such as the United States and Ukraine report divorce rates of approximately 2.7 and 2.88 per 1,000 people respectively, highlighting a widespread trend of marital dissolution across diverse cultures and economies.¹⁴ Factors such as financial stress, evolving gender roles, spousal incompatibility and shifting expectations about marriage contribute to this increase, placing considerable strain on judicial systems worldwide.¹⁵ Courts in many jurisdictions are overwhelmed with divorce cases, resulting in prolonged, costly, and emotionally taxing processes for couples.¹⁶

In Africa, while divorce rates vary, the continent is witnessing a gradual rise influenced by urbanization, modernization, and changing attitudes toward marriage

¹² Elizabeth Y Osborn, 'Renewable Marriage Contracts in the Philippines: A Legal and Social Perspective' (2021) 12(1) *Asian Journal of Family Law* 45-67.

¹³ Statista, 'Divorce Rate in the United States 1960–2025' (2025) <<https://www.statista.com/statistics/>; Ukraine State Statistics Service, 'Demographic Yearbook 2025' <https://www.ukrstat.gov.ua>.

¹⁴ Stéphane Amato, 'Divorce Trends and Societal Change' (2024) 62(4) *Journal of Comparative Family Studies* 275; Sarah K Ramsay, 'Family Law and Gender Roles' (2018) 55(2) *International Journal of Law, Policy and the Family* 217.

¹⁵ UNICEF Innocenti Research Centre, 'Court Overload: Family Justice in Focus' (2023) 18–19.

¹⁶ National Center for State Courts, "Data on Divorce and Custody Cases" (2025)

and individual rights. However, the impact of divorce in African societies is often compounded by strong cultural and religious norms that emphasize the sanctity and permanence of marriage, creating tensions between traditional values and contemporary realities. This conflict is particularly pronounced in Nigeria, where marriage is deeply rooted in morality, religion, and public policy. Despite Nigeria's status as a secular state, societal expectations and stigmatization of divorcees, especially women, often trap individuals in harmful or incompatible marriages.¹⁷

Furthermore, the legal process of divorce in Nigeria is notoriously stringent, expensive, and time-consuming, exacerbating the difficulties faced by victims of domestic violence and those seeking to exit toxic relationships. This situation underscores the urgent need for alternative legal frameworks that respect individual rights and freedom while addressing the practical challenges of marital breakdown.¹⁸

Renewable marriage contracts offer a promising solution by allowing couples to enter fixed-term agreements with options to renew or amicably separate, thereby reducing the burden on courts and mitigating social stigma associated with divorce. This innovative approach aligns with evolving societal values and provides a realistic alternative to the traditional, often rigid, conception of marriage.

The absence of legal mechanisms for renewable marriage contracts not only perpetuates the adversarial divorce model but also undermines individual autonomy, gender equality, and judicial efficiency. It raises critical questions:

1. How can the law better accommodate diverse marital arrangements while upholding social order and public policy?

¹⁷ Matrimonial Causes Act 1970 s15; Olamide Oyetayo Legal, 'Challenges of Divorce Law in Nigeria' <https://oyetayolegal.com/divorce-nigeria>.

¹⁸ Samantha Meyers, 'Renewable Marriage Contracts: The Debate Across Jurisdictions' (2023) 44(2) *International Family Law Review* 213.

2. What legal reforms are necessary to legitimize and regulate renewable marriage contracts as a viable alternative to divorce?

3. How can innovative frameworks reduce marital conflict, protect vulnerable parties, and reflect contemporary values of choice and consent?

In light of these gaps, there is a pressing need for rigorous legal and comparative analysis to determine whether and how the law can evolve to recognize, regulate, and enforce renewable marriage contracts, thereby offering a more humane, predictable, and socially constructive alternative to traditional divorce.¹⁹

1.3. Aim and objectives of the study

The aim of this study is to explore the concept of renewable marriage contracts as a potential alternative to traditional, lifelong marriage, particularly in the context of Nigeria. It seeks to analyze the benefits of this model, such as enabling couples to periodically reassess their relationship and potentially ending it without the difficulties of a contentious divorce process. The study will also consider how renewable contracts might address issues like domestic violence acting as a pragmatic and proactive legal mechanism that anticipates and functions to mitigate marital breakdown, and saving lives in the long run.

The objectives of the study are:

- i. To examine the legal principles and frameworks underpinning renewable marriage contracts and assess their compatibility with existing family law systems.

¹⁹ Olamide Oyetayo Legal, 'Alternative Family Law Models' <https://oyetayolegal.com/renewable-marriage> accessed 14 July 2025; BBC News, 'Mexico's Two-Year Marriage Law Proposal' (2011) <https://www.bbc.com/news/world-latin-america-15142127>.

ii. To analyze the social, cultural, and economic impacts of renewable marriage contracts in reducing divorce rates and alleviating the burdens of traditional divorce proceedings.

iii. To evaluate the potential challenges and implications of implementing renewable marriage contracts in Nigeria, considering religious, moral, and public policy perspectives.

1.4 SCOPE OF THE STUDY

The study is strictly focused on the renewable marriage contract model, examining the legal and social implications of implementing marriage contracts that are valid only for a fixed term such as two or three years, with a clearly defined option for renewal or termination at the end of each term. Unlike pre-nups that offer flexibility to modify marital terms mid-union, the renewable marriage contract proposal centers on setting a pre-agreed, legally binding duration at the outset, after which both spouses must affirmatively choose either to extend or conclude their marital relationship.

The research interrogates the feasibility, advantages, and challenges of this renewable model within Nigeria's legal system, guided by statutory law (Marriage Act, Matrimonial Causes Act), and acknowledging the country's socio-cultural and religious dynamics. Comparative studies would be carried out in some jurisdictions such as Mexico, the Philippines, Kenya and scholarly proposals where renewable marriage contracts have been debated, or piloted are integrated to illuminate practical pathways and risks.

This scope intentionally excludes general flexible marriage contracts or cohabitation models that allow constant modification of marital terms during the relationship except as a point of contrast.

1.5 Significance of the Study

The significance of the study lies in its potential to contribute to legal scholarship and family law reform by introducing renewable marriage contracts as a viable alternative to the traditional, lifelong marriage model and the often cumbersome, divorce process. By exploring a fixed-term contractual approach to marriage that allows for renewal, the study addresses pressing social issues such as the increasing divorce rates, court congestion, and the emotional and financial toll on couples. The study is particularly relevant to Nigeria, where cultural, religious, and moral values strongly influence marital permanence, yet where many individuals remain trapped in incompatible or abusive marriages due to the stigma and complexity of divorce which has brought physical, emotional and mental abuse to victims and in most cases, death.²⁰ The study offers policymakers, legal practitioners, and scholars a framework to consider innovative legal mechanisms that align with evolving societal values and respect individual autonomy. Additionally, to provide victims of domestic violence and those seeking marital dissolution with a more accessible and less stigmatized option.²¹ Ultimately, the findings could inform legislative reforms that balance respect for marriage's sanctity with the practical realities of contemporary relationships, promoting social stability and justice.

1.6 Research Methodology

The study adopts a doctrinal legal research approach, supplemented by comparative and analytical methods to examine the concept of renewable marriage contracts

²⁰ Matrimonial Causes Act 1970 s15; Ekaete E. Essien, 'Stigma and Family Law in Nigerian Society' (2023) 5(1) *Nigerian Journal of Social Research* 19–21.

²¹ Chukwuemeka Odum, 'Family Law Reform in Nigeria' (2018) 12(3) *Nigerian Law Journal* 123; Olisa Agbakoba, *Law and Social Development* (Malthouse Press 2001) 45.

within the Nigerian legal framework and beyond. This approach is appropriate as the study focuses on legal principles, statutes, case law, and relevant opinions.

CHAPTER TWO

CONCEPTUAL CLARIFICATION, THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Conceptual Clarification

2.1.2 Marriage as a Legal and Social Institution

Marriage has long been institutionalized as a cornerstone of both legal and social life, embodying values of permanence, companionship, and mutual responsibility.²² Traditionally, it is viewed not merely as a personal or romantic bond but as a legally and socially sanctioned union that establishes enduring rights and duties between individuals, their children, and their families. In many societies, marriage is strongly influenced by morality, religion, and public policy considerations, which collectively reinforce its lifelong character. In the Nigerian context, the regulatory framework for marriage is grounded primarily in the Marriage Act²³ and the Matrimonial Causes Act.²⁴ The Marriage Act prescribes formal requirements such as notice, consent of parties, and official registration, all of which underscore the solemnity and intended durability of the marital bond. These statutory provisions create a legal environment that privileges permanence by making the process of contracting and subsequently dissolving marriage both rigorous and formalized.

²² Marriage Act (Nigeria) Cap 218 Laws of the Federation of Nigeria 2004
O.E. Okoro, 'Legal Framework Governing Marriage and Divorce in Nigeria' (2023) 5 Nigerian Law Journal 40.

²³ Marriage Act (2004)

²⁴ Matrimonial Causes Act, (2023)

2.1.2 The Matrimonial Causes Act and Divorce Procedures

The Matrimonial Causes Act further stipulates the grounds and procedures for divorce, envisaging divorce as an option only where the marriage is irretrievably broken.²⁵ However, this process is notorious for its complexity, high cost, delay, and attendant social stigma, particularly for women, who often bear the brunt of societal and familial disapproval in practice.

2.1.3 Emergence of Renewable Marriage Contracts

This projects that marriage be subject to conscious reassessment, thereby potentially reducing the core drawbacks and challenges associated with the traditional divorce. It is against this backdrop, the concept of renewable marriage contracts emerges as a significant departure from the prevailing model.²⁶ In this proposed regime, marriage is entered for a fixed term such as two, three, or five years with couples being given the option, upon expiration, to renew the contract or to part ways. This model fundamentally re-imagines marriage as an agreement subject to periodic renegotiation, rather than a lifelong commitment presumed to endure regardless of changing personal circumstances. Instead of treating dissolution as a failure or a form of social deviance, the renewable contract model institutionalizes the idea that relationships should adversarial nature of divorce. If both parties choose not to renew, the union simply ends, ideally without recourse to cumbersome litigation or social blame.

²⁵ Matrimonial Causes Act No 18 of 1970.

A. Garuba, 'Women and Divorce in Nigeria: Proceedings and Societal Challenges' (2022) 12 African Journal of Social Sciences 52.

²⁶ K. Johnson, 'Renewable Marriage Contracts: A New Legal Paradigm' (2025) 8 International Family Law Review 67.

2.1.4 Alignment with Contemporary Legal and Social Norms

Although this concept is relatively new in legal discourse, it aligns with broader constitutional guarantees such as freedom of association, as well as evolving societal norms that privilege individual autonomy, consent, and personal fulfillment over static traditions.²⁷ The renewable marriage contract model directly addresses drawbacks of traditional marriage formations by offering pragmatic solutions to rising divorce rates and the difficulties faced by couples trapped in unsatisfactory, incompatible, or abusive marriages.

2.1.5 Debate on Societal Stability and Family Values

While some critics argue that renewable marriage contracts undermine the sanctity and societal stability traditionally attributed to lifelong unions, proponents maintain that codifying periodic reassessment is a responsible adaptation to modern realities.²⁸ The approach mirrors global debates about making family law more reflective of contemporary values such as contractual flexibility, gender equality, and respect for evolving personal circumstances. Furthermore, it enables partners to tailor their relationships according to explicit agreements rather than blanket societal expectations, thereby promoting both personal dignity and social harmony.

2.2 Theoretical Conceptualization

2.2.1 Contractual Autonomy Theory

The theory of contractual autonomy is a foundational concept in private law that recognizes individuals' inherent right and capacity to define, negotiate, and modify the

²⁷ C. Eze, 'Family Law Reforms and Individual Autonomy in Nigeria' (2024) 9 *Journal of Nigerian Law* 15

²⁸ B. Oluwole, 'Critique of Renewable Marriages in African Societies' (2023) 7 *Journal of African Legal Studies* 81.

terms of their personal relationships within legally permissible boundaries.²⁹ It emphasizes the principle of freedom of choice that individuals should be free to enter, amend, or terminate relationships by mutual agreement without undue external imposition.

Traditional legal framework often conceives of marriage as a lifelong, indissoluble institution, reinforced by statutory laws and societal expectations that treat marriage as a fixed status rather than a flexible contract. Contractual autonomy challenges this classical view by recasting marriage as a consensual contract akin to commercial agreements, where parties exercise meaningful control over their rights and obligations. The notion implies that marriage is not merely a social status imposed from without but an agreement voluntarily entered into and subject to renegotiation or termination by mutual consent.

This theory distinguishes between two aspects of autonomy:

- a) A negative aspect that protects individuals from being coerced into unwanted obligations or relationships, ensuring no person is forced into marriage or bound indefinitely against their will.
- b) A positive aspect that empowers parties to actively create, modify, and dissolve contractual relationships, fostering legal recognition of their diverse and evolving personal commitments.

As applied to matrimonial law, contractual autonomy illuminates how spouses might mutually determine the structure, duration, and terms of their marriage. It calls for moving away from rigid, indelible matrimonial models towards flexible, negotiated arrangements that better reflect contemporary social complexities and personal preferences. This shift aligns with modern legal trends emphasizing private ordering

²⁹ M Hasneziri, 'The Principle of Autonomy of Contractual Will' (2024) 8 European Journal of Management Studies 23

and respect for individual autonomy within family law.

Renewable marriage contracts operationalize this theory by allowing spouses to commit to fixed-term marital agreements with explicit choices to renew or terminate upon contract expiration.³⁰ This institutionalizes contractual autonomy within the marriage framework, enhancing respect for individual agency and reducing the adversarial nature of traditional divorce. Couples retain the liberty to reassess their marital obligations at regular intervals, adapting to changing circumstances without defaulting to permanent or involuntary commitments.³¹

Legal scholarship supports this approach as a meaningful alternative to status-based matrimonial law, promoting fairness, transparency, and cooperative negotiation within intimate relationships.³² By reconceptualizing marriage through the lens of contractual autonomy, the law can better accommodate pluralistic family forms and the dynamic nature of personal relationships in modern society.

2.2.2 Liberal Legal Theory

Liberal legal theory is fundamentally embedded within the broader framework of contractual autonomy, emphasizing the primacy of individual rights, freedom of contract, and autonomy over private affairs as essential foundations of justice.³³ It promotes the principles of self-determination and freedom of association, advocating that adults should have the liberty to freely form, regulate, and dissolve personal relationships, including marriage, without undue state interference.³⁴

According to liberalism, the role of the state is primarily to facilitate and uphold the legal infrastructures that enable these freedoms. The state should act as a neutral

³⁰ MarriageInNigeria.ng, “Pros and Cons of Having a Marriage Contract in Nigeria” (2024)

³¹ Dare to be Fabulous, “Renewable Marriage Contracts. Why Not?” (2023)

³² Counselor First, “Renewable Marriage Contract: What You Need To Know” (2018)

³³ G Calhoun, Liberal Legal Theory and Family Law (University of California Berkeley Law School 2020) <https://lawcat.berkeley.edu/record/1111728/files/fulltext.pdf>.

³⁴ Touro Law Review, “Defaults and Choices in the Marriage Contract: How to Increase Autonomy, Encourage Discussion, and Circumvent Constitutional Constraints,” (2014)

arbiter, protecting individual liberties while refraining from interfering excessively in the content or terms of intimate relationships. Hence, legal mechanisms such as renewable marriage contracts exemplify this ideal by providing a structured, yet flexible, framework within traditional matrimonial norms that harmonizes with constitutional guarantees of liberty, privacy, and dignity.

This theory is particularly significant against a backdrop where marriage has often been conceived as a fixed, permanent institution regulated tightly by the state or religious bodies.³⁵ The liberal approach instead frames marriage as a voluntary social contract, emphasizing choice and adaptation to personal needs, which is consistent with contemporary constitutional values protecting individual freedoms.

By allowing such contractual flexibility, liberal legal theory supports pluralism in family forms and respects the diverse ways individuals may wish to organize their intimate lives, thereby fostering a more inclusive and just legal order that reflects changing societal norms and values.

2.2.3 Feminist Legal Theory

From a feminist legal theory perspective, renewable marriage contracts provide a critical response to entrenched gender inequalities perpetuated by traditional marriage and divorce laws.³⁶ Conventional matrimonial models frequently reflect patriarchal assumptions that emphasize permanence and submission, which often result in the entrapment of spouses particularly women in economically and socially dependent positions.³⁷ This dynamic limit women's autonomy and exposes them to prolonged vulnerability within marriages where abuse or inequality persists.

³⁵ Wine and Smarties Blog, "The Case for Marriage as a Renewable Contract," (2018) [Edward J. Jennings, P.A.](#)
[3 Types of Modern Marriage to Consider](#)

³⁶ A Kabeer, 'Feminist Legal Perspectives on Marriage and Divorce' (2023) 12 Journal of Gender and Law 44.

³⁷ Y. Sikweyiya, "Patriarchy and gender-inequitable attitudes as drivers of intimate partner violence in Ghana," PMC National Center for Biotechnology Information, 2020

Renewable marriage contracts challenge these patriarchal norms by institutionalizing mechanisms for periodic reassessment and renegotiation of the marital relationship through fixed contractual terms. This approach empowers vulnerable partners, especially women, to assert greater agency in their marital decisions, safeguard their legal rights, and obtain earlier, less stigmatizing exits from problematic marriages. The fixed-term nature of these contracts provides not only legal protection but also a societal framework that reduces the social stigma traditionally associated with separation or divorce for women.

Beyond offering an exit strategy, renewable contracts can also enhance negotiation power within marriage by formalizing opportunities to revisit, amend, or clarify rights and responsibilities regularly.³⁸ This contractual flexibility aligns strongly with broader feminist legal goals of promoting gender equality, combating domestic abuse, and fostering equitable power dynamics within intimate relationships. Research underscores that such contractual models can significantly reduce women's exposure to exploitation and violence, contributing to safer and more balanced marital environments.³⁹

2.2.4 Contract Theory

Contract theory, widely applied in commercial law, provides a framework for understanding how clearly defined and enforceable terms can benefit personal relationships such as marriage.⁴⁰ At its core, contract theory emphasizes that transparent agreements and explicit expectations build trust, reduce conflict, and promote cooperation among parties to an agreement.

³⁸ L. Barker, 'Renewable Marriage Contracts and Domestic Abuse Prevention' (2024) *Feminist Legal Review* 66.

³⁹ Onlinelibrary.wiley.com, "Feminist Relational Contract Theory: A New Model for Family Property Agreements," (2023)

⁴⁰ K. Blair-Stanek, 'Defaults and Choices in the Marriage Contract' (2008) *Touro Law Review* 3; S. Grossbard-Shechtman, 'Marriage Contracts and the Law-and-Economics of Marriage' (1999) *Journal of Economic Perspectives* 30.

When applied to marriage, contract theory suggests that the institution benefits from principles akin to commercial contracts, including periodic renegotiation, performance monitoring, and renewal mechanisms. Renewable marriage contracts embody these principles by allowing spouses to reassess and redefine the terms of their relationship at fixed intervals. This periodic renegotiation reduces relational uncertainty by clarifying rights and obligations regularly, encourages parties to invest in cooperative behavior, and fosters relational stability.

Such contractual arrangements can lead to a decrease in adversarial divorces by providing mechanisms for dialogue and adjustment before dissolution becomes necessary. Furthermore, they can improve parenting partnerships where children are involved by supporting ongoing cooperation and reducing conflict through clearer mutual expectations.

Legal scholars have noted parallels between marriage as a social institution and the contract law principles that support business agreements specifically the value of clear terms, defaults, choice, and enforcement mechanisms. This comparative approach supports the problem-solving potential of introducing contractual flexibility into matrimonial law while respecting the deeply personal and emotional aspects of marriage.

2.2.4 Sociological Perspectives on Marriage as a Dynamic Institution

Modern sociological perspectives conceptualize marriage not as a fixed, unchanging ideal but as an evolving social institution shaped by continuous adaptation and negotiation.⁴¹ These perspectives emphasize the importance of flexibility, dialogue, and ongoing redefinition within intimate partnerships, responding to diverse and

⁴¹ T Rueda et al, 'Marriage: From Status to Contract and Back Again?' (2018) Digital Commons, University of Maryland https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1762&context=fac_pubs

shifting social, economic, and cultural realities.

Marriage is understood sociologically as a dynamic, negotiated relationship that changes over time according to the personal needs of the spouses and broader societal transformations.⁴² This view moves beyond traditional rigid constructs of marriage to one that appreciates the complexities of modern family life, including changing gender roles, economic conditions, and cultural values.

Renewable marriage contracts embody these sociological insights by embedding institutional flexibility and periodic renegotiation within the legal structure of marriage. This legal innovation recognizes the lived experience of marital relationships as fluid and subject to reconsideration rather than permanent and immutable. By doing so, renewable contracts reconcile individual autonomy with the societal interests of social cohesion and family stability, providing a legal framework that respects both personal freedom and collective welfare.

This approach reflects a broader trend in family law jurisprudence and policy towards accommodating diversity in family forms and fostering legal mechanisms that support adaptive, resilient family structures.

2.3 Literature Review

2.3.1 Global Trends and Comparative Insights

Empirical research into alternative marital arrangements, including renewable marriage contracts, is still emerging but has shown promising developments globally.⁴³ Studies from jurisdictions with flexible marital agreements such as prenuptial and post-nuptial contracts indicate several benefits, notably reduced family litigation and enhanced marital satisfaction. These findings suggest that structured marital agreements can foster healthier relationship dynamics and lessen the need for

⁴² Study.com, "Marriage in Sociology," (2025)

⁴³ Counselor First, 'Renewable Marriage Contract: What You Need To Know' (2018) <https://counselfirst.com/resources/blog/renewable-marriage-contract-what-you-need-to-know/>

court intervention, pointing to the potential effectiveness of alternative marital frameworks in supporting relationship stability and reducing adversarial disputes.

2.3.2 Nigerian Family Court Context

In Nigeria, empirical data reveal that divorce cases constitute a substantial portion of family court caseloads, which are often characterized by significant procedural delays and high financial costs.⁴⁴ These burdens tend to disproportionately affect women and other vulnerable groups, limiting their access to justice. Moreover, the strong societal stigma surrounding divorce functions as a potent deterrent, compelling many individuals to remain in unsatisfactory or even harmful marital relationships. The cumulative effect of procedural, economic, and social challenges underscores the necessity for innovative legal solutions to alleviate pressures on individuals and the judicial system.⁴⁵

2.3.3 Potential of Renewable Marriage Contracts

Although renewable marriage contracts have yet to be widely codified or practiced in Nigeria, empirical and comparative analyses from countries like the Philippines offer encouraging examples. These contracts serve as fixed-term marital arrangements where couples have the explicit option to renew or separate amicably upon expiration of such agreement.⁴⁶ Such models provide a legally structured alternative designed to reduce marital conflict and potentially lower divorce rates. By respecting personal autonomy while remaining sensitive to cultural contexts, renewable marriage contracts represent a progressive step toward normalizing the concept of controlled marital dissolution without the adversarial nature of conventional divorce.

2.3.4 Relevance to Nigerian Legal and Cultural Context

⁴⁴ Idochi Okenwe, Isaac Didi Essi, Anthony Ike Wegbom, 'The Impact of Marriage Contract Type on Divorce Likelihood: Evidence from Rivers State, Nigeria' (2025) 8 African Journal of Mathematics and Statistics Studies 60-69.

⁴⁵ LinkedIn, "Divorce and Social Stigma: Psychological & Social Implications," (2024)

⁴⁶ A Garuba, Multi-tiered Marriage Contracts in Nigeria and the Need for Legal Reform (2024).

Nigeria's legal framework is uniquely complex, characterized by the interplay of statutory laws, customary practices, and religious norms. This complexity necessitates empirical investigation into the feasibility, acceptability, and social impacts of introducing renewable marriage contracts within this context.⁴⁷ Understanding public perceptions, legal compatibility, and practical outcomes will be instrumental in formulating policy reforms aimed at easing the burden on the courts and mitigating the social stigma linked to divorce. Empirical research can thus provide critical insight into how renewable marriage contracts might function as a culturally appropriate and legally viable matrimonial alternative in Nigeria's plural legal order.

CHAPTER THREE

AN EXAMINATION OF LEGAL AND INSTITUTIONAL FRAMEWORKS ON MARRIAGE

3.1 Historical Overview of Marriage

Marriage is an institutionalized union recognized both socially and legally, which through millennia has developed complex functions that transcend mere personal arrangement.⁴⁸ It has served critical purposes such as preserving lineage, formalizing alliances, regulating sexual relations, and sustaining social order across diverse cultures and epochs. Contemporary understandings of marriage deeply root in its rich historical foundations, yet continue to evolve dynamically as societal values shift.

⁴⁷ P.F.U. Nwankwo, 'Contract To Marry and Public Policy in Nigeria: An Appraisal' (2021) 9 *International Journal of Innovative Development & Policy Studies* 127-133.

⁴⁸ Encyclopedia Britannica, "Marriage: Definition, History, Types, Customs, Laws & Facts," (2025)

The origins of marriage as an institution date back approximately 4,000 to 5,000 years with evidence from Mesopotamia indicating some of the earliest recorded marriage contracts and ceremonies circa 2350 BC.⁴⁹ Prior to this, human mating structures in hunter, gatherer societies were less formalized, characterized by flexible sexual partnerships within extended kin groups.⁵⁰ The agricultural revolution catalyzed permanent settlements, fostering social arrangements where property rights, inheritance, and legitimate descent became essential.⁵¹ Marriage hence emerged as a social mechanism for defining parental rights and allocating resources, intertwining with political and economic strategies of emerging societies.

In early civilizations, marriage was not founded on romantic love but on societal interests such as family alliances and economic stability.⁵² Among the Hebrews, Polygamy was permitted reflecting social status dynamics, while in ancient Greece and Rome, marriage secured property transmission and political ties rather than individual companionship.⁵³ Men exercised distinct privileges; wives were often subordinated, confined to producing heirs and overseeing households. Sexual relations outside marriage, including concubinage, were socially permissible for men, underscoring the patriarchal nature prevalent across many cultures.

Religious institutions profoundly shaped the sanctity and perception of marriage.⁵⁴ Christianity, which gained strong influence during the European Middle Ages, elevated marriage to a sacrament symbolizing spiritual unity and indissolubility, largely forbidding divorce and embedding the concept of lifelong commitment

⁴⁹ When did marriage begin? The Week (12 Aug 2025) <https://theweek.com/articles/528746/origins.marriage>

⁵⁰ PMC.NCBI.nlm.nih.gov, "Evolutionary History of Hunter-Gatherer Marriage Practices," (2011)

⁵¹ Yvex.de, "Agricultural Revolution and Gender: The Birth of Property and Patriarchy," (2025)

⁵² Marianne Moyaert, "Marriage as Institution," MDPI Religions 15(6) (2024): 675

⁵³ Britannica.com, "Marriage in Ancient Greece and Rome," (2025)

⁵⁴ Steven Ozment, *The Age of Reform (1250–1550)* (Yale University Press 1980).

within legal and moral paradigms.⁵⁵ By the 12th century, church doctrines formalized marriage solemnization requirements, emphasizing consent, consummation, and sacramental grace.⁵⁶ Canon law codified marriage as a divine institution, tightly intertwining religious authority with matrimonial governance.⁵⁷

The Enlightenment era initiated pivotal shifts towards secularization and contractualization in marriage.⁵⁸ Philosophers and legal reformers began advocating marriage as a civil contract between consenting individuals, where personal rights and freedoms gained prominence over traditional religious or familial control.⁵⁹ This gave rise to modern marriage legislations emphasizing monogamy, free consent, and gender equality. Judicial systems gradually incorporated no, fault divorce laws, premarital agreements, and annulment provisions, reflecting liberal values of autonomy and equality within the marital bond. State regulation superseded ecclesiastical oversight, balancing social order with individual liberty.

Internationally, marriage laws historically reflected a society's priorities around property rights, legitimacy, and social stability. Recent decades, however, have seen robust movements towards personal autonomy, gender equality, and recognition of diverse family forms. The Universal Declaration of Human Rights (1948) enshrined the right to marry only with free consent, while the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979) specifically targeted discriminatory practices in marriage and advocated equal marital rights.⁶⁰

⁵⁵ NewAdvent.org, "Catholic Encyclopedia: Sacrament of Marriage," (2022)

⁵⁶ Wikipedia.org, "Marriage in the Catholic Church," (2003)

⁵⁷ CanonLawSocietyOfIndia.org, "The Theological and Juridical Aspects of Marriage in Canon Law," (2016)

⁵⁸ William J. Witte Jr, "The History and Evolution of Marriage," Brigham Young University Law Review (1999), 850,880

⁵⁹ Ore.Exeter.ac.uk, "State and Law: Marriage as Civil Contract," (2019)

⁶⁰ United Nations Universal Declaration of Human Rights (1948) art 16; CEDAW (1979).

Emerging legal innovations, including renewable marriage contracts, signal ongoing evolution towards adaptable and equitable models compatible with contemporary human rights frameworks.⁶¹

Marriage's historical trajectory from an institutionalized alliance serving collective social interests to a personalized contract representing mutual choice underscores its enduring cultural significance and legal complexity. Today's debates on marriage reform, including the introduction of flexible contractual arrangements, highlight the dynamic nature of marriage as both a social and legal institution, responsive to changing societal values and individual rights.

3.2 International Legal Framework on Marriage

3.2.1 Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly in 1948. Article 16 of the UDHR explicitly addresses marriage rights with provisions widely regarded as generic and applicable across jurisdictions, offering common human rights based standard:

1. Right to Marry and Found a Family: Men and women of full age, without any discrimination based on race, nationality, or religion, have the right to marry and found a family. This affirms the universality of marriage rights beyond cultural and national boundaries.
2. Equality in Marriage: Spouses are entitled to equal rights during marriage and at its dissolution, emphasizing gender equality and non-discrimination.

⁶¹ BBC.com, "Mexico City plans 'renewable' marriage," (2011)

3. Free and Full Consent: Marriage shall be entered into only with the free and full consent of the intending spouses. The principle bans forced or child marriages and underscores autonomy in marital decisions.

4. Protection of the Family: The family is described as the natural and fundamental group unit of society and is entitled to protection by society and the State.

This framework has profoundly influenced national laws and international human rights norms on marriage.⁶² It enshrines the concept of marriage based on consent and equality while recognizing the family's social importance.

3.2.2 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),

this convention has reinforced themes of gender equality, protection of rights within marriage, and the prevention of discrimination.

It is important to note that the UDHR sets broad principles rather than detailed marriage statutes, allowing adaptation by states within their cultural and legal contexts. Over time, interpretations have expanded to encompass issues like recognizing same-sex unions or protecting against early/forced marriages, reflecting evolving social values globally.

In summary, the UDHR's Article 16 is the most generic, near, universal international framework on marriage, establishing foundational rights and principles respected by a majority of countries worldwide.

⁶² Universal Declaration of Human Rights (UDHR), 1948, Article 16
Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), 1979.

3.3 Linking the Evolution of Marriage to the Universal Declaration of Human Rights

Marriage has undergone a profound transformation from its early origins as a pragmatic social institution to its modern status as human rights, protected contract between equals. This evolution reflects centuries of cultural, religious, legal, and philosophical shifts, culminating in international frameworks such as the Universal Declaration of Human Rights (UDHR) that enshrine marriage as a relationship based on free consent, equality, and dignity.

Historically, marriage evolved as a social mechanism to serve key societal functions primarily lineage preservation, the transfer of property, and alliance formation.⁶³ In early agrarian and pastoral societies, marriage ensured clear inheritance and power structures by formalizing unions between families or clans. It was rarely a matter of personal affection; instead, marriage was a strategy to regulate reproduction, social order, and economic resources. In patriarchal structures, marriage also reinforced gender hierarchies, relegating women to roles emphasizing childbearing and household management. Sexual relations outside marriage were often socially regulated to maintain legitimacy and social cohesion.

Religious institutions further shaped marriage's nature and purpose, especially in medieval Europe where Christianity sacralized marriage as a lifelong, indissoluble sacrament.⁶⁴ This religious framing restricted legal divorce and embedded moral constraints that prioritized permanence and familial obligations over individual desires. Even as the Church imposed strict marital rules, secular powers began

⁶³ Marianne Moyaert, "Marriage as Institution," *MDPI Religions* 15(6) (2024): 675, doi:10.3390/rel15060675.

Daniel S. Hamermesh et al., "The Origins of the Institutions of Marriage," *Economic Journal* (2013).

⁶⁴ Steven Ozment, *The Age of Reform (1250–1550)* (Yale University Press 1980).

framing marriage as a public and legal institution, incorporating rules for registration, consent, and legitimacy.

The Enlightenment brought radical ideas that challenged these norms by promoting individual autonomy, contractual consent, and gender equality within marriage.⁶⁵ Marriage increasingly came to be viewed as a civil contract between equal partners rather than a religious or communal obligation. Legal reforms across the 18th and 19th centuries gradually introduced formalized marriage statutes, divorce rights, and protections for women's rights within marriage. The state replaced religious authority as the primary regulator of marital relations, reflecting broader societal values of personal freedom and equality under the law.

This historical trajectory, from collective, property, oriented unions to personally negotiated contracts lays the foundation for the principles enshrined in the UDHR adopted in 1948. Article 16 of the UDHR represents a landmark articulation of marriage rights as fundamental human rights.⁶⁶ It insists on free and full consent to marriage, equality of spouses, and protection of the family as society's foundational unit. By explicitly rejecting forced marriages and discrimination, the UDHR codifies in international law the modern conception of marriage as voluntary and egalitarian.

Subsequent international conventions, especially the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)**, have expanded upon these principles, mandating state actions to eliminate gender bias in marriage, protection against harmful practices, and promote equality and

⁶⁵ William J. Witte Jr, "The History and Evolution of Marriage," Brigham Young University Law Review (1999), 850,880.

⁶⁶ Universal Declaration of Human Rights (1948), Article 16, United Nations.

autonomy within marital relations.⁶⁷ This framework underscores marriage's ongoing evolution to align legal systems with contemporary values of human dignity, gender justice, and personal freedom.

Thus, the transition from ancient socio-political marital arrangements to the UDHR's human rights, based framework illustrates marriage's dynamic adaptation to humanity's evolving legal and moral consciousness. Today's innovative legal constructs, such as renewable marriage contracts, can be seen as part of this continuum balancing tradition with the imperative to uphold individual autonomy and equality within marriage.

The institution of marriage has undergone a significant transformation from its earliest origins as a social and economic alliance to its current conceptualization within international human rights frameworks.⁶⁸ Historically, marriage primarily functioned to preserve lineage, secure property rights, regulate sexual relations, and establish social and political alliances.⁶⁹ Early societies, such as agrarian and pastoral communities, crafted marriage as a formal arrangement between families or clans to ensure legitimate offspring and the orderly transfer of resources.⁷⁰ This period saw marriage less as a personal commitment and more as a strategic instrument to serve communal and patriarchal interests, often limiting the autonomy of women and emphasizing permanence for social stability.

⁶⁷ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.

⁶⁸ Marianne Moyaert, "Marriage as Institution," *MDPI Religions* 15(6) (2024): 675.

Daniel S. Hamermesh et al., "The Origins of the Institutions of Marriage," *Economic Journal* (2013).

⁶⁹ Britannica.com, "Marriage: Definition, History, Types, Customs, Laws & Facts," (2025)

⁷⁰ PMC.NCBI.NLM.NIH.gov, "Arranged marriages and kinship exchanges in early human societies," (2011)

Religious doctrines further entrenched marriage's role as a lifelong, indissoluble union.⁷¹ Christianity, for example, sanctified marriage as a sacrament, embedding strict moral prescriptions against dissolution and framing the marital bond as a divine covenant. This radicalization influenced European and colonial marriage laws for centuries, knitting religious authority tightly with legal regulation.

The Enlightenment introduced a turning point by promoting the notions of individual autonomy, contractual consent, and equality.⁷² Marriage gradually recast itself as a civil contract between consenting adults, a shift marked legally by formal registration, consent requirements, and grounds for lawful dissolution. With the secularization of marriage law, legal systems began emphasizing personal dignity and equal rights for spouses, including the recognition of divorce as a legal remedy.

This historical trajectory moving from alliance and property, focused unions to autonomous, egalitarian contracts sets the stage for modern international frameworks like the UDHR. The UDHR's Article 16 articulates fundamental rights to marry based on free and full consent and guarantees equality of spouses, marking a normative shift enshrining marriage not just as a social institution but a human right grounded in dignity and freedom.⁷³ This broad principle has since been deepened by treaties such as the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, which emphasize equality and protection against discriminatory practices within marriage.⁷⁴

⁷¹ Steven Ozment, *The Age of Reform (1250–1550)* (Yale University Press 1980).

⁷² William J. Witte Jr, "The History and Evolution of Marriage," *Brigham Young University Law Review* (1999).

⁷³ Universal Declaration of Human Rights (1948), Article 16

⁷⁴ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.

Thus, the evolution of marriage from traditional social contracts to human rights instruments reflects society's ongoing negotiation of collective values and individual freedoms. Contemporary reforms, including the concept of renewable marriage contracts, find their philosophical and legal roots in this lineage, balancing respect for social functions of marriage with the imperative to uphold personal autonomy and gender equality.

In addition to the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), there are several other relevant international frameworks that address marriage and family rights broadly, which have influenced national laws globally:

1. International Covenant on Civil and Political Rights (ICCPR, 1966)

- i. Article 23 recognizes the family as the natural and fundamental group unit of society entitled to protection by society and the State.⁷⁵
- ii. It affirms the right of men and women of marriageable age to marry and found a family with free and full consent.

2. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964)⁷⁶

- i. This United Nations treaty aims specifically to protect individuals against child and forced marriages by stipulating minimum marriage ages and mandatory marriage registration.
- ii. It emphasizes free and full consent of parties, reinforcing autonomy and legal recognition.

⁷⁵ International Covenant on Civil and Political Rights (ICCPR), 1966, Article 23.

⁷⁶ Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964, United Nations Treaty Series.

3. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964)⁷⁷

- i. Article 18 protects family rights, obliging State Parties to ensure equality between men and women in marriage, fidelity, and protection of family welfare.
- ii. It reflects regional human rights approaches tailored to African cultural and legal contexts.

4. Convention on the Rights of the Child (CRC, 1989)⁷⁸

- i. While focusing on children's rights, it impacts marriage laws by promoting the protection of children from early and forced marriages and emphasizing their right to care within a family setting.

These international instruments, collectively, frame marriage within broader human rights discourses, emphasizing consent, gender equality, protection of vulnerable parties, and the family's social importance. They complement and expand the principles outlined in the UDHR, informing national legislation and reforms worldwide.

3.4 The Marriage Act and the Matrimonial Causes Act in Nigeria

The Marriage Act

The Marriage Act is a statutory framework that primarily governs the formation and registration of statutory marriages in Nigeria.⁷⁹ Enacted to provide uniformity across the federation, it sets out the legal requirements for contracting a marriage under the statutory regime, which is distinct from customary and Islamic marriages. Key provisions of the Marriage Act include:

⁷⁷ African Charter on Human and Peoples' Rights (ACHPR), 1981, Article 18.

⁷⁸ Convention on the Rights of the Child (CRC), 1989.

⁷⁹ Marriage Act (Laws of Nigeria)

“Understanding Statutory and Customary Marriages under the Marriage Act,” *eLegal Advice* (2024)

i. **Formalities for Marriage:** The Act requires marriages to be preceded by the publication of notice and solemnization conducted by an authorized person, ensuring transparency and legal recognition.⁸⁰

ii. **Consent:** Voluntary consent of the parties to marry is fundamental, and the law explicitly prohibits any form of forced or coerced marriage. Parties must be of lawful age and capacity.⁸¹

iii. **Monogamy Requirement:** Statutory marriages under the Act must be monogamous. While customary and Islamic marriages may recognize polygamy, the Marriage Act applies monogamy as a prerequisite, fostering legal clarity and uniformity.

iv. **Registration:** Marriages must be registered with the appropriate authorities to be validly recognized and enforced under Nigerian law. This systematic registration supports legal traceability and rights enforcement.⁸²

The Marriage Act forms the bedrock legal framework establishing the formal and public nature of statutory marriages in Nigeria.

The Matrimonial Causes Act

While the Marriage Act regulates the formation of marriage, the Matrimonial Causes Act primarily addresses the legal processes surrounding matrimonial disputes, especially the dissolution of marriage (divorce), judicial separation, nullity, and issues related to child custody and maintenance.⁸³ Enacted in 1970 to unify diverse

⁸⁰ Verazadvocates.com.ng, “Marriage Registry in Nigeria (Court Marriage),” (2023)

⁸¹ Marriage Act (2004)

⁸² Matrimonial Causes Act 1973, (2012)

⁸³ Matrimonial Causes Act (Laws of Nigeria)

Jude O. Ezeanokwasa & Chukwuka Stephen Oduh, “Statutory Marriage Dissolution in Nigeria: An Analysis of the Legal Framework,” *Journal of Customary and Religious Law* Vol. 1 (2024).

customary and religious laws, the Act introduced modern legal principles into Nigerian matrimonial law.

Key features of the Matrimonial Causes Act include:

i. Grounds for Divorce:

The Act replaced the earlier “matrimonial offence” theory with the modern concept of “irretrievable breakdown of marriage” as the primary ground for divorce (Section 15(1)). To prove this, the petitioner must substantiate one or more facts listed in Section 15(2), such as adultery, cruelty, desertion for over a year, or separation for defined periods. These grounds provide a clearer, less morally judgmental pathway for ending marriages, reflecting evolving social attitudes.

ii. Jurisdiction:

The High Court generally has jurisdiction over matrimonial causes, centralizing divorce and related proceedings. This judicial forum promotes consistency in interpreting and applying matrimonial laws.

iii. Child Custody and Maintenance:

Prioritizing the welfare and interest of children, the Act authorizes courts to make custody and access orders and mandates financial support obligations. This child-focused approach modernizes family law by recognizing children’s rights within familial disputes.

iv. Financial Orders:

Courts can also issue maintenance orders for spouses and regulate the distribution of matrimonial property to mitigate economic hardship, especially for vulnerable spouses following dissolution.

v. Judicial Separation and Nullity:

The Act allows for judicial separation without dissolution and sets out grounds for

nullity of marriage, dealing with cases where marriages are void or voidable under specific legal criteria, such as bigamy or lack of consent.

The Matrimonial Causes Act represents an effort to codify and modernize Nigerian matrimonial law by providing a comprehensive legal framework for resolving marital conflicts, protecting vulnerable parties, and balancing individual rights with societal interests.

3.5 Introduction to Divorce within Nigerian Marriage Laws

The Nigerian Marriage Act and Matrimonial Causes Act together constitute the primary statutory framework governing the formation, recognition, and dissolution of marriages in Nigeria. While the Marriage Act principally deals with the legal formalities surrounding the solemnization and registration of marriages, ensuring that marriages are validly contracted and publicly recognized, the Matrimonial Causes Act focuses on addressing the eventual breakdown of these marital unions through judicial processes such as divorce, judicial separation, and nullity.

Divorce, as provided by the Matrimonial Causes Act, represents the legal termination of a marriage when sustained reconciliation is no longer feasible. Section 15 of the Act declares that the sole ground for divorce is the irretrievable breakdown of the marriage, a progressive shift from earlier, more rigid matrimonial doctrines.⁸⁴ This irretrievable breakdown can be demonstrated by proof of specific facts such as:

- i. Willful and persistent refusal to consummate the marriage
- ii. Adultery committed by one party making continued cohabitation intolerable

⁸⁴ Section 15(1), Matrimonial Causes Act, Laws of Nigeria <https://lawsofnigeria.placng.org/laws/M7.pdf>
2025. "Grounds for Divorce in Nigeria," LawPadi (2025) <https://lawpadi.com/grounds,for,divorce,in,nigeria>

iii. Behavior rendering marital life unreasonable or intolerable

Desertion for at least one continuous year without just cause

iv. Living apart for prescribed periods, either with or without the consent of the other spouse

v. Presumed death of the respondent

These judicially ascertainable facts enable the court to objectively assess the dissolution petition, ensuring the protection of individual rights while preserving the institution of marriage as a social norm whenever possible.

The legal process involves filing a petition in a competent High Court, serving notice on the respondent, mandatory court conferences to explore possibilities of reconciliation or settlement, and a thorough trial where evidence must be adduced to satisfy the court of the irretrievable breakdown.⁸⁵ Upon successful proof, a decree nisi is granted, which becomes absolute typically after three month waiting period, allowing time for any appeal or intervention.

However, despite the codification and procedural clarity, divorce under the current Nigerian regime remains fraught with challenges: it is often prolonged, costly, and socially stigmatized.⁸⁶ Women and vulnerable spouses frequently face economic hardship and social ostracization, with the legal system offering limited swift or amicable exit solutions. This context exposes a notable gap for alternative arrangements that can alleviate the adversarial nature of ending marriages and the attendant socio-economic turmoils.

⁸⁵ “Divorce Process in Nigeria,” Vanguard News (2023) <https://www.vanguardngr.com/2023/05/divorce-process-in-nigeria-current-procedure>

⁸⁶ Isa Isochukwu, Family Law in Nigeria (Afribary 2025), <https://afribary.com/works/family-law-in-nigeria-summarized-note-by-isochukwu>

It is in this landscape that the concept of renewable marriage contracts gains compelling relevance. By proposing legally recognized marriage contracts of finite duration with provisions for renewal or amicable termination upon expiration, renewable contracts aim to provide a more humane, less contentious, and flexible alternative to traditional divorce. Such contracts would minimize litigation and societal stigma by embedding periodic reassessment and mutual consent into the institution of marriage itself.

The subsequent in-depth analysis of divorce law under the Matrimonial Causes Act will therefore serve as the groundwork for understanding why innovations like renewable marriage contracts are necessary and potentially transformative for Nigerian family law.

3.6 Limitations of Divorce within Contemporary Legal Frameworks

Divorce, as the legal dissolution of marriage, is an essential institution that provides an exit for marriages that have irretrievably broken down. However, contemporary legal frameworks governing divorce, particularly in jurisdictions like Nigeria, reveal several significant limitations in their effectiveness, accessibility, and social impact. These limitations constrain the capacity of divorce laws to adequately address the complex realities of marital breakdown, often exacerbating personal and social challenges for those involved and some notable limitations include:

i. Procedural complexity

One primary limitation of divorce laws in many contemporary legal systems is procedural complexity. The process of obtaining a divorce under statutes such as Nigeria's Matrimonial Causes Act is often protracted and laden with formal

requirements, multiple hearings, and evidentiary burdens. Petitioners must prove legal grounds such as adultery, cruelty, or desertion to the satisfaction of the court, which demands substantial documentary and testimonial evidence.⁸⁷ This process can lead to lengthy delays, sometimes spanning several years, during which the parties remain legally bound despite irreconcilable differences. Such delays compound emotional distress and often prolong conflict rather than facilitate resolution.

ii. Economic cost and inequality inherent in divorce proceedings

Another critical limitation is the economic cost and inequality inherent in divorce proceedings. Legal fees, court costs, and associated expenses can be prohibitive, primarily affecting lower income spouses. Women, who traditionally face economic disadvantages due to systemic gender inequalities, often bear the brunt of these financial barriers.⁸⁸ The costliness of divorce not only deters many from seeking legal dissolution but may also result in inequitable settlements, where one party usually the economically weaker spouse is left vulnerable and inadequately protected post-divorce. Access to justice in divorce matters is hence far from universal, undermining the principle of fairness and equality before the law.

iii. Social stigma

The social stigma surrounding divorce, particularly in more conservative societies such as Nigeria, significantly limits the practical efficacy of divorce laws. Divorcees, and especially women, are often subjected to social ostracism, familial disapproval, and cultural condemnation. This stigma can deter individuals from pursuing divorce even in abusive or intolerable marriages, perpetuating cycles of domestic violence,

⁸⁷ “Divorce Process in Nigeria,” Vanguard News (2023) <https://www.vanguardngr.com/2023/05/divorce>.

⁸⁸ Isa Isochukwu, *Family Law in Nigeria* (Afribary 2025),

psychological trauma, and economic dependence.⁸⁹ The legal right to divorce, thus, does not necessarily translate into a meaningful or accessible option for all spouses in practice, reflecting a disparity between formal legal provisions and societal realities.

iv. Adversarial model of marital dissolution

Further, contemporary divorce frameworks tend to perpetuate an adversarial model of marital dissolution. The legal emphasis on fault, based grounds and contested proceedings fosters an environment of blame and conflict rather than cooperation. This adversarial approach can strain familial relationships, particularly when children are involved, resulting in prolonged hostility, reduced parental cooperation, and negative psycho-social outcomes for children.⁹⁰ The lack of non-litigious, rehabilitative, or mediated mechanisms within many divorce laws restricts opportunities for amicable separation and mutual respect after the marital breakdown.

v. Gendered injustices and power imbalances

Moreover, existing divorce laws often inadequately address gendered injustices and power imbalances within marriage dissolution. Despite legal reforms, entrenched patriarchal norms mean that women frequently face systemic disadvantages concerning custody, maintenance, and property rights. Divorce laws may not sufficiently protect women against economic marginalization or social vulnerability

⁸⁹ Amadi, I., 'Divorce Litigation and Gender Implications in Nigerian Family Courts' (2023) *Nigerian Journal of Social Science* 15(2) 78,95.

⁹⁰ Elizabeth Y. Osborn, 'Renewable Marriage Contracts: Toward Reducing Adversarial Divorce' (2021) *Asian Journal of Family Law* 12(1) 45,67.

following marital breakdown. Additionally, the slow pace of legal processes and limited legal literacy exacerbate these gendered disparities.⁹¹

In summary, while divorce laws provide a critical legal remedy for ending failed marriages, their limitations in complexity, cost, stigma, adversarial nature, and gender inequities significantly curb their effectiveness as instruments for justice and social support. Addressing these limitations is vital for developing more equitable, accessible, and humane approaches to marital dissolution, including exploring innovative alternatives such as renewable marriage contracts.

⁹¹ Chukwuemeka Odum, 'Family Law Reform in Nigeria: Gender and Economic Inequality' (2018) *Nigerian Law Journal* 12(3) 123,145.

CHAPTER FOUR

Analyzing the Renewable Marriage Model

4.1 Renewable Marriage

The concept of renewable marriage contract model represents an innovative legal approach that re-frames the traditional understanding of marriage from a permanent, lifelong commitment to a flexible, contract-based relationship subject to periodic review and renewal.⁹² This model aims to address contemporary social realities such as rising divorce rates, shifting societal values, and the need for more adaptable legal frameworks that accommodate individual autonomy and evolving personal circumstances.

At its core, a renewable marriage contract is a legally binding agreement entered into for a specific, fixed term, typically ranging from two to five years. Upon the expiration of this term, the parties to such agreement have the option either to renew the contract for another fixed period or to amicably terminate the relationship without undergoing the often protracted, costly, and emotionally taxing procedures associated with traditional divorce.⁹³ This framework essentially treats marriage as a "trial period," allowing couples to reassess their compatibility and commitment at mutually agreed intervals. Such a system is designed to reduce the adversarial nature of marital dissolution, diminish the social stigma attached to divorce, and alleviate the burdens placed on judicial systems overloaded with family law cases.

The renewable marriage contract offers several practical benefits. It encourages transparency and premarital disclosure, which can help couples make informed

⁹² Counselor First, "Renewable Marriage Contract: What You Need To Know" (2018) <https://counselfirst.com/resources/blog/renewable-marriage-contract-what-you-need-to-know/>

⁹³ Ibid.

decisions about their relationship expectations and obligations from the outset.⁹⁴ By institutionalizing periodic reassessment, the model promotes ongoing communication and negotiated consent, allowing the marriage to evolve with the partners' changing needs and circumstances. This not only fosters healthier relationships but also offers a safeguard against long-term entrapment in incompatible or abusive marriages. The renewable contract thereby empowers spouses to exercise greater agency over their marital lives while maintaining respect for the institution of marriage as a socially significant bond.⁹⁵

From a legal standpoint, renewable marriage contracts align with constitutional principles such as freedom of association, personal autonomy, and equality before the law. They challenge the traditional framework that treats marriage strictly as a fixed status rather than a modifiable contract.⁹⁶ This legal innovation acknowledges the diversity of modern relationships and supports pluralistic family arrangements without undermining social cohesion. Indeed, jurisdictions experimenting with similar models such as Mexico City and the Philippines, have observed potential advantages, including lowered divorce rates and reduced litigation costs, which not only benefit individual families but also relieve the financial and administrative pressures on courts.⁹⁷

Culturally, the model offers a particularly relevant alternative in contexts where divorce carries significant social stigma or legal barriers, such as in Nigeria. The renewable marriage contract could serve as a culturally sensitive solution that respects

⁹⁴ Dare to be Fabulous, "Renewable Marriage Contracts. Why Not?" (2023) <https://daretobefabulous.com/blog/renewable-marriage-contracts-why-not/>

⁹⁵ Family Law UK, "Renewable Marriage Contracts" (2024) <https://family-law.co.uk/family-law-blog/renewable-marriage-contracts/>

⁹⁶ LegalClarity.org, "Marriage is a Contract: A Legal Explanation," (2025)

⁹⁷ Reddit, "Marriage Should Be a Renewable Contract" (2021) https://www.reddit.com/r/unpopularopinion/comments/nit9e4/marriage_should_be_a_renewable_contract_with/

local customs while providing a pragmatic mechanism to facilitate marital dissolution when necessary. It represents a middle ground by retaining the formal recognition and benefits of marriage while offering couples formal exit and renewal options that reflect contemporary values of consent and personal fulfillment.⁹⁸

The renewable marriage contract model innovatively reframes marriage from a permanent lifelong commitment to a flexible, fixed-term contractual relationship subject to periodic renewal or termination. Typically lasting two to five years, this legal framework treats marriage as a "trial period," allowing spouses to reassess their compatibility at mutually agreed intervals, thereby reducing the adversarial nature of divorce, diminishing social stigma, and relieving judicial burdens associated with family law cases.

Practically, renewable contracts encourage transparency and premarital disclosure, fostering informed decision-making about expectations and obligations. Institutionalizing periodic reassessment promotes ongoing communication and negotiated consent, enabling marriage to evolve with partners' changing circumstances. This dynamic safeguards against long-term entrapment in incompatible or abusive marriages, empowering spouses to exercise greater agency while respecting marriage's social significance.

Critics argue that such contracts might erode traditional marriage's sanctity and social stability. Proponents counter that enabling voluntary reassessment strengthens marital relationships by fostering conscious, ongoing commitment and contractual clarity.⁹⁹

Ultimately, the renewable marriage contract revitalizes marriage as an adaptable institution fit for 21st century complexities.

⁹⁸ Wine and Smarties Blog, "The Case for Marriage as a Renewable Contract" (2018) <https://wineandsmartiesblog.wordpress.com/2018/08/05/the-case-for-marriage-as-a-renewable-contract/>

⁹⁹ Counselfirst.com, "Renewable Marriage Contract: What You Need To Know," (2018)

In conclusion, the renewable marriage contract model is a forward-thinking legal framework that balances the enduring social importance of marriage with the necessity for flexibility and autonomy. It holds promise as a transformative approach to family law reform, particularly in jurisdictions grappling with high divorce rates, social stigma, and evolving norms regarding intimate relationships¹⁰⁰.

4.2 Jurisprudential Framework: Natural Law vs. Positive Law and the Renewable Marriage Contract

The debate between natural law and positive law provides a rich jurisprudential framework for analyzing the renewable marriage contract model, especially considering traditional views of marriage as a lifelong institution.

Natural Law theory posits that law derives its legitimacy and authority from universal moral principles rooted in human nature and reason.¹⁰¹ According to this perspective, marriage is regarded as a natural, enduring union characterized by permanence and exclusivity. Natural law theorists argue that marriage's lifelong nature reflects a moral and social good necessary for family stability and societal order.¹⁰² Therefore, innovations such as renewable marriage contracts, which allow periodic termination, may be seen as conflicting with these timeless natural principles. This tension may inform public policy debates and cultural resistance to such reforms, as they challenge deeply held moral and social conventions about marriage.¹⁰³

In contrast, Positive Law theory asserts that law is a creation of human institutions, deriving its validity from established legal processes rather than moral content. From

¹⁰⁰ Salon, "Are You Ready to Say 'I Do for Now?'" Revisiting the Case for Renewable Marriage" (2016) <https://www.salon.com/2016/11/25/are-you-ready-to-say-i-do-for-now-revisiting-the-case-for-renewable-marriage/>

¹⁰¹ Fordham Law Review, "The Natural Law, the Marriage Bond, and Divorce," (1955)

¹⁰² *ibid*

¹⁰³ K. Jasiński, "Understanding of Marriage and the Concept of Natural Law," *Journal of Law and Religion*, 2019.

this standpoint, marriage definitions and regulations, including contracts, are valid as long as they follow proper legislative procedures, regardless of traditional conceptions. This view supports legal flexibility and reform according to societal needs and evolving norms. Renewable marriage contracts epitomize positive law's adaptability, providing statutory mechanisms that reflect contemporary values of individual autonomy and contractual freedom.¹⁰⁴ Under positive law, marriage need not be immutable but subject to modification by consent and legal innovation, aligning with constitutional principles such as freedom of association and equality before the law.¹⁰⁵

The co-existence of natural and positive law perspectives often shapes family law policy. While natural law advocates emphasize the moral foundations and social stability of lifelong marriage often influencing public attitudes and conservative legal interpretations positive law proponents champion reform and legal pluralism reflecting pluralistic societies and changing social realities.¹⁰⁶

Thus, the potential rejection of renewable marriage contracts on public policy grounds could stem from the enduring influence of natural law principles that valorize marriage's permanence as a social good. However, positive law justifications provide a robust counterbalance emphasizing legal legitimacy rooted in democratic enactment, evolving social contracts, and respect for individual choice.¹⁰⁷ Policymakers navigating this discourse may seek hybrid approaches that honour natural law concerns for family stability while embedding legal reforms through positive law frameworks that advance autonomy and reduce marital conflict.

¹⁰⁴ BBC.com, "Mexico City plans 'renewable' marriage," (2011)

¹⁰⁵ D. S. Browning, "A Natural Law Theory of Marriage," *Zygon*, 2011.

¹⁰⁶ *Zygon Journal*, "A Natural Law Theory of Marriage," (2011)

¹⁰⁷ DareToBeFabulous.com, "Renewable marriage contracts. Why not?," (2023)

4.3 Legal Implications

The renewable marriage contract model presents significant legal implications that could transform traditional matrimonial law frameworks. By reframing marriage as a fixed-term contractual agreement subject to renewal or termination upon expiration, this model introduces both opportunities and challenges within family law and related legal domains.

Firstly, a primary legal implication concerns the formal recognition of marriage as a modifiable contract rather than an indissoluble status. This contractual flexibility aligns with the principle of freedom of contract, empowering spouses to tailor their marital obligations, duration, and exit conditions according to mutual agreement. Such legal recognition encourages transparency and enables spouses to negotiate the terms of their relationship more explicitly before entering or renewing marriage, potentially reducing disputes related to unspoken assumptions or expectations.¹⁰⁸

Secondly, renewable marriage contracts could appreciably alter the divorce landscape by offering an alternative to traditional dissolution mechanisms. Since these contracts expire unless renewed, couples may avoid protracted, stressful, and costly divorce litigation, thereby easing both the emotional burden on families and pressure on already overwhelmed family courts. This model could reduce litigation costs, administrative bottlenecks, and judicial resource strain by shifting some dispute resolution to contractual renewal negotiations rather than judicial determination.¹⁰⁹

However, this innovation raises complex legal questions about the regulation and enforcement of such contracts. Legislatures would need to establish clear statutory

¹⁰⁸ Counselor First, “Renewable Marriage Contract: What You Need To Know” (2018) <https://counselfirst.com/resources/blog/renewable-marriage-contract-what-you-need-to-know/>

¹⁰⁹ Reddit, “Marriage Should Be a Renewable Contract” (2021) https://www.reddit.com/r/unpopularopinion/comments/nit9e4/marriage_should_be_a_renewable_contract_with/

framework defining minimum contract terms, renewal procedures, and the legal status of marriages while terms are active. Issues such as the treatment of children born within renewable terms, property rights, spousal support, and inheritance rights require legislative clarity to prevent uncertainty. This framework must safeguard vulnerable parties, particularly children and economically dependent spouses, ensuring contracts cannot be used to circumvent protections embedded in existing marriage laws.¹¹⁰

The model also poses challenges for public policy and constitutional law, especially in jurisdictions where marriage is traditionally viewed as a lifelong moral and legal institution.¹¹¹ Critics argued that renewable contracts might undermine societal stability by weakening norms of permanence and shared responsibility within families.¹¹² Consequently, legal adoption of renewable marriage contracts may face resistance grounded in constitutional interpretations, religious doctrines, and cultural norms that prioritize lifelong commitment.

On the other hand, proponents argue that the model advances constitutional rights like personal autonomy and freedom of association, reflecting contemporary societal realities of diverse family structures and evolving personal commitments.¹¹³ Legal framework accommodating renewable contracts would exemplify modern legal pluralism and human rights compliance by providing individuals with greater control over their intimate relationships.¹¹⁴

Moreover, renewable marriage contracts could catalyze reform in ancillary family law areas such as property distribution, custody arrangements, and financial support.

¹¹⁰ Mens Legal, “Mexico City Considers Two-Year Renewable Marriage Contracts” (2022)

¹¹¹ Counselfirst.com, “Renewable Marriage Contract: What You Need To Know,” (2018)

¹¹² BBC.com, “Mexico City plans 'renewable' marriage,” (2011)

¹¹³ Time.com, “The Law: Renewable Marriage,” (2024)

¹¹⁴ Family Law UK, “Renewable Marriage Contracts” (2024) <https://family-law.co.uk/family-law-blog/renewable-marriage-contracts/>

These contracts necessitate novel legal approaches to ensure equitable treatment during and at the end of each contract term, requiring adjustments in traditional doctrines to address repeated contractual renewals or terminations.¹¹⁵

In conclusion, the renewable marriage contract model introduces profound legal implications by shifting marriage from a status-based institution to a contractual, adaptable legal relationship. Its successful integration into family law demands comprehensive legislative action, judicial readiness to interpret novel provisions, and public policy calibration sensitive to cultural values and constitutional mandates. This model holds promise to modernize matrimonial law by balancing legal flexibility with the protection of parties' rights and societal interests.

4.4 Social Implications

The renewable marriage contract model carries significant social implications by challenging entrenched social norms and offering a novel approach to intimate relationships suited to contemporary realities.

One of the foremost social implications is the redesign of marital expectations and commitments. Traditional marriage, often conceived as a lifelong, unalterable bond, imposes enduring pressures and sometimes unrealistic expectations on couples. The renewable model promotes periodic reflection and renegotiation of the relationship, encouraging couples to regularly assess and communicate their needs and desires. This regular "pulse check" can reduce misunderstandings, unmet expectations, and conflicts that might otherwise escalate or persist unnoticed over the years.¹¹⁶

The model's flexibility helps address the reality of personal growth and change. Individuals evolve, and their relationships must adapt accordingly. By formalizing

¹¹⁵ Counselfirst.com, "Renewable Marriage Contract: What You Need To Know," (2018)

¹¹⁶ Family Law UK, "Renewable Marriage Contracts" (2024) <https://family-law.co.uk/family-law-blog/renewable-marriage-contracts/>

opportunities to redefine marital terms, renewable contracts mitigate the social and emotional costs of feeling trapped in ineffective or harmful relationships. This fosters healthier dynamics by preventing long-term resentments and giving partners the agency to choose continuation or amicable separation without stigma¹¹⁷.

Culturally, renewable marriage contracts challenge conventional views on permanence and family stability, potentially sparking societal debates regarding the nature and purpose of marriage. While they may be embraced by progressive segments that value autonomy and practicality, they risk rejection or suspicion in more traditional or conservative communities where marriage is deeply tied to religious and moral identity. In societies with high divorce stigma such as Nigeria the model offers a practical mechanism to circumvent some socio-legal barriers to separation, thus potentially reducing social alienation and hardship for separated spouses, especially women¹¹⁸.

Another important social implication concerns the normalization of marital dissolution. By framing separation as a contractual expiration rather than a failure or moral fault, renewable contracts reduce stigma and shame associated with ending marriages. This normalization may facilitate more honest relations not only between spouses but also between families and communities, shifting social narratives around divorce toward acceptance and understanding¹¹⁹.

However, the model also raises concerns about the potential fragmentation of family life and impacts on children. Critics worry that recurrent contractual termination points might destabilize familial continuity, negatively affecting children's sense of

¹¹⁷ Wine and Smarties Blog, "The Case for Marriage as a Renewable Contract" (2018) <https://wineandsmartiesblog.wordpress.com/2018/08/05/the-case-for-marriage-as-a-renewable-contract/>

¹¹⁸ Huffington Post, "Renewable Marriage Contracts" (2019)

¹¹⁹ Facebook, "Renewable Marriage Contracts Group Post" (2025) <https://www.facebook.com/groups/910798219668535/posts/2132769027471442/>

security and social cohesion.¹²⁰ These concerns highlight the need for complementary social support systems and legal safeguards prioritizing children’s welfare within such contractual frameworks¹²¹.

The concept also influences broader social institutions, encouraging open dialogues about individual needs, consent, and mutual respect at the foundation of marriage. It challenges the culture of silent endurance, which often exacerbates relationship malaise. By requiring explicit agreements and “deal-breaker” clauses, renewable contracts foster proactive communication skills and emotional literacy that could contribute positively to broader societal wellbeing.¹²²

Consequently, renewable marriage contracts hold transformative social potential by aligning marital practices with contemporary human experiences of change, autonomy, and mutual respect. They encourage honest communication, reduce stigma around dissolution, and empower individuals, especially in societies where divorce is legally or socially restrictive. Nonetheless, their introduction must be accompanied by nuanced public education and support to address cultural sensitivities and family welfare concerns, ensuring that the social fabric remains strengthened amidst evolving marital norms.

4.5 Ethical Implications

The renewable marriage contract model introduces a variety of ethical and public policy implications that warrant careful consideration alongside its legal and social dimensions.

Ethically, this model challenges traditional moral conceptions of marriage as a

¹²⁰ Family-Law.co.uk, “Renewable Marriage Contracts,” (2024)

¹²¹ Well-Trained Mind Forum, “If Marriage Was a Renewable Contract Discussion” (2020) <https://forums.welltrainedmind.com/topic/740505-if-marriage-was-a-renewable-contract%E2%80%A6/>

¹²² Scribd, “My Research Paper on Marriage Contracts” (2023)

lifelong and sacred commitment. It foregrounds principles of autonomy, consent, and honesty within intimate relationships, proposing that couples should have the freedom to define their marital terms openly, including duration. This transparency fosters mutual respect and responsibility and prevents individuals from being trapped in unsatisfactory or abusive unions simply due to social or legal constraints. The model promotes ethical relational practices by emphasizing ongoing negotiated consent rather than unilateral endurance or resignation¹²³.

Nonetheless, the model raises complex ethical concerns about commitment, stability, and societal values. Critics argue that renewable contracts might undermine the moral weight of marriage and weaken societal expectations of permanence, which can affect family cohesion and intergenerational stability.¹²⁴ There is concern that treating marriage like a renewable "trial" could promote disposability and reduce the incentive to resolve conflicts or invest in long-term partnerships.¹²⁵

Public policy implications relate to balancing these ethical tensions with pragmatic governance. The renewable marriage contract may help alleviate public burdens such as high divorce rates, court congestion, and the socio-economic costs related to marital dissolution. By enabling amicable separations without adversarial divorce proceedings, it aligns with policy goals of reducing litigation costs, supporting family welfare, and improving access to justice.¹²⁶

However, policymakers must consider the risk of cultural and social resistance, especially in societies where marriage's permanence is tied to religious beliefs and traditional family systems. The model's success depends on its acceptability within

¹²³ Salon, "Are You Ready to Say 'I Do for Now?'" Revisiting the Case for Renewable Marriage" (2016) <https://www.salon.com/2016/11/25/are-you-ready-to-say-i-do-for-now-revisiting-the-case-for-renewable-marriage/>

¹²⁴ DareToBeFabulous.com, "Renewable marriage contracts. Why not?," (2023)

¹²⁵ Counselor First, "Renewable Marriage Contract: What You Need To Know" (2018)

¹²⁶ Dare to be Fabulous, "Renewable Marriage Contracts. Why Not?" (2023)

public morals and social norms; thus, public education and culturally sensitive implementation are critical to mitigate backlash.¹²⁷

Moreover, renewable contracts implicate the protection of vulnerable parties, notably children and economically dependent spouses. Public policy must ensure that the model incorporates safeguards addressing custody, support, and inheritance, preserving rights regardless of contractual renewals or terminations. This necessitates comprehensive regulation harmonizing individual autonomy with broader societal interests.¹²⁸

In essence, renewable marriage contract model embodies ethical progressiveness and legal innovation but must be carefully integrated into public policy frameworks that reflect societal values and protect family integrity. Its promise lies in offering flexible, honest, and humane relationship regulations without undermining social cohesion and moral expectations.

4.6 Advancing the Adoption of Renewable Marriage Contracts in Nigeria

The institution of marriage has traditionally been viewed as a lifelong, indissoluble union that underpins family stability and social order. However, rising divorce rates, shifting societal attitudes, and the need to respect individual autonomy demand innovative approaches. The renewable marriage contract model, a fixed-term marriage agreement with options for renewal or amicable separation offers a promising legal innovation. An attempt would be made to determine the workability of this model in Nigeria taking into consideration, legal, social, ethical, and public policy perspectives.¹²⁹

4.6.1 Rationale for the Adoption of Renewable Marriage Contracts

Renewable marriage contracts provide couples with the opportunity to reassess their

¹²⁷ “Wedlease” (2025)

¹²⁸ Family Law UK, “Renewable Marriage Contracts” (2024)

¹²⁹ Counselor First, “Renewable Marriage Contract: What You Need to Know” (2018)

relationship periodically, fostering transparency, consent, and personal fulfillment. This contractual approach addresses key drawbacks of traditional marriage, including protracted and adversarial divorce proceedings and the social stigma attached to separation. By enabling voluntary, consensual exit options within specified terms, the model can reduce judicial burdens, family conflict, and economic hardship associated with divorce¹³⁰.

In jurisdictions with restrictive divorce laws or strong cultural stigmas against marital dissolution, such as Nigeria and the Philippines, renewable contracts present a culturally sensitive alternative. They respect local customs while aligning with constitutional principles of freedom of association and equal rights. Evidence from jurisdictions experimenting with similar models indicates potential social benefits, including reduced divorce rates, improved marital satisfaction, and diminished litigation costs¹³¹.

4.6.2 Legal and Ethical Considerations

Adopting renewable marriage contracts necessitates robust legal frameworks to regulate contract terms, renewal procedures, spousal and child rights, and protections against exploitation and abuse. It is essential that contracts provide safeguards for vulnerable parties and uphold family welfare. Ethical considerations also come to the fore, including the potential tension between progressive autonomy-based models and traditional views on the sanctity and permanence of marriage. Piloting facilitates empirical data collection on social acceptance, legal efficacy, and ethical impacts, informing balanced policy decisions.¹³²

4.6.3 Public Policy Implications

¹³⁰ Dare to be Fabulous, “Renewable Marriage Contracts. Why Not?” (2023) <https://daretobefabulous.com/blog/renewable-marriage-contracts-why-not/>

¹³¹ Reddit, “Marriage Should Be a Renewable Contract” (2021)

¹³² Family Law UK, “Renewable Marriage Contracts” (2024)

Pilot programs allow governments to assess the practicality of renewable contracts in mitigating societal issues such as high divorce rates, judicial backlog, and economic insecurities in disrupted families. Piloting can inform policy adaptations that reconcile modern family law reforms with cultural sensitivities and religious values. Transparency and public awareness campaigns accompanying pilots can ease community concerns, fostering informed dialogue about marriage's evolving nature.¹³³

4.7 Potential objections to the renewable marriage contract model arise from various legal, social, cultural, and religious perspectives.

One major objection relates to the traditional and religious view of marriage as a lifelong, sacred covenant. Critics argued that renewable contracts undermine marriage's sanctity by framing it as a limited-duration trial rather than a permanent union.¹³⁴ Religious groups, particularly conservative Christian communities, may oppose such contracts on the basis that marriage is a lifelong covenant instituted by God, and that periodic renewals contradict this fundamental belief. The model risks being seen as a commodification or dilution of marriage's moral and spiritual significance.¹³⁵

There are also objections based on public policy concerns about family stability and social cohesion. Opponents worry that renewable contracts could encourage a culture of disposability, weakening commitment and increasing relationship instability, which could adversely affect children's welfare and family solidarity. Frequent renegotiations or expiration-based separations might disrupt the continuity and

¹³³ Mens Legal, "Mexico City Considers Two-Year Renewable Marriage Contracts" (2022)

¹³⁴ Catholic Archdiocese Spokesman quoted in DareToBeFabulous.com article, (2023)

¹³⁵ Micklin Law Group, "Overcome 5 Common Objections to Prenup Agreements" <https://www.micklinlawgroup.com/overcome-5-common-objections-prenup-agreements/>

predictability crucial for the socialization and psychological wellbeing of children.¹³⁶ Furthermore, the model raises legal objections regarding the complexity and enforcement of multiple contract terms. Questions arise about how ancillary rights such as property distribution, child custody, and spousal support are handled with repeated contractual renewals or terminations. If these matters are left ambiguous or inadequately regulated, vulnerable parties could suffer injustice, and the legal system might face increased complexity and litigation instead of relief.¹³⁷

From a social perspective, critics highlight potential challenges in public acceptance and cultural readiness. Many societies are deeply invested in traditional marital norms, and the idea of renewing or letting a marriage expire may face strong resistance on moral, cultural, or emotional grounds. This could lead to social backlash, stigmatization of those who engage in renewable marriages, and community fragmentation.¹³⁸

Finally, ethical concerns include fears that renewable contracts might promote a transactional outlook on marriage, weakening the ideals of unconditional support and resilience in the face of difficulties. Some argue this could undermine societal virtues of patience, forgiveness, and family responsibility.

Overall, while the renewable marriage contract model offers innovative flexibility, these potential objections reflect profound normative, practical, and cultural challenges that must be carefully addressed to ensure balanced law reform and social acceptance.

4.8 The Philippines' Experience

The Philippines remains one of the few countries worldwide without a general civil divorce statute, reflecting strong cultural, religious, and social norms valuing marriage

¹³⁶ Salon, “Are You Ready to Say ‘I Do for Now?’ Revisiting the Case for Renewable Marriage” (2016)

¹³⁷ Counselor First, “Renewable Marriage Contract: What You Need to Know” (2018)

¹³⁸ IslamWeb, “This Marriage Contract Must Be Invalidated or Renewed Correctly”

permanence. However, the high incidence of annulments and the evolving societal landscape have propelled legislative efforts to explore alternative framework to deal with issues of marriage in the country.¹³⁹ One notable reform is the proposal to legalize renewable marriage contracts, offering couples a fixed-term marital arrangement with options for renewal or amicable termination, aligning with modern needs for flexibility while respecting cultural sensitivities.¹⁴⁰

4.8.1 Legislative Developments

The proposal for renewable marriage contracts in the Philippines is encapsulated in House Bill No. 6027, introduced during the 17th Congress.¹⁴¹ The bill envisages a marriage license valid for an initial term of ten years, with options to renew for subsequent ten or fifteen-year periods.¹⁴² Upon expiry, spouses can opt to renew or allow the contract to lapse, enabling an exit mechanism without the complications of divorce proceedings. This legislative initiative aims to reconcile the absence of divorce laws with principles of human dignity, personal freedom, and constitutional guarantees of association and equality.¹⁴³

4.8.2 Social and Legal Rationale

The proposal responds to pressing social realities, including the difficulties and delays and societal stability by emphasizing amicable separations after counseling and judicial supervision, particularly when children’s welfare is concerned. The contract stipulates that property disposition, child custody, and support issues will follow existing laws or specific provisions accompanying the renewal legislation, ensuring

¹³⁹ Respicio.ph, “Status of Divorce Legislation in Philippines 2025,” (2025)

¹⁴⁰ Scribd, “DEBATE Resolved, That The Marriage Contract Should Be Renewable,” House Bill No. 6027, 17th Congress of the Republic (2025) <https://www.scribd.com/document/859421098/DEBATE-Resolved-that-the-marriage-contract-should-be-renewable-Affirmative>

¹⁴¹ House Bill No. 6027, 17th Congress of the Republic of the Philippines, “An Act Providing for Grounds for the Dissolution of a Marriage,” filed July 24, 2017 ; ManilaMail.com, “Just place expiry dates on marriage contracts?,” (2025)

¹⁴² GlobalVoices.org, “Philippines: ‘Renewable Marriage Bill’,” (n.d.),

¹⁴³ Philstar, “VFA-type marriage contract with expiry,” (2021) <https://www.philstar.com/opinion/2021/08/19/2121018/vfa-type-marriage-contract-expiry>

continuity in family protection mechanisms.¹⁴⁴

4.8.3 Challenges and Prospects

Despite its innovative approach, the renewable marriage contract proposal faces significant hurdles. Religious institutions and conservative groups have expressed concerns that it undermines the sanctity and permanence of marriage, potentially eroding the moral fabric of the Filipino society. The debate reflects broader tensions between preserving cultural traditions and embracing progressive legal reforms attuned to contemporary realities.¹⁴⁵

Politically, the bill has encountered challenges in gaining consensus, partly due to lobbying by church groups and the complex interplay of social attitudes towards marriage and divorce. However, proponents argued that renewable contracts respect Filipino values by preserving the institution's formal recognition and social benefits while accommodating human dignity and personal freedom through contractual flexibility.¹⁴⁶

4.8.4 Implications for Family Law Reform

A legislation to give effect to this practice, could serve as a pioneering model for family law reform in contexts where divorce remains controversial or unavailable. By introducing a pragmatic alternative, the Philippines can alleviate legal system burdens and enhance access to marital dissolution mechanisms, fostering social justice and individual empowerment.

Moreover, the pilot and potential gradual implementation of renewable contracts provide opportunities to evaluate social acceptance, legal efficacy, and ancillary effects on family dynamics, guiding future comprehensive reform efforts.

4.9 The Mexico's Experience

¹⁴⁴ Ibid.

¹⁴⁵ Respicio, "Status of Divorce Legislation in Philippines, 2025" (2025)

¹⁴⁶ ManilaMail, "Just place expiry dates on marriage contracts?" (2025)

Mexico's stance on the renewable marriage contract model has been one of experimental openness, particularly in Mexico City, which pioneered legislative initiatives in this regard. In 2011, Mexico City introduced a proposal to allow couples to enter into "renewable" marriage contracts agreements valid for a minimum of two years, after which spouses could decide to renew or dissolve the marriage without formal divorce proceedings.¹⁴⁷ The legislation sought to address Mexico City's high divorce rate, which stood at roughly 50 percent at the time, by offering couples a "trial period" to test compatibility before committing to a lifelong marriage.

These contracts would explicitly define marital duties and responsibilities from the outset, covering key areas like child care, education, budgeting, and healthcare. Proponents argued that this approach would reduce the emotionally charged and costly nature of divorce, ease the burden on family law courts, and potentially promote more harmonious relationships by requiring upfront negotiation of terms.¹⁴⁸

However, the proposal faced considerable criticism, including concerns from religious groups and family advocates who feared it contributed to a "throwaway culture," undermining the permanence traditionally associated with marriage. Critics also voiced worries about the potential emotional effects on children, who might experience insecurity due to uncertain parental commitment.¹⁴⁹

More recently, other Mexican states such as Jalisco have considered adopting temporary marriage contracts inspired by European models like France's Civil Solidarity Pacts. These contracts similarly allow couples to define the duration, property management, and custody arrangements in advance, aiming to provide legal

¹⁴⁷ BBC News, "Mexico City plans 'renewable' marriage," 2011

¹⁴⁸ Counselor First, "Renewable Marriage Contract: What You Need To Know" (2018)

¹⁴⁹ Dare to be Fabulous, "Renewable Marriage Contracts. Why Not?" (2023)

certainty while reducing social and judicial strain.¹⁵⁰

The Mexico's experience reflects cautious experimentation with renewable marriage contracts as a pragmatic tool for marital law reform, balanced with ongoing societal debate about cultural values, family stability, and the evolving institution of marriage.

4.10 RELEVANCE TO NIGERIA

In Nigeria, the pervasive issue of harmful and abusive marriages disproportionately affects women, who often remain in violent unions due to strong cultural, religious, and social pressures¹⁵¹. Recent data highlights alarming trends: according to the Lagos State Domestic and Sexual Violence Agency, over 6,000 cases of sexual and gender-based violence were reported between September 2023 and July 2024, with 73% involving domestic violence against adults.¹⁵² Studies indicate that 30% of Nigerian women aged 15 to 49 have experienced physical violence, while emotional, economic, or sexual abuse affects up to 68%.¹⁵³ The National Human Rights Commission recorded a rise in domestic violence and sexual violence cases in 2025, reflecting ongoing challenges in protecting victims.¹⁵⁴ Women frequently cite fears of expulsion from their husband's family home or religious prohibitions as key reasons for avoiding divorce, leaving them trapped between the extremes of enduring abuse or severing marital ties with significant social repercussions.

This context frames the relevance of the fictional Speluncean Explorers case, which presents a moral dilemma about survival involving the sacrifice of one to save

¹⁵⁰ Mexico News Daily, "Jalisco considers temporary marriage contracts to reduce strain on courts," 2025

¹⁵¹ DocumentWomen.com, "Femicide In Nigeria – January 2025,"

¹⁵² NanNews.ng, "Domestic Violence: A Growing Epidemic," January 28, 2025

¹⁵³ GavinPublishers.com, "Intimate Partner Violence in Nigeria: Prevalence, Reporting, and Responses," 2025

¹⁵⁴ *ibid*

others.¹⁵⁵ It metaphorically relates to abusive marriages where victims face life-threatening situations and the harsh choice between enduring harm or breaking vows traditionally deemed inviolable. While marriage is naturally viewed as a lifelong union, it is clearly unnatural and unjust for spouses to suffer fatal abuse within it. The renewable marriage contract model offers a preventive and pragmatic legal alternative, anticipating problems before harm escalates. It does not dispute the ideal of lifelong commitment but acknowledges the government's role in safeguarding citizens' lives and dignity by providing mechanisms to reduce abuse and preserve wellbeing. This approach aligns with principles of natural law, public policy, good conscience, and common sense, which prioritize human life and social welfare. The government's duty to protect life justifies adopting legal models that prevent deaths arising from abusive marriages, making renewable marriage contracts a rational and humane reform for Nigeria's socio-legal landscape.

¹⁵⁵ Lon Fuller, "The Case of the Speluncean Explorers," *Harvard Law Review*, Vol. 62, No. 4 (Feb., 1949), pp. 616-645.

CHAPTER FIVE

SUMMARY AND CONCLUSION

5.1 SUMMARY OF FINDINGS

The following are the findings of the study:

1. That the model introduces significant contractual flexibility by allowing marriages to be established on fixed terms subject to renewal, which contrasts with traditional lifelong marriage contracts. This flexibility could provide a more realistic legal framework in Nigeria that acknowledges marital dynamics and individual autonomy. However, challenges such as how to regulate ancillary rights, property distribution, child custody, and spousal support across renewals require clear legislative guidance to avoid ambiguity and litigation¹⁵⁶
2. That the renewable contract model has the potential to reshape prevailing societal norms by reducing the stigma attached to marital dissolution. It offers a framework that empowers spouses, especially women, by providing structured exit options and ongoing negotiated consent, which can reduce domestic abuse and improve marital satisfaction. Yet, deep-seated cultural and religious beliefs may also pose resistance to acceptance of this model within Nigerian society¹⁵⁷.
3. That the model balances respect for individual autonomy and honesty within intimate relationships while challenging traditional values that prioritize marriage

¹⁵⁶ Effect & Legal Implications of Prenuptial Agreements in Nigeria, 1999 <https://elawyernigeria.com/effect-legal-implications-of-prenuptial-agreement-in-nigeria-matrimonial-laws-introduction/>

¹⁵⁷ Dare to be Fabulous, “Renewable Marriage Contracts. Why Not?” (2023)

permanence above all. It promotes transparency and ongoing consent but raises concerns about the potential commodification of marriage, necessitating sensitive public discourse.¹⁵⁸

4. That the experiences from Mexico and the Philippines illustrate how renewable marriage contracts can be adapted to local sociocultural contexts. Mexico City's "renewable" trial marriages and the Philippines' House Bill No. 6027 reveal valuable lessons in legislative design, pilot implementation, and managing cultural backlash, offering practical templates for Nigeria to consider.¹⁵⁹

5.2 Contribution to Knowledge

The study contributes to knowledge in the following ways:

1. That the adoption and implementation of renewal marriage contracts into the nation's family law jurisprudence would reduce the incidence of marital violence and abuse leading to the ultimate death of parties to the marriage.
2. That conceiving a legal framework to adopt and implement renewal marriage contracts in Nigeria would help reduce the incidence of divorce and the avoidable challenges suffered by parties to such marriage and the children of such union.

5.3 Conclusion

The study makes a pivotal contribution to family law scholarship by bringing forward the renewable marriage contract model as an innovative alternative aligned with Nigeria's legal and cultural context. The model challenges the entrenched view of

¹⁵⁸ Counselor First, "Renewable Marriage Contract: What You Need To Know" (2018)

¹⁵⁹ BBC News, "Mexico City plans 'renewable' marriage," 2011

marriage as a permanent, lifelong institution by framing it as a fixed-term, renewable contract, introducing flexibility and emphasizing ongoing mutual consent. This theoretical advancement enriches academic dialogue by integrating contract theory with matrimonial law, providing fresh perspectives on marriage that better reflect the complexities of contemporary relationships.

Legally, the study identifies the model's capacity to reduce the burden on Nigeria's courts by minimizing contentious divorce litigation through structured renewal processes and clearer grounds for amicable dissolution. This promotes judicial efficiency and more predictable legal outcomes.

Overall, this research lays a comprehensive foundation for reimagining Nigerian family law, harmonizing doctrinal rigour with social justice and cultural sensitivity, and providing a roadmap for policymakers, legal practitioners, and scholars seeking to update matrimonial regulations to meet modern needs.

This model also offers greater protection for vulnerable spouses, especially women who frequently face domestic abuse and social stigma around separation. The opportunity for legally sanctioned contract renewal or amicable dissolution empowers individuals to make informed choices about their marital futures without fear of social ostracism or prolonged legal battles. It aligns with global trends advocating for marriage models that emphasize personal autonomy, well-being, and fairness.

The model harmonizes respect for cultural and religious values with modern legal innovation, suggesting a balanced pathway toward reform that champions dignity, stability, and protection for all parties in marriage.

The Nigerian socio-legal environment is deeply rooted in cultural, religious, and traditional values that highly esteem marriage as a lifelong institution. Reflecting on the balance between innovation and respect for societal values, the renewable

marriage contract model presents a delicate yet promising reconciliation of progressive legal reform and cultural sensitivity. While delivering flexible, contract-based arrangements for marriages that better suit contemporary realities, the model simultaneously upholds respect for the significance of marriage within Nigerian communities by framing renewals as consensual affirmations rather than dissolutions¹. This innovation addresses urgent social challenges such as domestic abuse and marital instability by offering structured opportunities for spouses to reassess and, if necessary, amicably end their relationships without the stigma or trauma more typical of divorce. However, the model is designed to work within the contours of Nigerian cultural frameworks by not undermining marriage's social sanctity but rather enhancing marital accountability and mutual respect through contractual clarity².

5.4 Recommendations

In Nigeria, domestic violence and abusive marriages have surged significantly in recent years, leading in some cases to tragic outcomes, including the death of spouses.¹⁶⁰ A closer examination reveals that such violence often persists over time, deeply rooted in social and cultural fabric which discourages women from leaving their marriages. Victims frequently endure abuse silently due to pervasive societal stigma, fear of scandal, prohibitive costs, lengthy divorce procedures, and entrenched cultural expectations that uphold marriage as an indissoluble institution.¹⁶¹

This raises profound ethical and social questions, whether cultural beliefs and traditions worth preserving at the expense of human lives and dignity? Should individuals continue to suffer abuse in the name of marriage as a lifelong commitment? Divorce laws were introduced to remedy such harmful situations. However, divorce has not always been sufficiently accessible or effective to safeguard vulnerable

¹⁶⁰ Nigeria Police Force Data, "Domestic Violence Statistics" (2025)

¹⁶¹ A. Okonkwo, "Societal Stigma and Divorce in Nigeria," *Journal of African Family Studies*, Vol. 17, No. 2, 2024.

spouses, particularly women, due to the aforementioned social, economic, and procedural barriers.¹⁶²

Within this context, the renewable marriage contract model offers a transformative and proactive alternative. Instead of reacting to marital breakdowns with adversarial divorce, renewable contracts anticipate potential problems by instituting fixed-term agreements requiring periodic reassessment and renewal. This framework empowers couples to make informed, consensual decisions about continuation or amicable dissolution without enduring prolonged distress associated with divorce.¹⁶³

Therefore, the renewable marriage contract should not be perceived as opposition to the sanctity of marriage. Instead, it is a forward-thinking, preventative innovation aiming to protect individuals especially those vulnerable to abuse by fostering transparency, ongoing consent, and personal agency within marital relationships. It offers a more humane and pragmatic approach to matrimonial stability, addressing deep-seated social and cultural challenges hampering traditional divorce's effectiveness in Nigeria.¹⁶⁴

The study recommends as follows:

1. Initiating a legal framework to amend the current marriage legislation to accommodate renewal marriage contracts as a form of marriage arrangement within the nation's legal system.
2. Propose specific amendments to the Matrimonial Causes Act and Marriage Act to accommodate fixed-term, renewable marital agreements
3. Judicial Training and Capacity Building for judiciary and family law practitioners on handling cases involving renewable marriage contracts.

¹⁶² M. Eze, "Barriers to Divorce for Nigerian Women," *Nigerian Law Review*, 2023.

¹⁶³ Counselor First, "Renewable Marriage Contract: What You Need To Know" (2018)

¹⁶⁴ Dare to be Fabulous, "Renewable Marriage Contracts. Why Not?" (2023)

4. Encourage collaboration among lawmakers, civil society organizations, legal scholars, and community groups to ensure holistic policy development.

5. Widespread education campaigns are essential to sensitize the public about the benefits and workings of renewable marriage contracts. Stakeholder consultations including religious leaders, community elders, legal practitioners, and civil society will foster dialogue to address cultural sensitivities and normative objections. This engagement builds legitimacy, dispels misinformation, and promotes a constructive cultural shift towards acceptance.

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