

Part IV

The Muslim Family

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Woman

WOMAN, in Islam, was created by God to be man's partner. The Creator built into both man and woman a mutual correspondence so that each would find quiescence and contentment in the other. The Qur'an calls man and woman a "garment" for each other signifying their reciprocal closeness to each other (Qur'an 2:187 – what is physically and continuously closer to oneself than one's clothing?), and their mutual interdependence. As far as religious duties are concerned, Islam made the sexes absolutely equal. It has exempted her from these duties when she is menstruating, pregnant or recovering from giving birth to a child. For the first time in human history, woman was granted by God an incontrovertible and autonomous legal personality, and complete civil rights. The highest aspiration of women's liberation movements has been achieved in Islam by 625 CE.

As a complete legal person the adult woman is granted title by Islam to keep her name forever; to have, to keep and to sell movable and immovable property as she pleases in perfect freedom. Her deliberate consent has to be sought for any transaction involving her, be it the least of her property, the cultivation of her field, or, above all, her marriage. She could not be coerced into anything. Unless she was a minor, and hence dependent upon her parents and guardians, or she has

appointed another person to be her attorney-at-law or representative, she has to exercise her rights in person in order for the transaction to be legally valid.

Woman, in Islam, is not the source of evil. She did not tempt Adam; nor did the devil, or death, whether physical or moral come to the world through her. The Qur'anic story of Adam and Eve does not even mention Eve in the act of disobedience. The disobedient act was not sexual; nor did it have anything to do with the "tree of knowledge." Pursuit of knowledge is in Islam a paramount duty, not an evil. The Qur'an does say that both Adam and Eve were chased out of Paradise; but it adds that they repented and that God had forgiven them. Hence, there is no "fall" in Islam, and no resultant "original sin" in any form. St. Paul's condemnation of woman as the vehicle through which death came into the world, whether physical or moral, is totally absent in Islam.

Woman, therefore, is innocent. She is a positive good, a consoler, a source of happiness and fulfillment to man, as man is to her. For Muslims sex is no problem at all; it is natural like food and drink, growth and death. It is God-created, God-blessed, God-instituted. It is not ridden with guilt; but, like woman herself, innocent. Indeed, sex is highly desirable. The Qur'an has prohibited celibacy for His sake, and the Prophet has ennobled marriage by making it his Sunnah, or example, and hence normative for every Muslim male and female. Like everything else pertinent to life on earth, Islam made sexual gratification of men and women a piece of piety, of virtue and felicity.

Since woman is no more a chattel but a full legal personality, sexual intercourse with her cannot be a random affair but must be done, first with her consent, and second in responsibility. The latter does not fall only upon man, but upon woman as well. Sexual promiscuity is condemned vehemently because, by definition, it is a violation of responsibility by either party.

Man-Woman relations have to be ordered and governed if the ethical demand of responsibility is to be met. To this end, Islam provided a whole system of laws governing those relations; for it believes that man-woman affairs cannot be left to the whim of the moment, nor to the arrangements of others, as in the case of minors where sex is

irrelevant since it is an adult affair. Marriage itself, as an institution, is regarded by Islam as nothing but a solemn compliance with the ethical requisite of responsibility. If it condemns a sexual act outside of marriage as a punishable crime, it does not do so of the sexual act in itself, but of the act as violation of responsibility.

It may be difficult to see why Islam regards sexual intercourse between unmarried consenting adults as irresponsible. The fury and flamboyance of passion may well blind the person to responsibility. A cooler presence of mind, however, always reveals that in man-woman relations there is a physical side, an emotional side, as well as a spiritual side; that adulterous connections are fulfillment in only one of these sides, especially the physical; but that it is often entered into at the cost of the long run emotional side, and always at the cost of the spiritual. For the partner in adultery is precisely the person who is using the other, or allowing himself/herself to be used, as an object. Where a partner regards his or her person as well as the other person as an end, surely he or she should be willing to transform the relation into marriage. For marriage in Islam is a civil contract, not a sacrament, by which the partners proclaim their plan in freedom and responsibility, henceforth to regard each other as ends, and not as means. Let us then turn to the laws of marriage.

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.

The Extended Family

IT is quite possible that some women may not incline towards married life and happiness as envisaged by Islam. Some women have a penchant for different kinds of career, for art, science or some productivity other than is usually associated with married home life. This need is not new. It did not start with the industrial revolution which extricated woman from her home to work in office and factory. The need is as old as humanity, and has raised problems before women's careers took them outside their homes. However, the problem is more often than not that the career-bound woman wants to have both marriage, home and children as well as a career, and finds the two irreconcilable.

To relieve woman from having to have a career in order to provide for herself, Islam prescribed support for woman whether minor or adult, by her nearest male relative on equal level as his own. This prescription is not suspended except when she marries. Then, her support falls upon her husband. When divorced or widowed, the prescription still holds, except when she is pregnant or nursing a child. In that case, her "husband" is obliged by law to support her and her child for two years after childbirth. Since she is thus well provided for all the length of her life, Islam prescribed that woman would inherit only half the share of the male.

The Extended Family

Nonetheless, there are women for whom even this economic guarantee is not sufficient. Some women are creative and their creativity may well demand external occupation for self-fulfillment. If she is the sole female adult living in a cellular family, either her career or her home has to bear the cost. One of the two has to give in. Otherwise, she can have both only in succession, children and home in the early period of her married life, and career in the later period. But long absence from the period of learning and advanced age might have already ruined her chances for a great creative career. In this case, she would more likely be able to do supportive service as a secretary, assistant, sales clerk or factory hand. If she were to take up her career in her prime age, the children would have to suffer; and so would the happiness of the home. Home is not only a bedroom and a kitchen. To fulfill themselves, humans need beauty, a measure of home-leisure where beauty of ambiance combines with friendly converse and pleasant activity. This is not likely to be available in homes where both parents are out working. Such parents would not be prepared to give each other the quiescence needed by each of them.

It would be otherwise if the home also contained other adult males and females, if it were an “extended family” home. Parents, sisters and brothers, grandparents, uncles and aunts, would give the home of the career-woman all the care it needs without her having to feel a wit obliged or superfluous. For the home equally belongs to all. If she has a child, the love and attention the relatives give is a blessing because of the blood-relation. This does not necessarily prevent her from putting her own touch to her quarters or to the home as a whole, nor from taking her children into her own motherly care after her work hours. The point is that in her absence, the house is not left unattended, or attended by foreign servants; and the children are not left to the internet, television set, the foreign babysitter or the “day-care center.”

Moreover, the variety of characters and personalities, of moods and temperaments in the extended family home, provides for everybody the opportunity to do what he pleases in company of those who love him most. Be his or her mood one of joy and merrymaking, of despondency and crying, of friendly converse or meditation, of hard work or rest, of an outdoor promenade or a close *tete-a-tete*, husband, wife, son

or daughter would nearly always find someone in the extended family to join him or her in that activity. If the mood is one of isolation and withdrawal, that too is permitted without offense or guilt, for the people in question are one's beloved, one's near relatives. Such company is absolutely essential for personal sanity and social health. Humans need love, counsel, company and altruistic concern as much as they need food and air. Total privacy can be obtained only at the cost of loneliness and is unworthy of it. The consequences of loneliness far outweigh the satisfaction which privacy sometimes furnishes.

Not only does the extended family make careers outside the home, as well as inside when the career is executed at home, possible but it makes the whole of society healthier. The extended family is the best guarantee against psychic ills and aberrations of all sorts. Islam has not only recommended it as good. It has buttressed it with laws. Every human in need, it prescribed, is entitled to the support of his nearest relative. In complement of this it prescribed that a person's legal heirs are not only one's spouse and children, but vertically in both directions, all his living parents and grandparents, and all his grandchildren and their children. All these members of the family are hence kept together by love as well as by law.