

Marriage in Islam

Islam divides the wants of humanity into three categories, which are necessities, needs, and comforts/luxuries. Even though Islam respects the entitlement of humanity to all such needs within moderation and without transgressing the rights of others, it places a special importance on the first category of necessities. The necessities include the preservation of the religion, life, property, intellect, lineage and honor. The importance of marriage and the wellbeing of the family institution cannot be emphasized enough in this context since the wellbeing of this institution is essential for the preservation of the religion, life, lineage and honor. Thus, marriage is generally recommended in Islam, and could be at times mandatory. Imam al-Kassani said: “There is no dispute that marriage is an obligation when desire is strong.” *Badaa’e’ al-Sanaa’e’*.

Prophet Muhammad (peace and blessings be upon him) said: “O young people whoever among you can afford it let him get married, for this will help him lower his gaze and protect his chastity, and whoever can’t (get married), then let him fast, for fasting will be a protection for him (from sin)” (Reported by al-Bukhari & Muslim). All men and women are encouraged to marry with no exceptions, but it remains to be said that marriage could be disliked or even forbidden if one knows that he will not be able to observe the rights of the spouse.

The physical structure of marriage is a contract between a male and a female, who are marriageable to one another (not of the forbidden kin) and that contract must be based on mutual consent, Allah (God) said:

" يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا وَلَا تَعْضُلُوهُنَّ لِيَتَذَهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ "

“O ye who believe, ye are forbidden to inherit women against their will. Nor should ye treat them with harshness, that ye may take away part of the dower ye have given them.” (Quran 4:19)

The contract must also be un-timed or permanent, with divorce being permissible later if the marriage fails after many attempts to repair it.

The emotional structure of this unit is built upon the pillars of tranquility, love and mercy.

Allah said:

“وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ
يَتَفَكَّرُونَ”

“And among His Signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.”
(Quran 30:21)

After marriage, there are many recommendations for the two spouses to be true in their commitment to one another and to exercise patience, forgiveness and forbearance in times of hardship.

God said:

“وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا”

“Live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good.” (Quran 4:19)

This is a reminder that most marriages are not between perfectly matched couples and there will be differences based on their social, economic, gender, cultural and personal differences, so they both need to remind themselves of the full half of the cup whenever they think of the empty one.

In addition, as in any form of partnership and in life in general, the Quran condones conducting the affairs of this partnership, marriage, on the basis of mutual consultation.

He said:

“فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِّنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا”

“If they both [spouses] decide on weaning, by mutual consent, and after due consultation, there is no blame on them.” (Quran 2:233)

Many times the problems between married couples can be solved between them, thus they are recommended to keep them between them, but if they were unable to resolve their conflict, they are advised to call upon some wise members of their families.

This is one occasion where the extended family structure would have a role in preserving the small family from disruption. In Islam, joining the kin and showing kindness to relatives is one of the most basic injunctions and most important ones. This results in cohesive extended families and that does not only help the smaller families, but also affords a graceful end of life for the elders and ensures that they are not forgotten as they age and their rights are fully preserved.

Sometimes, however, the relationship between the husband and wife reaches a point where it is not repairable, and in this case, it would be best for both of them to end this failed partnership that is causing them and likely their kids, if any, so much grief. Islam permits divorce after all means of reconciliation have failed, but the Prophet Muhammad (peace and blessings be upon him) reminded Muslims that disrupting families and separating between married couples is of the main interests of the devils. (*Reported by Muslim from Jabir ibn Abdillah*)

If divorce has to happen though, it must be done in a graceful manner that will not leave any of the spouses or the kids with sourness and resentment. God said:

“قَامَسِكُوهُنَّ بِمَعْرُوفٍ أَوْ قَارِفُوهُنَّ بِمَعْرُوفٍ”

“Either keep them on equitable terms or part with them on equitable terms.”
(Quran 65:2)

Divorce is not the exclusive right of the man, but the woman may request it from the judge. If able to prove her mistreatment, she should be granted divorce and if not, yet she indicates that she dislikes the husband and dislikes living with him, then she earns separation (*khul'*) which is like divorce with the difference that she will need to return the dowry the husband had given her.

The society should encourage marriage by facilitating marriage for young men and women and should help such families survive and prosper by lightening their burdens (including the financial one) through various support systems. This is because healthier families translate into more righteous societies and healthier offspring, which translate into healthier future.