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## Insistence of Some Muslim Religious Scholars in Kogi State Nigeria on Pre-Marital Pregnancy Test Before Marriage

Ummulkhayr Adamu<sup>1</sup>; Atiku Garba Yahaya<sup>2</sup>

### Abstract

**Purpose:** *This study examines the growing insistence by some Muslim religious scholars in Kogi State on requiring pre-marital pregnancy tests for prospective brides before solemnizing Islamic marriage contracts. It aims to evaluate the religious legitimacy, ethical implications, and social consequences of this practice within the broader framework of Islamic teachings on marriage, dignity, and the protection of lineage (ḥifẓ al-nasl).*

**Design/methods/approach:** *The research employs a qualitative and analytical methodology. Primary sources include the Qur'an, Hadith literature, and classical works of Islamic jurisprudence. Secondary sources consist of scholarly books, peer-reviewed journal articles, and contemporary reports concerning Muslim social practices in Nigeria. Data were analyzed through normative Islamic legal reasoning and contextual socio-religious interpretation.* **Findings:** *The study finds that supporters of pre-marital pregnancy testing argue that the practice helps prevent disputes over paternity, safeguards family honour, and discourages immoral conduct. Conversely, critics maintain that compulsory testing may violate personal dignity, foster suspicion between families, and lacks an explicit textual basis in Islamic law. The findings further indicate that while Islam strongly emphasizes moral conduct and lineage preservation, coercive implementation of such tests may conflict with Islamic values of justice, privacy, and human dignity.* **Research implications/limitations:** *This study is limited to a conceptual and textual analysis centered on the socio-religious context of Kogi State and does not include extensive field interviews or quantitative community data. Future studies may incorporate empirical perspectives from scholars, families, and marriage registrants across different Muslim communities. The research contributes to contemporary discussions on balancing Islamic legal objectives with evolving social realities.*

**Originality/value:** *This paper offers an original contribution by critically exploring the emerging practice of pre-marital pregnancy testing in a Muslim African context through the lens of Islamic jurisprudence and ethics. It provides a nuanced framework for understanding how religious authority, communal morality, and individual rights interact in contemporary Muslim marriage practices.*

<sup>1</sup> Islamic Studies Section, National Open University of Nigeria, Abuja, Corresponding Email: [ummlkhayr@yahoo.com](mailto:ummlkhayr@yahoo.com)

<sup>2</sup> Department of Islamic Studies, Usmanu Danfodiyo University, Sokoto Nigeria, Email: [agyahya@yahoo.com](mailto:agyahya@yahoo.com)

**Keywords:** *Muslim Scholars; Shari'ah; Premarital Pregnancy Test; Marriage; Moral Accountability; Kogi State.*

## Introduction

In the contemporary age, the institution of marriage has assumed an entirely different status - a new one that is dissimilar to its image of the past. Despite its sanctity as legalized by the Almighty Allah, marriage is being compromised, desecrated, and abused by some among those that are married such that the lifelong contract is now considered a dreadful adventure by many, with its share of unforeseeable promises of bliss, as well as frictions.

The most prolific narrator of *Hadith*, Abu Hurairah, reported the Prophet (May peace and blessings of Allah be upon him) as saying that:

A woman is married for four reasons: her wealth, her lineage, her beauty, and her religion. So, choose the religious one, may your hands be dusty (i.e., may you prosper) [1].

It was later understood from commentaries on the *Hadith* that the actual message is that people usually choose a woman to marry for any of the mentioned four reasons, while the Muhammad Prophet (May peace and blessings of Allah be upon him) encouraged making piety a priority in selecting a wife.

Consequent upon the vices that have pervaded the human society, for both genders alike, the '*deen*' (religious) factor may not be solely considered in this age and time that corrupt manners are often masked with the religious garb. As it stands, suffice it to say that marriage has tilted towards becoming something like a wrapped present whose content is beyond the grasp of the involved parties no matter how investigation is meticulously done. This has led some couples and their families to insist on premarital medical test.

Premarital medical test is also known as premarital screening or premarital physical examination. Premarital screening can be seen as series of medical tests done by intending couples prior to getting married [2]. It is seen as a crucial health assessment of intending couples in which they are tested to identify their compatibility, and educate them with unbiased information on their general health conditions and its projectable impacts on the matrimonial milestone.

In today's world, among the subjects of controversy relating to marriage are the questions on legitimacy of children and contracting a marriage with a pregnancy from fornication. There are cases of females who become pregnant through fornication and where it is not obvious to the public eye, they transfer it to other men through marriage without considering the gravity of such sin and its future implication. Also, on the flip side are those who engage in courtship, despite its impermissibility, and got pregnant out of wedlock.

A growing concern among Muslims today is the fact that a few numbers of brides-to-be get pregnant before the wedding is conducted. This has led to some Imam (Muslim religious scholars) insisting that they submit a pregnancy test report before the *nikaah* (wedding ceremony) is conducted. Premarital tests with negative results have been made a prerequisite in some communities [3].

Premarital pregnancy has become a hydra headed problem in the society as it often leads to further challenges ranging from dropping out of school on the part of the females, as well as social exclusion. Other negative consequences of premarital pregnancy include unsafe abortion (for those who might be too scared to keep the pregnancy), child abandonment (for those who are not financially buoyant) and paternity dispute. Most of these negative consequences arise because more often than not, the males responsible for the pregnancies end up denying them. Soura *et-al* discovered that there is a higher chance of children from illiterate parents getting pregnant out of wedlock as against children of educated parents [4].

This study is an investigation of such demand from the Islamic point of view. Is it a pre-requisite of Islamic marriage that the womb should be free? Do Scholars have the right to add this condition as a means of curbing the menace of extra marital pregnancy? According to Latt *et-al*, most of the researches done on pre-marital testing have been based either on genetic compatibility or detecting infectious diseases like HIV/AIDS, Hepatitis and the likes. This research tends to fill an existing gap of investigating a phenomenon that is becoming wide spread in the Muslim community [5].

The society has reached a level where some parents openly support boyfriend and girlfriend relationships [6]. This has made it difficult for such people to stay off *zina*, hence the fear that a lady might be pregnant before marriage becomes a thing. Ordinarily, Muslims are not to be caught up in such situations, had they followed strictly the command of Allah not to go near *zina* [7]. According to Soura *et-al* there has been an increase in the rate of premarital sex amongst adolescence [8]. Not only that, some studies have opined that premarital pregnancy has negative economic outcomes, as there is the possibility of the dropping out of school on the part of the adolescent mother [9]. This

dropping out of school further impedes growth as the woman will be left to fend for herself through engaging in menial jobs.

Generally, religions prohibit illicit relationships and promote chastity [10]. Chastity is a virtue while sex outside marriage is considered sinful. However, sex within marriage is sacred and even rewarding according to Prophet Muhammad (May peace and blessings of Allah be upon him).

In Nigeria, particularly in the Kogi State, the interplay between tradition and modernity shapes public perception on issues like pre-marital medical screening. Muslim scholars particularly in the Northern region have historically engaged with public policy through *Fatwas* and sermons (*Khutbah*) (Gummi 42) [11]. Their involvement has had a significant impact on shaping attitudes toward health-related practices, including screenings for sickle cell anaemia and HIV/AIDS. Despite growing awareness, resistance still exists due to cultural misconceptions, lack of education, and fears of stigma. According to Badawi, this necessitates a more concerted scholarly effort to harmonize Islamic ethical teachings with the realities of modern medical science.

This study therefore, presents several original contributions to the discourse on Islamic marital practices and contemporary social realities in Nigeria, particularly in Kogi State. Unlike existing studies that broadly examine Islamic marriage practices in Nigeria, this research specifically investigates the localized phenomenon of pre-marital pregnancy testing among Muslim scholars in Kogi State. This provides fresh, empirical understanding into a relatively underexplored practice.

## Literature Review

The *Maqasid al-Shari'ah*, or the objectives of Islamic law, provides a holistic framework through which various socio-legal issues are assessed in Islamic jurisprudence. Classical scholars such as Al-Ghazali and Al-Shatibi identified five primary objectives: the preservation of religion (*din*), life (*nafs*), intellect (*aql*), progeny (*nasl*), and property (*mal*) [12]. Within this framework, premarital medical testing aligns with the preservation of life by preventing avoidable deaths and lifelong suffering; the preservation of progeny by ensuring healthy offspring; and the preservation of wealth by averting the financial strain associated with long-term medical care. Modern scholars, including Al-Baar [13] and Shubayr [14], who argue that premarital testing is consistent with the principles of *Istislah* (public interest) and *Dar' al Mafasid* (prevention of harm), thereby making it not only permissible but highly recommended under Shari'ah. Consequently, many Islamic jurists view mandatory testing as a contemporary application of classical Islamic legal principles.

From an Islamic perspective, premarital health screenings for pregnancy, STDs and fertility are generally deemed permissible (*mubah*) and are consistent with the objectives of *Maqasid al-Shari'ah*. Specifically, they uphold the preservation of life (*hifz al-nafs*) and the safeguarding of lineage (*hifz al-nasl*), two of the primary higher intents of Islamic law [15] [16]. To Adamu, these screenings protect families and communities from the social and medical consequences of undiagnosed diseases and hereditary conditions [17]. Furthermore, Islamic teachings advocate for the facilitation of marriage and the protection of mutual rights between spouses. This is because it ensures the health of prospective partners through screening supports this principle by fostering trust and reducing the risk of future harm [18].

Nevertheless, to Barmo & Yahaya, the implementation and community acceptance of premarital health screenings vary significantly across Muslim societies. For example, in Sokoto, Nigeria, uptake remains low due to limited awareness and prevailing negative perceptions, despite religious endorsement of such measures [19]. This indicates that awareness campaigns and community education are vital to increasing the acceptance and effectiveness of screening initiatives.

Importantly, premarital health screenings align with *Maqasid al-Shari'ah* principles at the level of essential objectives (*daruriyyat*), such as preserving life and lineage, and within complementary needs (*hajiyyat*). By identifying health risks early, couples can take precautionary measures by the principle of *sadd al-dhara'i*, blocking the means to harm [20]. Additionally, these screenings protect the lineage and health rights of future children, reinforcing the collective welfare dimension embedded in Islamic teachings [21]. Therefore, the integration of comprehensive premarital health screening programmes is consistent with the broader aims of Islamic jurisprudence and contributes to the long-term well-being of families and society.

Chiroma, Bukar, Abbo-Jimeta in their work on pre-marital examination tried to address the concept of premarital medical test and its implication on children. The authors also addressed the need for premarital medical test and the need to introduce a new rule that will mandate parents to undergo premarital medical test to reduce high mortality rate of parents and children. The authors stated selected Islamic countries that have made premarital medical test compulsory [22].

Sheikh Abd-Al-Rashid Qasim addressed the issue of pre-marital medical test thereby outline the benefit, negative consequence and Islamic ruling on mandatory premarital medical test. In highlighting the benefits of conducting the test, the Abd-Al-Rashid Qasim stated that partners will beforehand know the

possible genetic diseases that their children might inherit and will also deter a partner from contracting contagious disease from the other, not only that, they can also get the knowledge of whether the bride is pregnant before the wedding or not [23]. The author further states the various arguments by contemporary scholars as to government's imposition of compulsory premarital medical test all supporting their arguments with verses of the Qur'an and Traditions of the Prophet (May peace and blessings of Allah be upon him) and the author conclusively held the view that conducting premarital medical test is good to the prospective partners. On the other hand, Shammout, Khatebeh, and Al-Omari, in addressing the issue of pre-marital medical test succeeded only in highlighting the importance of premarital screening looking at elementary goals of Shari'ah (*Maqasid-al-shari'ah*), otherwise known as the "five necessities". That in order to keep up with the five necessities, people need to be healthy, marry healthy partners and also give birth to healthy offspring, thus the need for premarital screening [24].

## Method

This research was conducted using the qualitative research paradigm. This is in tandem with Marshall and Rossman who opined that qualitative method is best suited in investigating a phenomenon that have yet to be identified variables [25]. Similarly, there is the argument that qualitative method is more suitable in cases where there is little information about a phenomenon [26]. Richard and Morse are of the opinion that qualitative method is best when the researcher intends to glean from the point of view of informants, to see things from the meanings they attach to their experience and to conclude based on the meanings given to their experiences by the informants themselves [27]. Providing a negative pregnancy test result before conducting *nikaah* is quite new in this clime. This study therefore, refrained from pre-empting and sought to get firsthand information through its informants.

This study was carried out in Kogi State, North Central Nigeria. This took into consideration two of the stakeholders in this phenomenon: Imaams and parents of brides, and they formed the population of this study.

In the sample and sampling procedure, Maximum variation sampling was used in collecting data for this study. It allows for purposefully selecting participants with different features (Creswell, 2013; Glesne, 2011) [28] [29]. Maximum variation sampling ensures credibility and provides information from various angles from the population under study according to Bricki & Green; Creswell [30] [31]. The sample consisted of ten (10) people, five (5) from Muslim religious scholars/leaders, and five (5) from the parents of the brides.

In the data collection process, semi-structured face-to-face interview was used to collect primary data. It allowed the researcher to have control of the interview [32]. The use of semi-structured interview made the researcher use predetermined key questions. As the interview went on, there was room for probing questions based on information provided by informants.

In the aspect of data analysis, thematic data analysis was utilised of after interviews were transcribed. The first step was to get familiarized with the data. This was achieved through reading and re-reading. This process was done in a bid to get a firm grasp of what the data contained and to get an idea of the coding pattern that would emerge [33] [34]. As recommended by Hansen, emergent codes were allocated to fragmented words and noted along the margins of the transcribed interviews [35]. In accordance with Yin, the codes were further organized into themes, which were subsequently reviewed and re-categorized until an acceptable pattern was obtained [36]. The empirical coding methods of Hansen, and Harding were utilized, in which the codes were not predetermined prior to perusing the transcripts, but rather were dictated by the transcripts [37] [38]. In accordance with the study's objective, the study's primary motifs were then determined.

## **Results and Discussion**

### **The Concept of Premarital Pregnancy**

Pregnancy outside wedlock is not a walk in the park, as women who become pregnant out of wedlock are stigmatized, according to Suryaningsih and Meei-Ling, especially in many African societies [39]. Pre-marital pregnancy has also been discovered to have a negative effect on mental health [40]. The African society forbids sex outside marriage [41]. Similarly, children born out of wedlock often face a lot of problems in the society. They are often looked down on and denied some basic rights. Under Islamic law, they do not have the right to inheritance; neither do they have the right to bear their father's name. Such children may be prone to vices as they are mostly abandoned by their fathers and left at the mercy of their not well-to-do mothers. It is not surprising; therefore, that *zina* is considered one of the great sins in Islam.

Scholars like Bn Baz and Bn Taymiyyah opine that it is not permissible to contract a marriage with a woman who got pregnant from fornication until she is delivered of what is in her womb.

It is not permissible to contract a marriage with a woman who is pregnant due to fornication until she delivers [42].

The Prophet (May peace and blessings of Allah be upon him) was also cited as saying: "whoever believes in Allah and the Day of Judgement is not to water another man's plant," [43] i.e. have sex with the woman who got pregnant by illicit affairs.

Divergent views are, however, recorded from scholars on *nikaah* of a pregnant woman as a subject. The first is from the Imam Ahmad's and Imam Malik's schools of thought and others who ruled that such is not allowed [44]. The other parts are from Imam As-Shafi'i's and Abu Hanifah's schools of thought who validated the marriage contract on a condition that the woman will not be bedded until she is delivered of the pregnancy [45].

### **An Overview of Kogi State**

Due to its geographic and cultural significance, Kogi State which is also known as the "Confluence State" is a special place in Nigeria. Being surrounded by ten other Nigerian states and situated in the country's centre, it serves as a major hub for trade and transit. Kogi State was created on August 27, 1991, and gets its name from the Hausa word "Kogi" meaning "river," which alludes to the state capital of Lokoja, where the Niger and Benue rivers notably converge. The terrain of Kogi is varied, encompassing plateaus, rolling hills, and lowlands. In addition to adding to the State's natural beauty, the well-known meeting point of the Niger and Benue rivers at Lokoja is an essential source of water and financial resources. A diverse array of plants and animals can be found in the State due to its tropical climate, which is marked by distinct wet and dry seasons. Kogi is suited for agriculture due to its rich vegetation and temperate climate, and its mineral resources highlight its potential for economic growth.

The Igala, Ebira, and Okun (a Yoruba subgroup) are the three main ethnic groups that call Kogi State home, and the state is renowned for its rich cultural diversity. The diverse cultural landscape of the state is influenced by the language, traditions, and customs of each group. Anecdotal evidences show that majority of the Igala and Ebira are Muslims. The confluence of the Niger and Benue rivers represents the Kogi people's strong sense of unity in spite of these ethnic differences. Everyday life is heavily influenced by traditional beliefs, dances, music, and crafts. The state's artisans are renowned for their pottery, weaving, and beadwork, which showcase the distinctive styles of each ethnic group. Kogi State offers a blend of history, culture, and natural resources, making it a microcosm of Nigeria's diversity.

## Discussion

This research set out to find out the rationale behind some present-day Imams' insistence on getting pre-marital pregnancy test done before conducting the *nikaah*. Findings were analyzed thematically. The Qur'an and the Sunnah of Prophet Muhammad (may peace and blessings of Allah be Upon him) have clearly established the essential conditions for a valid marriage, including mutual consent, the presence of a guardian (*wali*), witnesses, and the payment of *mahr*. Since premarital pregnancy testing is not among these stipulated conditions, it cannot be regarded as a legally binding requirement for the validity of marriage under Islamic law.

Although the '*ulamā*' are empowered to engage in *ijtihad* to address emerging social concerns, such as issues of paternity and moral conduct, their authority remains bounded by the primary sources of Islamic law. They may recommend premarital pregnancy testing based on considerations of public interest (*maṣlahah*), but elevating such a recommendation to the level of religious obligation constitutes an unwarranted extension of their authority. This is because, in Islamic legal theory, no act can be declared obligatory without clear textual evidence.

**To Fulfill a Condition (Emptiness of the womb).** It was gathered from field work that some of these Imams that demand negative pregnancy test results do so in order to fulfill the condition of emptiness of the womb as asserted by a participant 1

Yes, Imams nowadays ask for this because according to some scholars, it is not allowed to conduct marriage while the lady is pregnant... participant 1.

**Preventive Measures-Deterrent.** According to one of the participants of this study, pre-marital pregnancy test is being asked for by some Imams to serve as a deterrent to others not to go through that route.

What the Imams are doing is commendable. I once attended a *nikaah* where a lot of people travelled from far distance to attend. This *nikaah* did not hold because it was discovered by the elder brother of the lady, that she was pregnant. The brother is a prominent figure among his peers. He arrived home a day to the *nikaah*, and he invited many of his friends. Being a sincere Muslim, he told the Imams, who then decided that the *nikaah* be delayed until after the baby is born. It was an embarrassing situation. Tell me, will anyone in the family make that same mistake of getting pregnant out of wedlock again? I bet not... participant 2.

**Trend (keeping abreast with the happenings in time).** It was gathered from interviews that some Imams just do it because that is what is in vogue. One of the participants was actually a man whose daughter wedded a while back. During the ceremony the couple was asked to present their pregnancy test. During the interview session, the participant confirmed that he asked the Imam the reason for the demand and the entire Imam told him was that, that is what they do now and his will not be different. The *nikaah* was halted and the lady was made to go to a nearby clinic where the test was performed.

**Vendetta (when the Imam has something against the family).** An interesting finding from this study was the fact that some Imams use this trend as personal vendetta against families. It was gathered that some Imams may have some scores to settle with some families and this would be one of the ways of punishing them. This particular one occurs mostly in the interior villages. A participant said:

You know how it is in the villages. There is the case of one where the father of the bride was not in good terms with the Imam of his community. It happened that the bride was not a very decent girl and so the Imam suspected that the girl could be pregnant. He decided to demand for a test result just to spite the father. It was confirmed that that was the first time such was happening in that village. So, it was clear to everyone present that it was just a means to get to the father of the bride. Participant 3

### **Caution (Against Ascribing Paternity of a Child to someone Else).**

Another reason people go through pregnancy test is to be sure that they are not being given children that are not theirs. It is no longer news that women give birth just few months after the aqd is done. For this reason, some persons have insisted that a pregnancy test must be done before the *nikaah* is conducted. An Imam had this to say:

The issue is quite delicate. Recently, I was informed of a case, quite pathetic. A brother complained that his wife gave birth just after four months of *nikaah*. He swore that he had nothing to do with her sexually before the *nikaah*. Of course, he is heading for divorce. This may probably have been avoided if they had done a pregnancy test. Participant 4

Other participants also confirmed that some ladies actually get pregnant for someone else and transfer the pregnancy to another. This they do for some selfish reasons.

There is this lady I know, she got pregnant for her boyfriend whom she claimed she loved but pinned the pregnancy on the present husband because according to her, the present husband is wealthy and can take care of her and the children. Up till this moment, the husband is not aware that he is not the father of their first child.  
Participant 5

Another participant stated

With all these paternity issues springing up today, do you not think that it is safer to do a pregnancy test before marriage? You know, not everyone can afford a DNA test. Participant 6

Taking a critical look at the above points, one will agree that they are valid. However, when Muslims abide by the recommendation of the Prophet (May peace and blessings of Allah be upon him) on marrying women for their *deen*, it is hoped that a good number of these challenges will be solved.

Youths should be encouraged to marry early as delay in getting married is a contributing factor to premarital sex as argued by Gyan [46].

To combat premarital pregnancies, parents should rise up to their duties of providing guidance for their children as well as supporting them financially. It is not a secret that some of these girls who engage in premarital sex, do so in order to be able to fend for themselves [47]. Additionally, there are quite a number of youths who do not see pre/extra-marital sex as a big deal. This could stem from the kind of upbringing that they were exposed to while growing up.

## Conclusion

Children are considered gifts from Allah. This is evident from the fact that the Prophets who were not given children at their youthful ages prayed to Allah for this gift as contained in the Qur'an. Those that were given were grateful and thanked Allah. However, one of the conditions of bringing a child into this world is that it must be done legally, as the first right of the child upon the father is that of legitimacy. It is totally *haram* (unlawful) for a female to become pregnant outside wedlock. Early generations had such culture as can be inferred from the interrogations that the people of Maryam gave her when they saw her with a child, knowing fully well that she was not married. The insistence of some Muslim religious scholars in Kogi State for a pre-marital pregnancy test has basis

in Islamic tradition. As their position is gradually getting acceptance within the Muslim community, it is hoped that the Political Authority will give its backing and make it institutionalise.

In Islamic law, it is essential to distinguish between what is permissible (*mubah* or even recommended) and what is legally enforceable (*mulzim*). Premarital pregnancy testing, when viewed through the lens of *Maqasid al-Shari'ah*, particularly the preservation of lineage (*hifz al-nasl*) and prevention of harm and may be considered permissible and, in certain contexts, even advisable as a precautionary measure. It can serve legitimate social and moral objectives, such as reducing paternity disputes and safeguarding family integrity.

Nevertheless, the insistence of some Muslim religious scholars in Kogi State, Nigeria, on pre-marital pregnancy testing before marriage reflects a growing concern for moral discipline, social responsibility, and the preservation of family integrity within the Muslim community. This practice, though not explicitly rooted in primary Islamic sources such as the Qur'an and Sunnah, is often justified through the broader objectives of Islamic law (*Maqasid al-Shari'ah*), particularly the protection of lineage (*hifz al-nasl*) and the promotion of societal morality. However, the study reveals that this insistence remains a subject of scholarly debate. While some scholars view it as a necessary preventive measure against *zina* (fornication) and its consequences, others argue that it may conflict with Islamic principles of privacy, dignity, and the presumption of innocence. In conclusion, while pre-marital pregnancy testing may serve as a pragmatic tool in addressing contemporary social challenges, its implementation should be guided by the true Islamic teachings.

### Author Contribution

**Dr. Ummulkhayr Adamu:** Conceptualization, Methodology, Investigation, Writing review, Editing, and Article administration. **Prof. Atiku Garba Yahaya:** Conceptualization, Literature review, Methodology, Editing, and Article administration

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### Conflicts of Interest

The authors declare no conflict of interest.

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