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# Marriage

MARRIAGE in Islam is not a sacrament. It is not a bond made in heaven, but right here on earth. Like all human bonds it is dissoluble. It is a pledge or contract by which the partners regulate their mutual relations. Like any other contract, it has a few constituents, or necessary provisions. If these are satisfied, the contract may contain any other provisions the two partners agree to include therein. There must be two adults consenting in total freedom to marry each other. The minor may be married by his or her parents but he or she has the full right, upon reaching adulthood, to consummate the marriage contract or to reject it. Even if the marriage had already been consummated, Islam gives the right to either partner, upon reaching adulthood, to dissolve it if they wish.

The second requirement is that the contract contains specification of two dowries, both incumbent upon the male and payable to the female. The first is to be given and received before consummation of the marriage. It usually consists of gifts of jewelry and clothing which become the woman's personal property, and henceforth inalienable without her consent. The second is hypothetical and falls due if and only if the marriage is terminated by divorce. Since divorce in Islam is possible for the male by repudiation, the second dowry acts as the female's "insurance policy" against irresponsible conduct of the male.

The third constituent of the Islamic marriage contract is the presence of two witnesses and their attestation to its contents or terms. The contract is not valid unless it is public, for when the responsible commitment is made before one's peers, it is more likely to be kept.

Besides these three constituents the parties to the contract can add other provisions they wish provided such do not violate the laws of morality. A marriage contract may stipulate the style of life to which man or woman is entitled. It can provide for this marriage to be monogamous by stipulating that it would terminate (and hence the second or deferred dowry would fall due) if the husband contracts another marriage.

Islam does permit divorce. Divorce can take place by solemn repudiation by the husband, but the law requires that such repudiation be made three times to be effective. It demands that after the first and second repudiations, marriage counselling and arbitration by near relatives or others nominated by the husband and wife deal with the dispute and restore domestic harmony. On the third repudiation, divorce becomes final, though God called it "most hateful." In order to prevent entering into it nonchalantly and irresponsibly by the husband, Islam decreed that no man may take back in marriage his wife whom he had divorced unless that woman had married another man and been divorced by him. Such marriage constitutes a terrible humiliation for both; and its scepter acts as a second deterrent, after the second dowry. A wife may divorce her husband by court decision, not by repudiation. In this case she would have to establish in court one of the legal reasons justifying divorce such as contagious sickness, prolonged absence, impotence, cruelty, adultery, etc. A divorce granted by the court is always final.

Islam also permits polygyny. A man may marry more than one wife. There are situations in personal human affairs where the best solution may well be a polygynous arrangement. And there may be situations in human society with an excess of women over men, where widowed or divorced women, oft with child and devoid of support, would find polygynous arrangements far more conducive to happiness than fending on their own. The plural marriages of the Prophet in Madinah, after the death of his first wife who gave him all his children and kept

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him happy for over a quarter of a century, were of this kind. A refugee widow with five children whom nobody wanted, a divorced wife of a former slave whom everybody was too proud to approach, an old matron whose relatives the Prophet wanted to reconcile, etc. – such were the women he married in his later life. Having given woman full legal personality and all civil rights, having endowed her with the full freedom to dictate the terms of her marriage, and having provided her with an “insurance policy” against divorce whose “blank lines” she alone would fill, Islam may well be called the best “friend” woman ever had.

Beside these legal provisions, Islam prescribed a whole range of ethical directives. Women are to be treated with love and kindness, for they are a gift from God. To them belong all rights in the same measure as duties are incumbent upon them. They are to keep their chastity, to run their homes, and with their husbands, to implement the highest injunctions of Islamic society and state.