

Marriage: Islamic Discourses

Overview

ATTITUDE TOWARD MARRIAGE (AND CELIBACY) IN ISLAM

Before examining the complex relationship between a woman and a man within the context of marriage in Islam, one should note that the Qur'ān adopts a positive attitude toward marriage. It encourages Muslims who are able and willing to marry a "virtuous" or "chaste" man or woman, regardless of differences in status or wealth (al-Nūr 24:32). Muslim men are also allowed to marry non-Muslim women provided that they are from "the People of the Book" (al-Mā'ida 5:6), and the recognition that marriage to a slave woman might put less economic pressure on a man than marriage to a free woman (al-Nisā' 4:25) suggests that such marriages can be considered (Ali 1989, 180).

Islam's positive attitude toward marriage is reflected in a number of popular traditions ascribed to the Prophet Muḥammad. Despite critical assessment of their authenticity, traditions such as the following have influenced Muslim social attitudes: "Anas reported God's Messenger as saying, 'When a man marries he has fulfilled half of the religion; so let him fear God regarding the remaining half'" (Ali 1989, 660).

In view of the fact that Muslims generally consider marriage to be "half of one's faith," an unmarried man or woman is rather an oddity in Muslim society, particularly if he or she is able bodied and of sound mind. Due largely to the influence of mysticism, the celibacy of men who dedicate their whole lives to God is accepted in many Muslim societies, yet these societies are not as accepting of "holy" women who turn their backs on the institution of marriage to lead celibate, God-centered lives.

According to al-Hadid 57:26, monasticism as practiced by Christians was not prescribed by God. To Muslims, therefore, monasticism is unnatural and thus prohibited. It follows that celibacy is considered unnatural and that marriage is considered the natural way for men and women. But if celibacy is wrong, why should it be more wrong for women than for men? This important question leads to the heart of the issue regarding the interrelationship of the sexes in Islam. A woman who is not married is, in a sense, a woman alone, and Muslims

in general do not know how to relate to such a woman.

CONCEPT OF MARRIAGE IN ISLAM

That God's creation as a whole is "for just ends" (al-Ḥijr 15:85) and not "for idle sport" (al-Anbiyā' 21:16) is one of the major themes of the Qur'ān. A special favor of God to humanity that has been fashioned "in the best of moulds" (al-Tin 95:4) is that God has created mates for men and women, and these mates are intended to be a source of mutual love, peace, and fulfillment, as stated in a number of Qur'ānic passages (e.g. al-A'rāf 7:189, al-Rūm 30:21).

According to the Qur'ān, men and women are "members" and "protectors" of each other:

And their Lord answered them
"Never will I suffer to be lost
The work of any of you,
Be he male or female
Ye are members, one of another."
(al-Imrān 3:195, cited in 'Alī 1989, 180; author's emphasis)

The Believers, men
And women, *are protectors,*
One of another.
(al-Tawba 9:71, cited in 'Alī 1989, 459; author's emphasis)

In other words, the Qur'ān does not create a hierarchy in which men are placed above women, nor does it pit men against women in an adversarial relationship. Their relationship is one of equality, mutuality, and cordiality.

The Qur'ān describes the relationship of husband and wife in terms that denote both closeness and equality. It does not regard the husband as superior to the wife, an attitude upheld by popular Muslim culture:

... *your wives*
... *are your garments*
And ye are their garments.
(al-Baqara 2:187, cited in 'Alī 1989, 75; author's emphasis)

These passages illustrate the Qur'ānic teaching that "the purpose of marriage is to create and live in an atmosphere of love, harmony, and companionship to fulfill the higher purpose of life" (Parwez 1968, 32).

Marriage in Islam is a contract and presupposes

that the two persons making the contract have reached the age of maturity, although the Qur'ān does not mention any specific age for marriage. The Qur'ān enjoins Muslim men to act as guardians of orphans till they are old enough to be married (an-Nisā' 4:6, al-Isrā' 17:34, al-An'ām 6:153). Since a minor requiring guardianship cannot enter into a contract independently, no support for the practice of marrying minor girls is to be found in the Qur'ān.

Marriage in Islam is to be based on the consent of both parties. Al-Nisā' 4:3 tells Muslim men specifically to "marry women of your choice" ('Alī 1989, 184), but al-Nisā' 4:19 tells them, "Ye are forbidden to inherit women against their will" ('Alī 1989, 190). The latter passage clearly indicates that the woman's consent, however expressed, is necessary before a marriage contract becomes valid. There are traditions attributed to the Prophet Muḥammad according to which a woman was given the option to invalidate a marriage contracted against her will. A *walī* or guardian is not required for the contracting of marriage but if a woman wants an attorney she can appoint one (Parwez 1977, 1362).

Marriage as conceived by Islam thus assumes that the woman is a fully autonomous human being entering into a contract that she understands and accepts. In practice, however, this is far from being the case. The marriage of minor girls is a common occurrence in Muslim societies.

Reference has already been made to the fact that Islam does not regard difference in economic or social status to be an obstacle to marriage. The chief criterion to be kept in mind in the selection of a spouse is "virtue" or "righteousness." However, many Muslims today are highly materialistic, and marriage is frequently as much a business transaction as a religious obligation or social arrangement. Of particular importance is the institution of dowry, which a woman is required to bring into the marriage. There is no mention of dowry in the Qur'ān, but in some Muslim societies, for example in India, Pakistan, and Bangladesh, it is virtually impossible for a girl to be married unless her parents can provide her with an adequate dowry.

What the Qur'ān does mention in the context of marriage is dower, which is not bride-price but a gift given by a man to his bride. Dower is payable upon marriage (unless the woman remits it or agrees to a deferred payment) and should be in accordance with the man's means. The purpose of dower is to give the woman (even if she is a slave) the sense that she is wanted and appreciated and will be provided for by the man out of his

means. What dowry was meant to be is, however, not what it is today. Parents of daughters with high eligibility demand excessive dowry as a safeguard against unilateral divorce by the husband. On the other hand, many Muslim men who promise to pay a large sum of money as dowry do not pay anything at all unless there is court litigation in the event of a contested divorce. Such a practice is common in some parts of the Muslim world, for instance in South Asia. Among Muslim Arabs, however, it is customary to pay dowry to the woman at the time of marriage.

ATTITUDE TOWARD DIVORCE AND THE DIVORCED WOMAN

No society that puts a high value on the institution of marriage can consider divorce to be a desirable end. From any standpoint, a divorce represents a human tragedy. The Qur'ān also recommends (e.g. al-Nisā' 4:35) that in case of difficulty between a husband and wife, steps should be taken by "arbiters" from both sides to resolve the problems and save the marriage.

It is of great interest and significance to note, however, that there is not a single statement in the Qur'ān that contains a condemnation of divorce or *ṭalāq*, which is derived from a root meaning "to be free" (Parwez 1977, 976). Islam regards marriage as a social contract, not a sacrament or covenant, and like other contracts it is subject to dissolution if either of the two parties so desires. Like men, women also have the right to seek the dissolution of marriage under certain circumstances, as stated in al-Nisā' 4:128. The Qur'ān makes no value judgment on divorce; therefore the strong disapproval of divorce found in Muslim societies is not grounded in the Qur'ān. It rests almost entirely on a tradition attributed to the Prophet: "Of all the things permissible, the most displeasing to Allah is divorce" (Abū Dāwūd and Ibn Mājah). As with other traditions used by Muslim societies against women, the formal and material aspects of this tradition have not been critically examined to ascertain the degree of authority it should be accorded in practice. It has simply been used as a total and outright condemnation of divorce.

The right to obtain a divorce is one of the most important rights given to women by Islam. Few religious traditions have granted women this right. According to the Qur'ānic statement in al-Baqara 2:228,

And women shall have rights
Similar to the rights
Against them, according
To what is equitable ('Alī 1989, 92).

Unlike the viewpoint prevailing in most Muslim societies, the attitude of the Qurʾān toward divorced women is one of compassion and concern rather than of criticism or condemnation. Not only in the context of marriage but also in the context of divorce, the Qurʾān recommends an attitude of fairness and kindness toward women (al-Baqara 2:231, 236-7, 241, al-Nisāʾ 4:20, al-Aḥzāb 33:49, al-Ṭalāq 65:6-7). Muslim societies have had to accept the fact that divorce is permissible. With the help of the tradition cited above, however, they have sought to curtail severely, if not take away altogether, the right of a woman to obtain a divorce. While marriage is regarded positively by virtually all Muslim societies, there is some variation in the attitude toward divorce within the Muslim world. For instance, a divorced woman is less stigmatized in the Arab world than in South Asian countries such as Pakistan, Bangladesh, and India.

POLYGAMY

One of the institutions for which Islam has been most attacked by non-Muslims is polygamy, and the misconception that Muslim societies are essentially polygamous exists in many minds. However, only one passage in the Qurʾān makes specific reference to polygamy as a social institution, and permission to marry more than one wife is given under highly exceptional circumstances and with stringent conditions.

Though polygamy has been widely misused in Muslim culture, it was permitted by the Qurʾān only in the context of safeguarding the property or rights of orphans. Furthermore, justice was a necessary condition, as the following passage indicates:

To orphans restore their property
 (when they reach their age),
 Nor substitute (your) worthless things
 For (their) good ones; and devour not
 Their substance (by mixing it up)
 With your own, for this is
 Indeed a great sin
 If ye fear that ye shall not
 Be able to deal justly
 With the orphans,
 Marry women of your choice,
 Two, or three, or four;
 But if ye fear that ye shall not
 Be able to deal justly (with them)
 Then only one, or (a captive)
 That your right hands possess.
 That will be more suitable,
 To prevent you
 From doing injustice.
 (al-Nisāʾ 4:2-3, cited in 'Alī 1989, 183-4)

When these verses were revealed, the embryonic Muslim society in Medina was faced with a critical

social problem. Due to the death of many Muslim men in the wars between Muslims and the non-Muslim Meccans and the conversion of women (married to non-Muslims) to Islam, there were a large number of dependent children and women who had to be provided for. In addition, the property of the orphans had to be protected (as mentioned in verse 2 above). Permission to marry two or three women was not given readily but rather reluctantly, as a last resort, and only because the Qur'ān, with its remarkable realism, recognizes that most human beings are not capable of a high degree of idealism or altruism and that most men would not selflessly undertake the responsibility of caring for disadvantaged children and women.

Polygamy, then, is permitted by the Qur'ān but only in conditions of great social hardship and for humanitarian purposes. There is also a condition attached to it: justice is to be done not only to the orphans for whose sake the permission to marry more than one woman is given, but also to the wives. If a man feels that he cannot maintain an equitable relationship with more than one woman, he should marry only one. Thus, according to the Qur'ān, polygamy is permissible but conditional upon the man being fair in all ways to all his wives. If the condition is felt to be too difficult to be fulfilled then a man must not marry more than one woman. In practice, however, Muslim men have practiced polygamy freely, disregarding the attached condition most of the time without any qualms of conscience.

With reference to the permissibility of marriage to "a captive that your right hands possess," it should be noted that, though the Qur'ān permitted Muslim men who lived at the time of the revelation to marry their female slaves *in addition* to the two or three or four wives, this provision applied only to those women who were *then* slaves. Qur'ānic teaching emphasizes in several ways that people who had been enslaved until the coming of Islam were either to be set free or gradually absorbed into the society of free Muslims by means of marriage. In the future, slavery was not to be practiced (hence there would be no more female slaves to be added to a polygamous household), as indicated by Muḥammad 47:4, which says that captives of war were either to be set free as a favor or on payment of a ransom.

It is thus erroneous to think that polygamy is recommended by Islam. The fact that polygamy has done untold damage to the position of Muslim women cannot be denied. However, as conceived by the Qur'ān, polygamy was to be practiced for the benefit of women and children and not as a means

of gratifying male wantonness and sensuality or reinforcing the male ego. The fact that many Muslims have perverted the purpose of the Qur'an does not nullify the truth that there are many situations where a wife who is dependent, destitute, chronically ill, or otherwise disadvantaged would approve a second marriage provided she is not divorced or abandoned by the husband. A polygamous marriage involving a widow with dependent children and no financial means is also often accepted. If polygamy is seen as an alternative not to monogamy but to divorce, it acquires a meaning different from the one that has been commonly attached to it.

SUMMARY

A significant body of feminist writing has appeared in the Muslim world in the last four decades. Many Muslim women have become aware of the discrimination and injustice to which girls and women are routinely subjected in patriarchal Muslim societies and communities. As feminist theology has developed, Muslim women have also become aware of the glaring discrepancy between normative Islamic (Qur'anic) teachings and Muslim culture.

With increase in awareness and knowledge, Muslim women have begun to challenge inequities in many different realms, ranging from the political and legal to the social and cultural. They have also begun to develop ways and means of liberating, uplifting, and empowering girls and women who are disadvantaged and vulnerable to oppression and exploitation. In women's arduous struggle for fundamental human rights lies the best hope for a paradigm shift toward societies based on justice and compassion in the Muslim world.

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