

Chapter VIII

MARRIAGE

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Marriage is the institution through which a man and a woman pair off and legitimately unite to form one unit of humanity. It is a root which branches off into the known blood relations such as maternity, paternity and fraternity and their ever widening circles of blood relatives . . . referred to in Islam as the 'relations of the womb'.

Marriage is mandatory in Islam for whoever can afford it. Commenting on a group of people who wanted to devote all their time for worship and thought they had no time for marriage and the duties it would impose on them, the prophet peace be upon him said:

“Marriage is my tradition. He who rejects my tradition is not of me.”
(Bukhari; Muslim)

Indeed marriage has been described as half of the religion. The prophet said:

“Whomever God has bestowed—upon the blessing of the good wife, then God secured for him one half of his religion. So let him heed God in the other half.”
(Tabarani; Hakim)

“The best blessing the believer reaps after piety of God is a pious wife.”
(Ibn-Maga)

The Quran points out to the prophet that marriage was the tradition that God prescribed to previous messengers:

“We did send apostles before you and appointed for them wives and children . . .”
(13:38)

There are two main functions of marriage in Islam . . . explicitly pointed out in the following two verses, and at the risk of repetition, we emphasize that Islam insists that marriage is the only legitimate venue for subserving these two functions. The first function is the unison between the two halves

yearning to one another and attracted spiritually by the free choice of one another and physically by the call of the sexual drive seeking its legitimate expression. God considers this as one of His signs:

“Amongst His signs is that He created consorts for you from amongst yourselves, so that you may find tranquility with them, and (He) set love and compassion between you. Verily in this are signs for people who reflect.” (30:21)

The second function is a corollary of the first and emanates from it. It is the preservation of the species by procreation:

“And God has created for you consorts from amongst yourselves, and out of your consorts He created children and grand children for you, and provided you out of His bounty . . . will they then believe in vain things and be ungrateful to God’s favours?” (16:72)

Both functions are essential, and a marriage contracted with the pre-set condition of ‘no sex’ or ‘no pregnancy’ is Islamically blemished, as we explained before.

The Suitable Match

Islam has provided a set of guidelines that help in causing marriage to be stable, enjoyable and happy. Various attractions may motivate people in their choice, and perhaps blind them to consequences that could not be difficult to anticipate. A nice looking person may not prove to be the suitable companion in this life long journey of marriage. Similarly wealth may be luring but is certainly no guarantee of happiness.

A sound advice given by the prophet peace be upon him is:

“Don’t marry women for their beauty for their beauty might turn out to be destructive to them. Or for their wealth for this might make them arrogant. But marry them for their steadfastness in religion.” (Ibn Hameed)

“A woman is married for (either of) four reasons: her wealth, social class, beautiful looks and religion. Make sure you win the one with (the attribute of) religion . . . or else your hands would be dust covered out of poverty.” (Bukhari; Muslim)

Yet it is a fact of life that people make their choices in accordance with their own moral structure. As birds of one feather flock together, the system of priorities will be different in different people, the virtuous person will seek a virtuous partner, whereas the sensuous or the materialist will seek otherwise:

“Women impure are for men impure, and men impure for women impure. And women of purity are for men of purity, and men of purity are for women of purity: these are not affected by what people say; for them there is forgiveness and honorable provision.” (24:26)

Among the good features of the successful wife is her amicable nature, and also that she would be capable of begetting children. The prophet’s guidance in this respect is:

“I recommend to you the pleasant of nature who is capable of begetting children for you . . . for I will pride myself with you amongst the nations at the day of reckoning.” (Abu Dawood; Al-Nissa’i)

A consideration of the spouse’s background and the environment in which she was raised as a child is also important. One of the companions of the prophet commented when a friend recommended a certain woman to him to marry her: I would like to see how my children from her would be. When asked how, he answered: I should know about her home conditions and how her parents treated one another. Groups of people do subscribe to certain values, and it is more reassuring to know that the person was brought up in a family or community where morals have been valued over the generations. The influence of the family pedigree on the passing over of certain traits is true, both at the physical and behavioural levels, for pedigrees have more genes in common, and the genes are the cipher of inheritance of many physical and psychological patterns. In this respect, one of the prophet’s sayings is very relevant.:

“Be choosy for your nutfas (whom to marry), for traits do penetrate (along generations).” (Al-Bukhari)

The two parties of the proposed marriage should also be esthetically acceptable to one another. Matched marriages still practised in some quarters where the decision is taken while the two parties do not know each other, do not comply with the regulations of Islam. When one of the companions told the prophet that he proposed to a woman, the prophet asked if he had seen her. The man answered no . . . so the prophet

ordered him to go and have a good look at her:

“Go back and have a good look at her for this is more assuring of happy life together.”
(Termizi; Al-Nissai’i)

“If one of you proposes to a woman he should look at her to make sure she is pleasant in his eyes and that he really looks forward to marry her.”
(Abu Dawood)

With the same token, the woman should look at the proposer and make sure that he looks agreeable to her. It is also befitting that the two can sit together to know more about each other, and to discuss their thoughts, inclinations and outlooks. They would be evaluating one another and perhaps exchanging views on matters that might reveal incompatibilities better to be uncovered beforehand. These private conversations, however, must not be conducted in seclusion (Khalwa) where they are alone in a place inaccessible to other people. During these dialogues an important criterion of marriage can be ensured: that is Kafa’a or equivalence, if the two are not sufficiently knowledgeable of one another. Kafa’a is an Arabic word and a technical religious term, signifying “suitability” of the couple to be each other’s consort. Kafa’a should not be misinterpreted to denote financial status. Nor does it refer to ancestry or tribal social and/or economic status. Regrettably there are many who are still captives of tribal non-Islamic traditions who give more heed to greed or creed. The prophet warned against these misinterpretations saying:

“If one proposes whose piety and morals are acknowledged by you, then accept him or else there would be tumult in the land and large scale corruption.”
(Termizi)

The prophet himself arranged the marriage of his cousin, Zainab bint Jahsh to his adopted son Zaid ibn Haritha, who had been a freed slave.

Perhaps the best definition of Kafa’a in modern terminology is the ‘cultural background’ that should be near enough in the two parties, so as to ensure harmony in their life.

Engagement

Engagement is a provisional phase prior to marriage. It is not a binding contract, and if the fiancées find out during this period that they are not

really suitable for one another then it can be broken. The engagement is no justification for the parties concerned to have access to each other's body or to enjoy physical intimacy. If broken, some jurists decree that presents given to the woman by her fiancé should be returned to him, such as the engagement ring or other valuables. It is a pre-requisite for engagement that the woman be free from juridical objections, such as being married or still during the ritual "waiting period" (idda) following a previous marriage. It is also unethical for a Muslim to propose to a woman already engaged, unless that engagement is broken for an independent reason or by consent of the first proposer to break the engagement.

The free consent of both parties to the marriage is a juridical necessity. In some patriarchal communities the decision is made by the father or guardian without heed to the girl's opinion. Such practice is unacceptable to Islam, and if the girl is not consenting the marriage contract is to be dissolved by law. A young woman once complained to the prophet that her father married her to his nephew without her consent. The prophet gave her the option of dissolving the contract, to which she answered: I accept what my father did, but I wanted to make the point to women that the decision is up to them and not to their fathers.

The Marriage Contract

The essential part of marriage is the honest decision taken by a man and a woman to become husband and wife. This, however, has to be expressed verbally by one party proposing by asking the second party for marriage, and the second party, the woman or her chosen representative, verbally expressing acceptance. Two witnesses must be there to attest for the request and the affirmative answer to it. Other documentation formalities prescribed by the law should be fulfilled, such as entry into a special register of a document signed by both parties and the witnesses and issuance of official copies, one to either party. The marriage contract may be conducted in any language suitable to the parties concerned. With the marriage contract the legal rights and duties of husband and wife to one another take effect, as do the legal safeguards to their future progeny. Amongst the material rights of the wife is the reception of a dower. Part of it may be given at the contract and the remainder postponed. The exact amount of the dower is subject to mutual agreement, but the prophet repeatedly enjoined Muslims not to make the dower an obstacle to marriage as many fathers tend to do nowadays. In a certain incident he suggested to a man

of limited means that his wife's dower would be teaching her two chapters from the Quran. However, settlement of the dower should be left to the discretion of the parties concerned, without interference of the state. When Caliph Umar addressed the people to forbid exaggeration in dowers, a woman quoted the Quran and interrupted Umar by reciting:

“But if you decide to take one wife in place of another, even if you had given the latter a whole treasure for dower, take not the least bit of it back. Would you taken it by slander or a manifest wrong?”
(4:20)

To which the Caliph said: The woman is right and Umar is wrong.

The marriage contract may be made to include certain mutually agreed conditions. The wife may add a clause in the contract giving her the right of divorce at her own will or conditioned on a specific event such as the husband taking another wife.

It is a sunna recommended by the prophet that marriage should be made public and be celebrated in such ways as inviting relatives and friends to a party and a meal.

Marital Roles

In Islam the husband is the head of the family and the wife is its heart. These should function in perfect harmony, in a complementary way but not as adversaries. The role of leadership in the institution of marriage is as vital as it is in any institution and this Islam assigns to the husband.

“And women shall have rights similar to the rights they owe, according to what is equitable, but men have a degree over them. And God is exalted in power.”
(2:228)

This does not mean that the husband should be a tyrant or a dictator. Family life is to be fueled by love and mutual understanding, and if necessary by adapting to each other's limitations. On repeated occasions the prophet recommended the wives to their husbands' tender loving care:

“The best among you is the best in treating his household. And I am the best of you to my household.”
(Ibn Maja)

“The most complete in faith are those with the most pleasant nature, and the best of you are the best to their wives.”

(Ahmad; Termizi; Ibn Habbab)

Inclusive in the leadership role of the husband is his responsibility in supporting the family. The sustenance of wife and children is the responsibility of the husband and not the wife. The wife does not carry a reciprocal responsibility, even if she is rich and the husband is not. If she wishes to contribute to the family budget this will be her option but not her obligation according to Islamic law. Moreover, Islam gives woman the right of private and independent ownership, and this right is not compromised by marriage. Her property remains solely hers and she has the right to manage it independent of her husband.

Forbidden Marriages

In the chapter on Lactation we presented the verse of the Quran identifying relatives not to be married by men or women:

“Prohibited to you (for marriage) are: your mothers, daughters, sisters, fathers’ sisters, mothers’ sisters, brother’s daughters, sister’s daughters, foster-mothers who gave you suck, foster-sisters (daughters of mothers who gave you suck), your wives’ mothers, your step-daughters under your guardianship born to your wives to whom you have gone in (consummated marriage), no prohibition if you have not gone in, (those who have been wives of your sons proceeding from your loins (biologic sons), and two sisters in wedlock at one and the same time except for what is past, for God is Oftforgiving.” (4:23)

Juridicially mother is so defined as to include all women contributing to you by the way of birth, ie mother’s mother, mother’s grandmother, and great grandmother . . . as well as father’s mother, her mother, and grandmothers. Daughter signifies a female ascended to you . . . ie daughter’s daughters and grand daughters etc. Sister is a woman sharing one or both parents (step sister included). A paternal aunt is the woman who shares with father or grand father one or both parenthood roots, and similarly a maternal aunt is that who shares with mother one or both roots. The same scale applies to milk-fostering relations. Forbidden to marry is the woman who suckled as she is considered mother, her mother for she is grandmother, her mother in law for she is also grandmother, her sisters for they are aunts, her husband’s sisters for they are paternal aunts, her grand daughters for they are nieces, all of course as well as her daughters or step daughters for they are considered sisters.

Other categories of women are also forbidden but only for as long as the cause for objection lasts. This applies mainly to a woman during the 'waiting period' (idda) following a previous marriage. Another case is bigamy if both wives are related in such a way that if one were a man the other would be on the forbidden list given above.

Inter-religious Marriage

A Muslim man may marry a woman from "The people of the Book" (Jews and Christians) for a wife. In spite of differences in doctrine between Islam and the people of the Book (Torah and Bible), Islam recognizes that in principle they are believers in a God sent religion and followers of God sent Moses and Jesus (concerning Christians). Both relate to the religion of Abraham, the common grandfather of Mohammad and the Israelites.

The Israelites are mentioned on a large number of occasions in the Quran in praise for as long as they maintained monotheism and worshipped God. But also in rebuke for disobeying Moses even during his life, for attempting to worship the golden calf, for killing a number of their own prophets, for tampering with the Torah and ascribing inappropriate features to God such as His fight with Israel in which Israel defeated God (!!), for believing they are a super race and the chosen people of God, for under-ranking the non-Jewish people and believing that the goyeem (non-Jews) should be servants to them, for rejecting Jesus Son of Mary and branding him as liar and imposter and choosing the life of Barabas over his life after asking for his death, and finally for rejecting Islam, betraying their covenants with Mohammad and plotting against Islam.

With Christians Islam shares the reverence of Jesus Son of Mary, the belief in the chastity of his mother who gave birth to him through the immaculate conception, and that his teachings were God's teachings. However, Islam emphasises the human nature of Jesus, that he was created by God's will without a father (like Adam who was created with neither father or mother) and that he performed his miracles by God's leave and not his own. Islam also teaches that the jews (through the Romans) did not crucify Jesus or kill him although they thought they did, for God raised Jesus up unto Him. Vicarious sacrifice is not acknowledged by Islam, so God's forgiveness and mercy can be sought by direct apology and repentance to Him, without the need of a human sacrifice (let alone His own

son as believed by christians). and without the intercession of any mortal between man and his Creator, hence there is no clergy and no church in Islam.

But what is the practical outcome of these differences? Islam's prescription is tolerance, friendliness and justice, in acknowledgement of the common basic belief:

“Say (O believers): We believe in God, and in the revelation transmitted upon us, and upon Abraham, Ismail, Isaac, Jacob and the Tribes, and that given to Moses and Jesus, and that given (all) the prophets from their Lord, we make no discrimination between one and another of them, and to Him we are submitters (Muslims).” (2:136)

Unless they are actively fighting against Islam, the relation between muslims and the People of the Book is one of compassion and cooperation. They eat each other's food (unless specifically prohibited like pig meat which is forbidden in Judaism and Islam and was permitted in Christianity by Paul and not by Jesus) and enter each other's houses as friendly guests. The legal dictum covering their status within a Muslim state is “They have our rights and owe our duties”. Never should they be forced or pressured to convert to Islam against their conviction, for the Quran says:

“Let there be no compulsion in religion.” (2:256)

But perhaps the most convincing example of the tolerant and friendly attitude of Islam towards the People of the Book, is that it makes it permissible for a Muslim man to build that sacred unit of humanity, the family, by marrying a Christian or a Jewish woman. It gives her the right to keep to her faith, and makes it a religious duty on the husband to enable her to observe her rites and worship according to her religion. Obviously Islam adopts the bridges rather than the rifts:

“This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book revealed before your time, when you give them their dowers and desire chastity not lewdness nor secret intrigues.” (5:5)

The converse relation, however, does not hold, and a Muslim girl cannot marry a non-Muslim. The reason is obvious, for as we stated before, the leader of the family is the husband, and in Islam as it is in the other religions the woman is enjoined to be obedient to her husband. When the

leader is the one who recognizes the religion of the other party and is responsible by the authority of his own religion to protect the freedom of religion of his consort, then justice is indeed ensured, and when a Muslim man marries a Christian or Jewess she is in no fear for her religious rights. If the husband of a Muslim woman were non-Muslim, who does not recognize Islam altogether, then divergence of loyalty might arise say if the husband wishes to entertain sexual relations during the fast in Ramadan for example, or if he expresses views showing disrespect of Islam or its prophet since he believes in neither.

Polygamy

There seems to be a widespread mis-conception featuring polygamy as an Islamic invention, and therefore enjoying another opportunity to add to the propaganda war against Islam.

Polygamy existed in religions preceding Islam, it continued in Judaism and in Christianity long before Islam. A look at the Old Testament will reveal that a number of prophets had many wives. King Solomon is said to have had seven hundred wives, princesses and three hundred concubines (1 Ki. 9:16; 11:3 cf., S of Sol. 6:8). His son had eighteen wives and sixty concubines (2 Chron. 11:21). The Talmud gives advice that men should not take more than four wives, the number Jacob had. When Jesus came, Christianity did not prohibit polygamy, and the New Testament insists on monogamy only for bishops and deacons. No church council in the earliest Christian centuries opposed polygamy. St. Augustine clearly declared that he did not condemn it. Luther tolerated it and approved of the bigamous status of Philip of Hesse. In 1531 the Anabaptists preached polygamy and the Mormons of today believe in it (see Abd al Ati, *The Family Structure in Islam*, American Trust Publications, 1977, p 114). Until this very day, the church in some African countries conducts the marriage of men to more than one wife. In Europe, the attempt to legally enforce monogamy and outlaw polygamy took place as late as the late sixth and early seventh centuries.

Out of the three current monotheistic religions, it was Islam that gave clear guidance indicating that the natural situation is one of monogamy. It permitted polygamy not as an injunction but as an alternative option for those who were in dire need of it and cannot cope otherwise. A man's wife may become unfit to fulfill her duties as wife and her husband does not want to forsake her. To contend with the situation and repress his desire

or transcend over it is an option to take if he so chooses and this might be a great charity. But this option cannot be made obligatory, because not all men can achieve it, and the inevitable result might be widespread adultery. After devastating wars when large numbers of men are killed and a large surplus of women are left without support, the lesson history teaches us is that illegitimate fornication with all its sequelae becomes a social phenomenon, as the near and far pasts testify.

Polygamy, however, is not tantamount with loosening the reins for sensuality, and as we look in the Quran we realize that Islam lays such criteria that appreciably limit polygamy.

The verse of the Quran denoting that polygamy is permissible reads:

“And if you fear that you will not act justly towards the orphans (girls), marry such women as seem good to you, two, three, four; but if you fear that you will not be equitable, then only one, or what captives your right hands own; so it is likelier that you will not be unjust (or become destitute).” (4:3)

The context is interesting. The verse addresses men who acted as guardians of orphaned girls. It was a widespread practice that the guardians considered marrying them or marrying them to their sons. Many guardians were motivated to do so—at least in part—lured by their wards’ wealth that was under the management of the guardian. Sometimes the guardian would name a dower lower than that due to the social equals of the girl, since he was the lawful person to act on her behalf. The Quran, in the verse immediately preceding this, warned the guardians that both practices were sins to be condemned. Many guardians became apprehensive, and many men shunned being guardians. The Quran opened a new option: if the guardian feared he would be unjust to his ward, then let him seek marriage outside this critical relationship, other women than his ward are plenty and he may take up to four wives.

Some exegists stick to the wording of the verse and see that permission to polygamy is valid only in the case of guardians under those specified circumstances. The majority, however, do not concur, but they find two legislations that were really new to the subject of polygamy:

The first was the limitation of polygamy to a maximum of four wives. For the first time, over the three monotheistic religions—Judaism, Christianity and Islam—a numerical limit is imposed.

The second is even more restrictive. For it makes equity between the wives a prerequisite for taking the option of polygamy . . . and if the man

fears he would not be equitable, then one wife is the limit. This directive is the more reinforced by the saying of God in another Quranic verse:

“You shall never be able to be fair and just as between women even if it is your ardent desire. . . .”(4:129)

Divorce

“Out of all lawful things, divorce is the most hateful to God.”

The prophet (Abu Dawood: Al-Hakim)

The similitude of divorce in surgery is the operation of amputation. It should never be undertaken except as a last resort. Islam enjoins tolerance and good companionship in the family. The Quran enjoins men towards their wives:

“And live with them on a footing of kindness and equity. If you take a dislike to them it may be that you dislike a thing and God brings about through it a great deal of good.” (4:19)

Every serious attempt at reconciliation should be made, and the husband and wife are recommended to each choose a representative to look into the matter and try to patch up the rift.

“If you fear a breach between them twain, appoint arbiters one from his family (side) and the other from hers; if they wish for peace, God will cause their reconciliation. For God has full knowledge and is acquainted with all things.” (4:35)

But if the rift between them proves to be beyond reconciliation, then divorce is a lawful option. To deny them that option is a cruelty, and marriage becomes both a prison and a hypocrisy. No law or institution can enforce the compassion and mutual regard so essential to family life. Some churches allow dissolution of marriage only under horrendous circumstances such as adultery . . . and what a high price it is if either party is forced to secure freedom by committing or phaking adultery. Many countries following a no-divorce doctrine at last saw that it might be a compelling necessity and legislated for divorce inspite of the stand of the church.

Divorce is accessible to both husband and wife. To the husband access to divorce is direct, on the assumption that on the whole man is less emotionally inflammable than woman, besides being subject to the deterrent

of the financial loss inevitably incurred by the husband if divorce occurs. The woman's access to divorce is insured by any of three ways. The first is to put a clause in the marriage contract putting the right of divorce in her own hands whenever she wills, or attaching it to a specific condition such as the marriage of the husband to another woman. The second is through the procedure of "Khul" . . . securing the consent of the husband in lieu of an agreed compensation for financial losses her marriage cost him. Usually this entails exempting him from the postponed portion of the dower, and giving back any valuables he had given her. If the husband is non-responsive, the judge would overrule him. The third path is resort to the court and filing a divorce case. Needless to say that outside these three methods, mutual consent remains the basic and most peaceful first line. The fact that Islamic divorce is not the monopoly of the court, obviates the hateful necessity of having to disclose family secrets and having to hurt one another during the attempt to prove to court their divergent points of view.

Divorce, to be religiously recognized, should not be carried out while the wife is menstruating (or in the puerperium) but during her clean period and providing no sexual intercourse has taken place in that particular cycle. The man should be acting upon his free will, and not compelled or threatened. He should be in his normal senses and not overtaken by psychological shock or anger.

Some men unfortunately abuse their right of direct divorce, thus committing a sin and targeting themselves to the prophet's prayer: "May God curse every oft-taster (marrier) oft-divorcer."

After divorce the marriage is not immediately dissolved. A 'waiting-period' (idda) follows, during which the woman's residence and sustenance remain the responsibility of the husband. This waiting period subserves two functions. The one is to give a chance to ascertain whether or not she carries a pregnancy from her husband. The other is to give a chance to review their positions, and perhaps they then regret the divorce and change their opinion about it. During the span of the waiting-period (idda) the divorce is revokable and the husband can declare that he is reclaiming her again as his wife.

The duration of the waiting-period (idda) varies in accordance with certain considerations. If marriage had not been consummated, no waiting-period (idda) is necessary:

"O you who believe: When you marry believing women and then divorce them before you have touched them, no period of idda (waiting)

have you to count in respect of them: so give them a present and set them free in a graceful manner.” (33:49)

If the divorcee is in her child-bearing period of life, then her idda is three complete menstrual cycles:

“Divorced women shall wait concerning themselves for three menstrual courses. Nor is it lawful for them to hide what God has created in their wombs if they have faith in God and the Last Day. And their husbands have the better right to take them back in that period if they wish for reconciliation. . . .” (2:228)

If the wife proves pregnant, then she should remain in idda until the pregnancy is concluded. If she is not at menstruating age (menopausal or has not attained menarche yet) then the idda is three months.

“Such of your women as have passed the age of monthly courses, for them the prescribed period, if you have any doubts, is three months, and for those who have as yet no courses (it is the same). For those who carry (life within their wombs), their period is until they deliver their burden (pregnancies); and for those who fear God, He will make their path easy.” (65:4)

It is to be noted that a pregnancy may be concluded in childbirth or in miscarriage. In the latter case, care must be taken lest only one of twin fetuses is miscarried and another remains in utero, as happens on few occasions. Resort may be made to examination by ultrasound if available and if there is such suspicion.

A final type of idda remains that is appropriate to be mentioned although not a divorce idda. This is the idda of the widowed woman who is not pregnant, and its duration is four months and ten days.

What if a man revoked the divorce during the idda, took his wife back, but after some time he divorced her for the second time? The same procedure is followed again and he has a chance to revoke the second divorce and reclaim his wife a second time. But this is his last chance, or else divorce becomes a matter of play. If he divorces her a third time then he cannot at all go back to her. Not unless she happened to marry another man, and happened—by true reason and not by fabricated planning—to be divorced. Then her first husband may propose to her again afresh, as if he never married her. If she consents, a marriage contract will be established anew. It is sinful to solicit a man to marry and then divorce

her. It should be a serious honest marriage, with the intention of durability, and the marriage must be consummated.

“A divorce is only permissible twice: after that the parties should either hold together on equitable terms or separate with kindness. . . .”
(2:229)

“Then if he divorces her (irrevocably), he cannot after that re-marry her until after she has married another husband and he has divorced her. . . .”
(2:230)

A divorcee has the right of custody of her children, who are to be supported by their father, until they grow up to an arbitrary age defined by legislation in various communities.

Both divorce and polygamy have been traditionally popular topics to attack Islam by western communities. At the present time the incidence of divorce in leading western countries is much higher than it is in Muslim communities. As for polygamy, it is practically rampant on a large scale in western countries, except that it is not within the sacred institution of marriage but in the context of social acknowledgement of sexual licence for married and unmarried men and women. A mistress (or many) is acceptable but a second wife is not. One of the practical jokes of westernized life was reported in a so called Muslim country that outlawed bigamy. A man was accused of having a second wife, and his defense counsel at court tried in every way to prove that the other woman was a mistress and not a wife, in which case there would be no offense. But the court was not convinced that the woman was a mistress, and the husband was convicted.

Marital Counseling

The time honoured image of the doctor as the father (or mother) image to be confided in and consulted on family problems is rapidly disappearing. Medicine is becoming fragmented and compartmentalized under the influence of superspecialization. In some leading countries the medico-legal aspects of the doctor-patient relationship have come to exert a dominant influence on the practice. For centuries the medical professional in Islamic countries has been called the ‘wise man’, a term that is synonymous with ‘doctor’ until this very day. After a long career I firmly believe that the doctor remains in a most suitable position to handle family problems

and perhaps rescue threatened marriages and bring reconciliation, harmony and happiness into many homes: all without trespassing outside the boundaries of medical practice. Once gaining their confidence and establishing good rapport with them, a doctor can play a very positive role in the lives of his patients provided he is aware of this aspect of the doctor's duties, and is sensitive to their worries and pre-occupations and able to listen to what they say and to what they refrain from saying. It is quite often to discover that a husband and wife who share the intimacies of one bed, nevertheless suffer an appreciable communication gap that only their trusted doctor can bridge. A host of causes may threaten a marriage, whether sexual, physical or behavioural, that an ordinary person would not wish to speak about, or even realize that they are aetiological in their marital dysharmony. In a large number of instances the keen doctor can unearth them and perhaps put the trust he (or she) is accorded to good use. To acquire some insight in the Islamic views about marriage will certainly help.

The success of a marriage is less of an expression of the initial degree of matching between the couple-to-be, than it is of their capacity of adaptation to one another along the long journey of marriage.

The author

A Sample From Our Heritage

On the occasion of the wedding of her daughter a mother gave her the following advice, that we see fit to conclude this chapter with. It is an example of profound wisdom that is still valid over the centuries just as it was the day it was uttered:

“My little girl, had a perfect integrity made advice superfluous, then I would have spared you it; but advice reminds the forgetful and aids the sound of mind.

And if parents' wealth and attachment were an alternative to marriage, we would have not given you away. But women were created for men...and men for women.

And now you are bidding good bye to the nest that brought you up, to one unknown to you, and a mate you are not acquainted with. As he takes you in marriage he becomes your king, so you be his queen...and be a servant to him, to make him a servant to you.

Be easy to content. And in grace do listen, and obey. And heed his sight and his smelling so that you be pleasing if he looks at you and pleasing if he smells you.

And be alert to his meal times and his bed time for hunger inflames, and disturbance of sleep angers.

And be the good guardian of his house-hold, and the good shepherd to your children and the good manager of his property.

And disobey-not any of his orders, nor divulge any of his secrets...or else you undermine his love and crack his trust.

And finally, never rejoice in his presence if he is sad, or be sad in his presence if he is rejoicing.”

