

## Marital Relationship: The Islamic Perspective and Prevailing Practices in Pakistan

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**Abstract:** Marital relation in Islamic religious perspective is one of the most important social aspects of human life. The Islamic injunctions as the Divine revelations composed in the Holy Book of Quran and the sayings and deeds of the Holy Prophet, Muhammad (peace be upon him) have endorsed heterosexual marriages for all capable young men and women, and deliberated a detailed description of the rights, obligations and equity between husband and wife including concepts of polygamy, divorce, remarriage and inheritance in an integrated family system. Objective of this study is to indicate the gap between Islamic marital relationship knowledge and Muslim practices in Pakistan so as to suggest the need for a marital policy. In this article, the Islamic discourse on the subject is briefed, and with this reference, the prevailing Pakistani marital sociocultural practices are discussed. It is observed that many concepts and directions of Islam are being flouted today by most of its Pakistani believers in their marital relations, ceremonies and practices. Conclusions and recommendations are given to advise a national marital policy to alleviate human sufferings so as to lead a happy marital life in Islamic domains and local sociocultural perspectives.

**Key words:** Marital relations; Marriage and Family; Islamic perspective; Pakistani sociocultural practices.

### I. Introduction

Marriage and marital relationship have/had been one of the most significant components and social institution of human life through human history in almost all societies of the world. According to the Divine Islamic religious perspective, the first and foremost human social interaction was of a married couple in paradise and later, thrown in this mundane world (Quran, 2:35-36). Even the noble people in the hereafter would be rewarded with 'Purified spouses' in paradise with Allah's pleasure (Quran, 3:15). The prophet Adam (peace be upon him) was the first human creation by the Creator and Sustainer of this universe - the Al-Mighty, Allah (God). Just after the creation of Prophet Adam (peace be upon him [pbuh]), his spouse, a woman named Eve, was created for each other's companionship, cohabitation and procreation of children. The Al-Mighty, Allah stated in His Holy Book, the Quran, "It is He who has created you from a single person and made his mate of like nature in order that he might dwell with her in security [love], and (aspired) if they have a good [child], would be among the grateful" (7:189).

As by-product of their marital relationship, children are born; grown, married and so on the process of procreation has been going on. Consequent upon the marriage consummation [cohabitation], all human beings are the descendants of Adam and Eve. The Holy Quran says, "O Mankind, be conscious of your duty toward your Lord, who created you from a single soul (person), created of like nature, his mate, and from the two created and spread many men and women; and be mindful of your duty towards Allah in whose name you appeal to one another to (the ties of) the womb; verily Allah watches over you" (4:1). So, by union of the mates, and ties of the womb [child/ren], the family was created as a primary and fundamental social institution. The mates by multiplying gradually, emanated into wide spread of population on earth with a vast diversity of peoples' languages, colors, institutions, societies and civilizations (ref. Quran, 30:22). The last sermon of the last Prophet, Muhammad (peace be upon him) who was born in Arabian Peninsula in 571 A.D., stated about the respect for family, diversity, equality and women rights such as, "All human beings are the descendants (family) of Adam (and Eve); He (Allah) made tribes and clans so that you may know each other; No White is superior to Black, and no Black is superior to White; no Arab is

superior to non-Arab, and no non-Arab is superior to an Arab; all are equal in the eyes of Allah except with piety ..., you have certain rights over your women and they have certain rights over you, ... fear Allah concerning women..., treat the women kindly..." (Al-Humeri, 1990).

At the onset of human creation in this worldly life, spouses were created not only for procreation but for each other's companionship, comfort and tranquility as well (ref. Quran, 30:21). The companionship and tranquility of the spouses is not only in this worldly life but would be a blessing in the hereafter as well. The Al-Mighty Allah has also indicated in Quran that even at the end of this worldly life, "...the people who lead a pious life [fearing Allah], would be awarded with gardens in the presence of their Lord, beneath which rivers flow, wherein they abide eternally, and purified spouses and approval from Allah ..." (3:15). In other verses of Quran, it is mentioned that [in paradise] there are good and beautiful women" (55:70) and "there [in paradise] are women limiting their glances, untouched before them by any man or jinn" (55: 56). The Al-Mighty Allah mentioned that among the greatest rewards given by Him to the righteous people would be very attractive and purified spouses. "And give good tiding to those who believe and do the righteous deeds..., they will have therein [paradise] purified spouses, and they will abide therein eternally" (2:25). So, the noble people at their final and eternal life in the hereafter would enjoy ecstasy with companionship of their spouse(s).

In this worldly life, the importance of marital relationship signifies that it emanates into the formation of a family and many other triggering extensive relationships with deep rooted repercussions. Such marital companionship that emanates into family has the clear objectives of seeking and enjoying peace, comfort, and physical and mental health for the spouses themselves (30:21). Marriage and family's importance is also recognized for healthy child bearing and rearing as well. The Holy Prophet (pbuh) recognized and addressed the great importance of healthy marriage and family relations. At an occasion, the Prophet said, "The best among you are those who are best to their family; and I am the best among you all" (Al-Qazweeni, 2015).

#### **Objective of the Study**

Objective of this study is to indicate the knowledge gap on the subject of Islamic marital relationship teachings and the prevailing practices of marital relationship in Pakistani culture. By indicating the gap between Islamic teachings and prevailing practices, it is advised to tailor a marriage policy to bridge the gap between Islamic perspective and the prevailing practices in Pakistani society.

#### **Methodology**

A review of the theoretical literature on marital relations in Islamic perspective followed by the prevailing practices in Pakistan has been elaborated in this article. The widely accepted major sources of Islamic jurisprudence (philosophical sources of law) in order of authority and preference are i) *Quran* (the Divine Book revealed on the Prophet Muhammad [peace be upon him]), ii) *Sunnah* (deeds and/or sayings of the Prophet Muhammad [peace be upon him]), iii) *Ijma* or consensus of the learned jurists, iv) *Analogy* (individual juristic logical opinion in light of the Quran and Sunnah), v) *General social welfare*, and vi) *easiness*, the preference of comfort as compared to hardship (Mullah, 1990) on the subject are taken into account. After a short deliberation of Islamic perspective on marital relations and associated concepts, Pakistani prevailing traditions, ceremonies and practices are discussed. Additionally, conclusion and recommendations are given to alleviate human sufferings, enjoy healthy marital relationship and formulate a national policy.

#### **Literature Review**

Healthy human relations, rights and obligations, and happy family life are highly emphasized in Islam. Muslim scholars have observed that almost 75% of the Islamic teachings are about human relations and human rights. A large part of human rights is codified in relation to marriage and the family in Quran and Sunnah. More than 40% of the commandments in the Holy Book of Quran are about the Marriage and Family matters. Islam lays great emphasis on the safety, integrity and enrichment of the Family and wants everyone in the family to acquire an effective and balanced role for protection of the Family. Such responsibility of protection is highly loaded on the heads of the family. Quran warns, "O you who believe, save yourself and your family from Fire (Hell)...." (66:6). The Holy Prophet said to his companions, "Every one of you is responsible for his subordinates, and every one of you is responsible for his family" (Al-Bukhari, 2015; ref. 2089). So, the believers are advised to save and lead their family in the right direction otherwise, they would be held accountable.

It is interesting that the Al-Mighty Allah created mates (spouses) not only in mankind but in all things, plants and animals as well. The Quran reveals it in different contexts, such as, "And of all things (including mankind, cattle, fruits etc.) We created two mates (male and female) perhaps you will remember" (ref. 51:49; 53:45; 75:39; 13:3). The Quran, by addressing to the Prophet Muhammad (pbuh) narrated in another verse, "And certainly We have already sent messengers before you and assigned to them wives (spouses) and descendants, and it is not in (the

power of) a messenger to bring a sign except by Allah's permission; for every term there is an appointment" (13:38). Along with the creation of spouses, their dignity, respect and love are declared obligatory and highly appreciated in Islam. The Holy Prophet Muhammad (pbuh) always expressed great respect and love for his spouses, and advised others to do the same. He appreciated the righteous woman in his words as, "the world is an asset; and the best asset is the righteous woman" (Nisaburi, 2014). The Holy Prophet once narrated about marriage as one of the tradition of Prophets, "There are four traditions of the Messengers of Allah: i) Modesty, ii) Perfume, iii) Brushing teeth and iv) The Marriage" (Aba-Bateen, 2010).

The institution of marriage has some specific purposes in Islam. The main purpose of marriage is clearly mentioned in Quran as for the spouses to live in tranquility, with peace of mind and body, and with affection and mercy for each other. It is stated, "And of His signs is that He created spouses for you among yourselves so that you may dwell in tranquility with them; And He placed between you affection and mercy. Indeed, in that are signs for those who reflect" (30:21). In another verse of Holy Quran, a beautiful simile is used for spouses as "...they (women) are the garments for you, and you (men) are the garments for them ..." (2:187). This beautiful description of spouses with a simple and familiar simile of "garments" for each other conveys varieties of meanings. Obviously, the "garments" among other benefits, give us modesty, protect us from shame, odd weather conditions and environmental hardships, help maintain our body temperature, display our socio-economic status, give us attraction and charm in life, reflect our aesthetic sense and personality traits, give us beauty and comfort etc. Reference to a verse of Surah Al-Aaraf in Quran about the garments, Allah mentioned, "O the descendants of Adam, We have bestowed garments upon you so that you may cover your shameful body parts, and it may be source of beauty and protection for you. But the clothing of righteousness – that is the best. This is from the signs of Allah that perhaps you will remember" (7:26). This indicates that (good) spouses not only live together in close contact with modesty, love and attraction, and care and protection for each other but also remain on the path of righteousness, the best path.

While emphasizing the importance of spouses living together, Islam clearly outlines that marriage makes the sanctity of cohabitation between adult man and woman as lawful and blissful. The spouses should live together with a social contract of "marriage". Quran says, "It is He (Allah) who has created man from water; then He established relationships of lineage and marriage, for thy Lord has power over all things" (25:54).

The social contract of marriage is possible among the male and female adults who are sane and express their proposal and acceptance with independent and free will to live together with each other for whole life (Al-Bukhari in Nikah, 2015). According to the consensus of Muslim jurists, such contract should be initiated in the presence of at least, two adult sound male witnesses or one adult sound male and two adult sound female witnesses (Mullah, 1990). The jurists have opined that in a situation where the witnesses would not be available, the free consent of the spouses is enough for a valid marriage but the spouses should declare their marriage when the people are around. The marriage consent and its declaration gives an understanding that the children born by this wedlock would not be neglected or abused; and the parents would share and accept their mutual rights and obligations towards each other as well as their children born due to their wedlock. The age of physical and mental maturity is also one of the prerequisite of a valid marriage. In ancient Arabian Peninsula, though the children were given in marriages even before their age of maturity by their parents/guardians, while the marriage was consummated after the onset of puberty of the spouses. But gradually, the tradition was abolished, though still prevalent in some tribes and societies. With historical evolution, different Muslim societies have affixed the minimum age of marriage for boys and girls. In most of the Muslim societies, the minimum age of marriage for a boy is 18 years while for a girl is 16 years (e.g., Child Marriage Restraint Act, 1939, Pakistan). Some Muslim scholars still dispute with the age specification of spouses. They contend that just onset of puberty (as with individual differences) is sufficient ground for minimum marital age. However, almost all Muslim scholars agree that free and independent consent of the adults and sanity of the spouses are prerequisite of the marriage contract. It is narrated that a woman approached the Prophet Muhammad (pbuh) and said, "O the Messenger of Allah, I was given in marriage to a man by my father while I was a child. What should I do now?" He replied, "Better you carry on the marriage". The woman said, "But, I do not like that man; what should I do?" The messenger of Allah replied, "Get divorced". This indicates that free and independent consent (approval) of the spouses during the age of adulthood is a must condition for the valid marriage contract.

The event of marriage contract/declaration in Islam should be celebrated with joy. The event was solemnized by the Prophet Muhammad (pbuh) and his companions with happiness and simplicity. The Holy Prophet himself, and his companions' marriages were celebrated in a very simple manner without any lavish spending. There was a simple wedding party usually served on dates, water and/or cooked meat etc., served by the groom after his marriage contract. Quran has given the guidance that you should neither be a miser nor spendthrift. "And do not

make your hand [as] chained to your neck [miser] or extend it completely [spendthrift] and [thereby] become blamed and insolvent” (17:29). This indicates that Islam wants the believers to lead a joyful, moderate and modest way of life with a suitable balance in their financial expenditures.

Additionally, Islam has extended guidance on good conduct and moral values and forbidden bad conduct and immorality for all human beings especially, the spouses. “Allah orders justice and good conduct and giving to relatives and forbids immorality and bad conduct and oppression ...” (16:90). Further, the believers are advised to be loyal and trustworthy to their spouses. They are forbidden to have sexual relations outside marriage bond. Quran says, “And do not approach unlawful sexual relations. Indeed, it is ever an immorality” (17:32). Additionally, Quran advised, women are advised to remain loyal to their husbands and protect their property and chastity even in their husbands’ absence “Therefore, the righteous women are devoutly obedient, and guard in (the husbands’) absence what Allah would have them guard” (4:34).

Further, Islam allows and appreciates marriages between man and woman only. The lesbian and gay marriages are forbidden in Islam rather, the people indulging in such practices are cursed. The same sex marriages are abhorred and considered immoral and unnatural offense. Quran has stated a story of a people who indulged in such practices. They were warned not to seek pleasure other than the mates created by Allah. While remaining defiant, such people were destroyed by the Almighty Allah’s wrath after being warned through His prophet Lot (pbuh) to refrain from such practices (ref. 26:165,166,172; 27:53-55).

Additionally, the marriage contract between male and female partners in Islam should be with a consideration of living together for whole life. A Quran’s verse says, “And fulfill the covenant of Allah when you have taken it, [O believers], and do not break oaths after their confirmation while you have made Allah over you, a witness. Indeed, Allah knows what you do” (16:91). Muslim jurists have reported that the temporary marriage (*muta*) was allowed during wars in early days of Islam but later on, it was abrogated by the Prophet. It is narrated by Abdulla that during a war time while the troops were stationed in the area, some men expressed their strong desire for marriage, the Holy Prophet (pbuh) allowed them to marry women with temporary contract and recited the Quran’s verse: “O you who believe! Make not unlawful the good things what Allah has made lawful for you, but commit no transgression” [5:87] (Abdullah, 2015a). Additionally, the companions of the Prophet, Jabir bin Abdullah and Salama bin Akwa have narrated, “While we were in an army, Allah’s Messenger came to us and said,” You have been allowed to do the *muta* (marriage), so do it” (Abdullah & Salama, 2015). On the other hand, it is quoted from Ali Ibne Talib (blessings be upon him) that at a time of the war of Khyber, “the Holy Prophet forbade temporary marriages (*muta*) and the eating of donkey’s meat” (Talib, 2015). Some Muslim scholars have endorsed that at the time of marriage contract, even a bit of intention of temporariness may invalidate the marriage contract. However, a Muslim sect argues the temporary marriages (*muta*) for a specified time span on the condition of payment of prescribed gift (*Mahr*) as valid marriage contracts. Such marriage would have all rights and obligations of a valid marital relationship and the child(ren) born out of such wedlock would be their legal responsibility. Quran has narrated that marriage is a strong covenant, however (4:21).

The Holy Prophet (pbuh) put a lot of emphasis on „marriage“ and advised his followers to get married whenever they reach the age of adulthood and are able to fulfill the liabilities of marriage contract. However, the first marriage of the Prophet Muhammad (pbuh) was contracted at the age of 25 years, earlier than the declaration as Prophet-hood, with Ms. Khadija (ra) a widow of 40 years age. The Holy Prophet (pbuh) narrated, “Marriage is my tradition (*Sunnah*) and who does not act upon it, is not among us” (Al-Qazweni, 2015). In another narration of the Prophet, “O adults, who have the capacity [of maintenance of marriage and family], get married; and who do not have the capacity, it is better for them to go on fasting as fasting reduces the sexual power” (Alqama, 2015; Abdullah, 2015). Another saying of the Prophet (pbuh) is “Whoever marries, protects half of his religion, let him fear Allah in the other half” (Anas, 2002). This endorses the Prophet’s emphasis on marriage.

According to Islamic directives, any Muslim may marry with any other Muslim of opposite gender in his/her marital age irrespective of his/her ethnicity, language, creed, color, race, social, economic status etc. But, there are certain blood relations which have not been allowed for marriage. Quran has indicated that “Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your fathers’ sisters, your mothers’ sisters, your brothers’ daughters, your sisters’ daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives’ mothers and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But, if you have not gone unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already been occurred. Indeed, Allah is ever Forgiving and Merciful” (4:23). Additionally, the Holy Quran states, “And [also prohibited to you are all] married women except your right hand possess (war captives). [This is] the decree of Allah

upon you ...” (4:24).

Whereas, Islam has advised the Muslim men to marry among the Muslim women as outlined, it has also allowed the Muslim men to marry with non-Muslim women of other faiths of Divine religions as Christians and Jews. Quran states, “...Lawful upon you in marriage are not only chaste women who are believers, but chaste women among the people of the Book [Christians and Jews], when you have given them their due compensation, desiring chastity, not unlawful sexual relations or taking [secret] lovers ...” (5:5); but “not the idolater [polytheist] women until they embrace Islam” (2:221). Islam recognizes and respects the fundamental human rights of even non-Muslims and has given full freedom of religious practices to such non-Muslim spouses. Islam suggested that no one should be forced to abandon or adopt a certain religion. It is clearly stated in Quran, “There is no compulsion in Islam...” (2:256). Muslim husband has no right to prevent her non-Muslim wife to go to her place of worship. Further, Muslim jurists have explained that they (non-Muslim wives) have the right to be dealt with according to their personal laws. So, they may follow the rules of their religion in family matters concerning marriage, divorce, maintenance, inheritance etc. (Mullah, 1990).

Islam has warned the people that they should be careful to their duties towards Allah and the rights/duties of spouses in their relationship. Quran states, “... be careful to your duty to Allah, by whom you demand one another your rights, and to the ties of relationship...” (4:1). The Prophet addressed in his last sermon, “You (men) have the rights over women and they (women) have rights over you” (Al-Humeri, 1990). These rights (viz-a-viz obligations) of spouses for each other are based upon justice and equity in reference to their bio-psychosocial perspectives to initiate and develop a family with cooperation, coordination, mutual respect and love for each other. They should abide by their marital contract and maintain their relations healthy and strong. In Quran, The Al-Mighty Allah has warned, “O you who have believed, fulfill [all obligations to] contracts”... (5:1), “And abide by your promise, no doubt, you will be questioned about your promise” (17:34). Further, the Holy Quran narrated, “The (wise) people have the tradition to maintain those relations that Allah has ordered to maintain; they fear Allah and keep fearing that Allah may take hard accountability upon them” (13:21). So, the believers should try their level best to maintain their marriage covenant and take care of each other’s rights and obligations to enjoy their smooth marital relationship.

Such righteous spouses who fulfill each other’s rights and obligations, remain sincere, loyal and devoted, would obviously lead a happy life. Such people are pledged by the Al-Mighty Allah for great rewards in this worldly life and the hereafter. Allah assured in the Holy Quran, “Whoever does righteousness, whether male or female, while he/she is a believer – We will surely cause him to live a good life, and We will surely give them their reward [in the hereafter] according to the best of what they used to do” (16:97). Quran further mentioned that such people pray to Allah for peace, and endure the hardships of life with strength. Quran narrated, “And those who say, “Our Lord, grant us from our wives and off-springs comfort to our eyes and make us an example for the righteous; Those will be awarded the Chamber for what they patiently endured, and they will be received therein with greetings and [words of] peace; abiding therein; nice is the settlement and residence” (25:74-76). Further, Allah extended good news to award the righteous men and women to enjoy their lives in peace and happiness with pleasurable spouses in paradise. Quran says, “Indeed the companions of Paradise, that day [of judgment], will be amused in joyful occupation – they and their spouses – in shade, reclining on adorned couches, for them therein is fruit, and for them is whatever they wish, [And] ‘Peace’ a word from a Merciful Lord” (36:55-58). Such blessings are for those men and women who lead a life on the right path in this world by taking care of each other’s rights and obligations with justice, equity and mercy.

Islam has clearly ordained the path to lead a marriage and family life with hard and soft skills. During their marriage and family life, women and men should understand and comply with the prescribed rights and obligations to fulfill each other’s physical, material, financial, social, emotional and psychological needs. The prime responsibility of leadership role with financial spending to fulfill needs of the family lies on the shoulders of husband (ref. Quran 4:34). Additionally, both of them should be source of comfort for each other (ref. Quran 30:21). They should remain neat, clean, tidy and attractive for each other as well. Cleanliness, modesty, fragrance and beauty are highly desired attributes in Islamic teachings. Cleanliness of body, mind and environment are very important directions. Whereas, marriage is said to be the half of faith (Al-Haakim, 2002), the cleanliness (purity) is also said to be the half of faith by the Prophet (Al-Ash’ari, 2014). Cleanliness includes the purity of body, mind, spirit and behavior that makes the people and environment attractive and beautiful. Beauty is also a great attribute of Islam appreciated by the Prophet Muhammad (pbuh) and the Al-Mighty Allah. The Holy prophet (pbuh) while discussing about dress codes with his companions, mentioned that the dress should be according to his/her financial blessings, not reflect even a bit of pride (arrogance), and be modest and good looking. He (pbuh) quoted, “Allah is beautiful and He loves beauty” (Mas’ud, 2014). This indicates that the beauty of body, mind, spirit, character and

environment are the attributes liked by Allah. So, the spouses should remain neat, clean, beautiful and attractive for each other. With such attraction, they should share enough time together to satisfy each other physical, sexual, psychological and emotional needs and desires as well. The spouses should have playful and joyful relations while they are refrained to disclose their private intimate relations to public (Dawood, 2014).

Close intimacy between the spouses should be for their maximum pleasure and happiness. Allah has clearly mentioned in Quran that He has placed affection and mercy between the spouses and the purpose of spouses living together in marriage bond is to gain and provide peace of mind and body for each other (ref. 30:21). Such peace of mind and body including sensual pleasure may be extended and gained by each other on way of showing ingrained love, affection, mercy, and sharing time and resources. The words "Allah has placed "affection" and "mercy" "between spouses" are important in this verse 30:21 of Quran. Affection and Mercy are also mentioned at many places in Quran as the attributes of Allah. It sounds that Allah has indicated that the spouses should display affection and mercy for each other that He has ingrained in them. Affection seems closely related to the tender emotions of love with qualities of care, respect, kindness and betterment of the spouse. Mercy seems closely related to forgiveness, tolerance, compassion, and acceptance of someone in spite of one's mistakes and misgivings. In this verse, it seems that Allah desires the spouses to display such traits to lead a happy marital life. Additionally, Allah mentioned the quality of righteous people in many verses of Quran, for example, as "...those who restrain (their) anger and pardon the people; and Allah loves the doers of good (to others)" (3:134). In some other verses, Quran describes that the spouses should love each other, and they are like guardians for each other. Quran stated, "It is He who created you from a single soul (person) and made its mate of like nature that he might dwell with her in love" (7:189). Additionally, Quran narrated, "And, as for the believing men and believing women, they are the guardians of each other" (9:71) underlines that the spouses are protectors and care takers of each other person, property, dignity etc. during peace and adversities of life. Further, during adversities of life, the people [including spouses] are advised to remain patient, tolerant and enduring. Quran endorsed, "No doubt, Allah is with the people who are patient" (2:153). Further, as reported by Aisha (blessings be upon her), the wife of Prophet Muhammad (pbuh), the Messenger of Allah said, "Indeed among the believers with the most complete faith is the one who is best in conduct, and the most kind to his family" (Al-Tirmithi, 2014).

### **Polygamy**

Polygamy in Islam was/is allowed in special reference to context. First, Polygamy was already prevalent in the many traditional societies including therein Arabian Peninsula. Second, in primitive days of Islam, when a large number of men had died due to wars, calamities, diseases, famine, demographic changes etc., the number of women excelled the number of men. It was just and equitable that men may marry more than one woman so that almost all women may get married. Third, Islam put a lot of emphasis on the integrity and enrichment of the marriage and family institution. Islam desired that all men and women of marital age including rich and the poor, free and the slave, young and the old, widows/widowers, divorced/divorcee etc. should enter into marital contract and enjoy sincere and loyal marital partnership while they are not allowed to infidelity and sexual relations outside the marriage bond. Fourth, Islam desired to end the traditionally prevailing institution of slavery and concubine in a way that such people should be treated equitably with honor and dignity. Islam wanted that the believing male and female slaves and concubines should get married and be absorbed in Muslim families and community with respect and equity. The Holy Prophet (pbuh) replied to a question about the treatment of wives, "Give them food what you have for yourself, clothe them by which you clothe yourself, do not beat them, and do not revile them" (Al-Qushayri, 2014). Fifth, Islam allowed the Muslim adult males to marry with more than one wife provided they may treat them with justice and equity. Allah said in Quran, "And if you fear that you will not deal justly with the orphan girls, then marry those that please you [other] women up to two, three or four of them; but, if it is feared that you cannot treat them in just and equitable manner then [marry only] one or those your right hand possesses; that is more suitable that you may not incline [to injustice]" (4:3). Additionally, the nascent Muslim community intended to increase its population size to gain strength in number. The permission to marry with more than one wife was with cautions, warnings and conditions to treat them with justice and equity. So, the choice of marrying more than one woman must be used judiciously, cautiously and equitably in providing proper maintenance [expenses], love, and affection including all physical and psychological needs of all wives and [if] their descendants.

Whereas, polygamy was widely practiced in many societies before the advent of Islam, the practice continued with gradual decline during the earlier and later days of Islam. It is still found with various proportions in some Muslim societies though quite in reduced form. Some Muslim jurists think that there is no need to seek permission from anyone [previous wife and/or court] to be a polygamous husband. But, according to Muslim Family Laws Ordinance, Pakistan, 1961, it is necessary for the husband to seek prior permission of wife/wives or seek the

court decree to marry another spouse on any sound reason/s. Such a marriage without prior permission of the wife or the court is punishable offense but will not invalidate the contracted marriage, however.

### **Wife's Rights; Husband's Obligations**

In marital relations, rights of the wife are the husband's obligations and vice-verso. Islamic scriptures including Quran, sayings and traditions of the Holy Prophet (pbuh) and Muslim scholars' consensus and jurists' opinions have given a detailed description of the rights and obligations of husband and wife. Whoever respects the rights of others and performs his/her own obligations is among the righteous person. Quran states, "The most honored of you (male and female) in the sight of Allah is he/she who is most righteous of you" (49:13). The husbands are reminded time and again to be kind, generous, caring and loving to their wives. A companion of the Prophet, Ibne-Abbas narrated that the Prophet said, "The best of you is the one who is best to his wife, and I am the best of you to my wives" (Ibne-Abbas, 2014a). The man may be best to his wife only when he takes care of all her rights and fulfills all his obligations. The major rights of a wife are the "maintenance" and "dowry" [the bridal gifts, the *Mahr*] in addition to fair dealing in daily chores and kind treatment including fulfillment of her social, emotional, physical and psychological needs.

#### Maintenance

One of the major rights granted by Islam to the woman spouses is the right of "maintenance", as the obligation on part of her husband. This includes housing, clothing, food, living expenses etc. according to the resources and socio-economic status of the husband. The wife is entitled for this right, whether she is poor or rich, Muslim or non-Muslim, healthy or sick. But, she is entitled for this right as far as she is devoted for her husband's companionship, intimacy and trust by virtue of marriage. Details of the amount, and terms and conditions of maintenance may be prescribed in the contract of marriage with mutual agreement. Women have the right to claim their expressed and/or implied maintenance that Islam has granted them as their prerogative and the husband is under an obligation to fulfill this right including for (if) the children are born by their marriage. Quran stated, "Men are the supporters and maintainers of women according to what Allah has given (enabled) advantages of one over the other and because they support them from their means; therefore, the righteous women are truly devout ones" (4:34). This matter relies on other passages as well in Quran, "Lodge them where you are lodging, according to your means, and do not force them so as to harden (straiten) their circumstances" (65:5), and "Let the man of abundance expend out of his abundance; as for him whose provision (resources) is stinted for him, let him expend of what Allah has given him; Allah charges no one beyond his means; after difficulty, Allah will soon grant relief" (65:6). In a related verse in Quran, it is mentioned, "And women shall have rights similar to the rights upon them in a just and equitable manner; but men have a degree over them" (2:228). Here, in this verse, the words as "the men have a degree over them (women)" seems related to the man's obligation of "maintenance" ("they support from their means") as mentioned in the previous verse. It sounds here that women have the right of maintenance while they have no obligation of maintenance of their husband and children. Muslim scholars have commented upon it as that even if the wife is earning and/or wealthy, she has no obligation to spend upon the husband, even upon herself or the family but she may spend her earnings and/or wealth to improve the maintenance and status of the family if she desires so. Further, Muslim woman has no obligation to work outside home. But, she may do so, if she desires, subject to approval of her husband. Additionally, the wife will lose her right of maintenance if she refuses to live together with her husband in conjugal relations without any justifiable ground.

#### Dower (Mahr)

The dower is also known as "*Mahr*" or "Gift/s" in marriage. In Islam, a marriage must be stipulated with gift. The gift in marriage is extended by the groom to his bride in the form of money, jewelry, garments or any other valuable object/s while contracting a marriage. The gifts worth may be determined according to husband's resources, and/or prevailing customs of the family or society. The Holy Prophet, Muhammad (pbuh) stated that it (*Mahr*) should not be beyond the [moderate] limits of the husband. It should not be for vanity or show off to the people. The gifts might be any petty thing or an invaluable object as a token of honor, love or affection for the female spouse as agreed upon at the marriage contract. She may give up full or part of it if she desires. The Al-Mighty, Allah advised in the Quran, "And, Give the women [upon marriage] their [bridal] gifts graciously. But, if they give up willingly to you anything of it then take it in satisfaction and ease" (4:4).

The "dower" or "gift" is of two types: i) prompt and ii) deferred. The prompt dower is payable before the consummation of marriage while the deferred dower is payable in case of divorce. The wife is entitled for both types of dowers but she may remit it wholly or partially if she desires so.

Quran has further mentioned that men are not entitled to get back their extended gifts [*Mahr*] while their marriage

had been consummated (ref. 4:20-21). Additionally, there are some traditions of the Holy Prophet, Muhammad (pbuh) that some women (e.g., Jamila bint Abe, the wife of Thabit bin Qais) approached him to seek divorce decree (*khula*), the Prophet asked them to return the stipulated marriage gifts (*Mahr*) to their husbands. But, in case the husband proclaims divorce, he is not entitled to get back any marriage gift from his wife while the marriage had been consummated (ref. Quran, 4:20-21) but if the husband extends divorce before the consummation of marriage, he is entitled to get back half of given gifts (Mullah, 1990). Further, in case the husband divorces his wife after consummation, she has the right to get “deferred dower” in addition to the “prompt dower” but the wife has to forego “prompt dower” if not consummated, and no claim of “deferred” dower if she divorces after consummation.

#### Household Chores

The Holy Prophet (pbuh) used to help his wife/wives for household chores. He appreciated and acknowledged the services rendered by women at home. Once, the honorable Umme-Salmah (the wife of the Prophet) asked the prophet, “How much reward is there for a woman’s domestic work”? The Prophet replied, “Any woman who in the way of improving the order (discipline) of the house, picks up something from a place and keeps it at some other place would be bestowed with the blessings of Allah and whoever gains the blessings of Allah would not be tormented by Allah’s anger” (Al-Keleini, 2005). Further, the prophet said at another occasion, “O women, whosoever is busy in arranging the domestic affairs, Allah willing, she will get the reward of Islam’s soldiers and Mujahidin” (Paienda, 1940). It is narrated that the honorable Fatima (blessings be upon her), the daughter of the Holy Prophet (pbuh) requested her father to grant the services of a servant but he declined her request. This indicates that it is preferred that they should do their own work but the women are not barred to get outside support, if required. Additionally, men should support them in their daily household chores as the traditions of the Prophet observed.

#### Kindness and Equity

Islam has instructed that men must treat their spouses with just, equitable and kind manners. Quran says, “Treat them (women) in a just manner” (2:228), and “Live with them on a footing of kindness and equity” (4:19). The Holy Prophet (pbuh) always treated his wives in just, polite and kind ways. In many traditions, the Holy Prophet (pbuh) seems highly concerned about the women rights. On some occasions, he instructed his followers to take care of and show kindness towards their wives. He advised the believers to provide food, housing and clothing (maintenance) to their wives and not to beat them, and not to revile them (Al-Qushayri, 2014). Once some women went to submit complaints to the Prophet’s family that their husbands were beating them, the Prophet warned, “those who take to beating their wives are not the best among you” (Abdulla, 2014). He also warned that, “The man who remains in a state of anger (annoyance) with his wife is a man whose prayers would not be answered and whose good works will not be accepted by Allah” (Maghniyyah, 1997).

In addition to vast material rights of maintenance and dower, the wife is also entitled for moral rights. The Holy Quran’s commandments and traditions of the Holy Prophet (pbuh) have emphasized that the husband should remain kind, generous and merciful to his wife. If the husband does not extend any respect, love, affection and attraction for his wife, and/or if the spouses cannot agree to continue their marital life, the husband should not stand in her way if she desires to abrogate the marriage contract. He should not create any hardships for her. Additionally, according to Muslim Family Laws Ordinance, Pakistan (1961), if the husband has illicit relations with other women, or if he has more than one wife and he is not treating her equitably, the suffering/aggrieved wife may apply for the court decree to get divorce from the accused husband. The husband is not allowed in her way so that she may avail chance to lead a better life (ref., Quran 2:232).

The woman is at liberty to get divorce from her husband whom she does not like or love. If the husband has divorced a woman, he should not obstruct her way to exercise her freedom to depart and avail the chance to enjoy a new marital life with someone else; she may (even) marry with a [former] husband if they (spouses) agree among themselves on an acceptable basis (ref., Quran 2:232). Further, every woman has the right that all her social, emotional and human needs be taken care of by her husband so that she may lead a happy married life with him. Islam has advised all men to take the best care of their wives. Abu Hurairah (2015) (blessings be upon him) reported: The Messenger of Allah (pbuh) said, “The believers who show the most perfect Faith are those who have the best behavior, and the best of you are those who are the best to their wives”.

#### **Husband’s Rights; Wife’s Obligations**

As mentioned in the Quran, the purpose of marriage is to give and gain tranquility, peace and comfort (30:21) so, likewise, husband has the right and the wife has an obligation to extend tranquility, peace and comfort to her husband for the success and happiness of marital life. She must not offend or hurt his feelings. Quran describes that the righteous people pray, “Our Lord! Grant unto us wives and off springs who will be apples of our eyes, and



guide us to the models of the righteous” (25:74).

Islam has highly elevated the status of women in all walks of life including marriage and family. The Holy Prophet said, “The world is an asset; and the best asset is the righteous woman” (Nisaburi, 2014). The Holy Prophet also said, “Worldly life is pleasures, and the best pleasure in the world is a righteous wife” (Nisaburi, 2014). However, like husband, she is also assigned with some obligations in marital life. Quran states, “The righteous women are respectful to their husbands, they, in the absence of their husbands, take care of what Allah has ordered them to do so” (4:34). According to Islamic teachings, there should be no breach of “trust” in marriage so; she should remain pious, faithful, sincere and trustworthy. They should not indulge in illicit relations with others. Quran says, “Don’t go near fornication, no doubt, it is absurd” (17:32). The Muslim scholars explain that the wife should refrain from such an expressed or implied behavior that may create doubts or lead to absurdity or infidelity. However, such directions are not only for women but for men as well. Additionally, “righteous women are devoutly obedient and guarding in [the husband’s] absence what Allah would have them guard [of their chastity, honor, property, assets etc.] (ref.,4:34).

#### Wife’s Obedience to Husband

In Islamic perspective, wife is expected to be obedient to her husband in most aspects of marriage and family life but not in the areas of the commandments related to Allah. The husband has no right to ask her wife to do any act in contravention to the rights of Allah. The commandments related to Allah are obligations of every believer and no human is allowed to interfere in the areas that include belief system and religious practices.

In marriage and family life, Islam describes the rights and obligations of husband and wife as equitable but with a step higher in rank for husband. In a Quran’s verse, it is mentioned, “... And women have rights similar to the rights upon them in a just and equitable manner; but men have a degree over them [in responsibility and authority]...” (2:228). In a related verse, Quran states, “Men are empowered (guardians, protectors, maintainers) over women as Allah has excelled one over the other; and as the men expend their means (wealth) over them so, the righteous women are respectful, and they guard themselves as Allah has advised them to guard ; and about the women whom you fear defiance, mentor them, and sleep away from them, and beat them (softly); then, if they submit (obey) you, don’t adopt any unjust way to them; no doubt, Allah is the greatest of all” (4:34).

In the said verse, it seems clear that Islam has given the men an instrumental leadership in marriage and family life. Wife’s submission to her husband is desired in Islam. The Holy Prophet said, “If human beings were to prostrate before another (than Allah), I would have ordered wives to prostrate before husbands for the given rights of the latter over the former” (Hambal, 2014; Al-Qazweni, 2015; Al-Muqdisi, 2010). They (husbands) are assigned the roles of protectors, guardians, maintainers of their spouses. They spend their earnings and resources on their families while women are free from such obligations. Further, Islam advised the righteous women to respect their husbands, protect their properties and assets, and guard their own chastity so there should be no doubt of infidelity. But, if there are some genuine concerns on their chastity, men may have the right to discipline them by various sequential steps as mentoring them, and avoid sleeping with them. If they do not get educated in these ways, and indulge in infidelity, the husbands may beat them (gently). The Muslim jurists have explained it with reference to other Islamic injunctions and sayings of the Prophet that such beating should be soft, not on the face, with no injury, damage or scars. Some jurists say that such beating may be by holding of a cloth, and should be applied as a last resort. Quran further advises the men that if the defiant women learn to adopt the righteous way then, never scold or curse them rather, be kind and just to them.

In consequence of marriage, husband has the conjugal rights that the wife should submit at her level best. But, as the Muslim jurists opine, this right of the husband or the wife’s obligation would be withheld on grounds of her infirmity, sickness or some other genuine reasons. If the wife abstains from husband’s conjugal rights without any sound reason, she may lose her right of maintenance.

#### **Divorce**

Divorce is allowed in Islam but disliked as well. Divorce in Islam is one of the most abhorrent actions in the sight of Allah. The Holy Prophet (pbuh) said, “Do not issue divorce, for the Throne shakes because of divorce” (Taalib, 2017). Though divorce is allowed but it should have been the last resort to depart the spouses while all peaceful means of retaining marital bonds would have been exhausted. There should be very sound, genuine, rational and logical grounds with the married partners to extend or seek divorce. Once, the prophet (pbuh) said, “Gabriel (the angel) so much commended the cause of the woman and so counseled me as to give me the impression that except in the clear case of adultery, she does not deserve to be divorced” (Aba-Bateen, 2010). On the other hand, women are also advised to refrain from seeking divorce without any strong reason. The Prophet said, “If any woman asks her husband for divorce without some strong reason, the fragrance of Paradise will be forbidden to her” (Abdulla, 2014).

As due to some natural tendencies and differences in personalities and perceptions, some relations are impossible to carry on and so, the divorce may become inevitable. In cases, the spouses' personalities are incompatible to each other and there are apprehensions of damages to their physical or mental health, it would be in their interest to get separated and lead a better life. Allah says in Quarn, "... And if you fear that the two (husband and wife) may not be able to keep the limits ordered by Allah, there is no blame on either of them if she redeems herself (from marriage ties)" (2:229). In Islam, the right to divorce is primarily delegated to husband. But, he may delegate this right to his wife as well at the time of marriage contract, if agreed. Some jurists have the opinion that wife has also the same right of divorce as the husband with subject to refund the prompt dower received from her husband but some contend that woman has no inherent right to divorce but may seek it through the court process. Additionally, the court may pass a divorce decree on request of either party with specific terms, conditions, and liabilities. For the divorce procedure to follow, there are four major categories with various forms: i) by the husband, ii) by the wife, iii) by mutual agreement, and iv) by judicial decree.

- i) By the husband: a) talaq-e-ahsan, b) talaq-e-hasan, c) talaq-e- bidat, d) Ila e) zihar. Amongst these forms, talaq-e-ahsan and talaq-e-hasan are the approved forms by the Prophet, also called talaq-e-Sunnah
- ii) By the wife: talaq-e- tafweez
- iii) By mutual agreement: a) khula, b) mubarat
- iv) By judicial decree: a) lian, b) fask

Talaq-e-Ahsan is the most approved form of divorce according to Muslim jurists. In this form of divorce, the husband has to declare divorce once, though in any number of times would be considered as once, during each month while the wife is not during the menstrual period, for a period of three consecutive months till the lapse of four months. If the husband reverts back to his wife and resumes his marital relations by words or deeds, expressed or implied way during such four months period, the divorce would be considered as revoked, and the couple may live together as married couple. Quran says, "For those who swear not to have conjugal relations with their wives is a waiting time of four months, but if they return [to normal relations] - then indeed, Allah is forgiving and Merciful" (2:226). Additionally, at the beginning of such period of three months, an arbitration or conciliation committee would be formed having a representative each from husband and wife to resolve the conflict in an amicable way. If the differences are resolved, the couple may resume their marital relations otherwise, they may depart. Islam advises them to resolve their matters in peaceful, amicable and respectable ways. It sounds that the arbitration is advised for conflict resolution on equitable terms in either way. Quran says, "Either you take them (women) back on equitable terms or part with them on equitable terms" (65:2). Additionally, Quran says, "If you fear a breach (of marriage contract) between them twain, appoint two arbiters, one from his family and other from hers; if they wish for peace, Allah will cause their reconciliation" (4:35).

In either case of reconciliation and peace or separation and divorce, Quran has strictly warned the men that they should neither transgress their moral limits nor hurt the women during or after the divorce or even if they retain the relationship. "And, when you divorce women and they reach their prescribed time, then either retain them in good fellowship or set them free with liberality, and do not retain them for injury, so that you may not exceed the limits, and whosoever does this, he indeed is unjust to his own soul" (Quran, 2:231). Further, "And, when you have divorced women, and they have reached their term then, do not prevent them marrying their husbands when they agree among themselves in a lawful manner" (Quran, 2:232). Additionally, Islam honors the usage or traditions of the divorce provisions of society. But, such provisions should not be in conflict with the Islamic provisions, and be based on justice, equity and kindness as envisaged in other verses of Quran. Quran advised, "And, for the divorced women, provisions must be made according to usage [traditions]" (2:241). So, Islam respects the non-conflicting traditions of divorce of every society.

Quran has also advised the women that they should wait for three menstrual cycles (courses/months) after the divorce to enter into a marriage contract with someone else. During this period of three months, (if) their pregnancy becomes known or obvious, they should not conceal it, and wait till delivery so as to clarify the identity of the child, and then, they may marry with someone else. Quran says, "And, divorced women should keep themselves in waiting for three courses (months); and it is not lawful for them that they should conceal what Allah has created in their wombs" (2:228). One of the great purposes of this directive seems to disclose the paternal identity of the child as it is related to child custody, maintenance, inheritance and other related issues of the child's life in relation to his/her father.

It is also advised in Quran that if the marriage is dissolved before being consummated, make some provisions with decency and there is no waiting period [*iddat*] for the women. Quran says, "O' you who have believed, when

you marry believing women, then (if) divorce them before you touch them, then there is not for you any waiting period to count concerning them. So, provide for them and give them a gracious release” (33:49). Further, Quran has advised the men that the women should not be forced to leave their houses till the prescribed (divorcing) period. Quran advised, “O” Prophet (pbuh), when (if) you divorce women, divorce them for their prescribed time, and calculate the number of days prescribed, and be careful of your duty to Allah, the Lord. Do not drive them out of their houses, nor should they themselves go forth, unless they commit an open decency; and these are the limits of Allah, and whoever, goes beyond the limits of Allah, he does injustice to his own soul. You do not know that Allah may after that, bring about reunion” (65:1).

After the divorce process, it is the duty of the divorcing husband to provide a reasonable level of expenses (maintenance) for the divorced wife (and their child in her custody, if any) till she marries another husband. Quran says, “For divorced women, „maintenance” (should be provided) on a reasonable level; this is the duty of the righteous” (2:241). Further, about the husband’s claim to get back the extended gifts (*Mahr*), Quran says, “How can you take gifts (*Mahr*) back when you have intimated with each other, and they (women) have taken from you a strong pledge” (4:21). So, after the intimate relationship, the husband is not allowed to take the gifts back from his wife during the period of union and even if he has divorced her.

According to Islamic guidance and warnings, the divorce should not be based upon whimsical moods, temper tantrums, emotional outbursts, threats or blackmailing etc. Divorce is a disliked act but allowed as a last resort if spouses are unable to continue relationship in spite of conciliation efforts. It should be a well thought of process. If the divorce is inevitable, finalized and become irrevocable, the departing spouses are not allowed to remarry with each other unless the divorcee marries with another man and she is divorced or widowed by him. Quran says, “If he [the husband] has divorced her [for the third time declaration as finalized], then she is not lawful to him afterwards until [after] she marries a husband other than him. And if the latter husband divorces her [or dies] there is no blame upon the woman and her former husband for returning to each other if they think they can keep [within] the limits of Allah. These are the limits of Allah which He makes clear to the people who know it” (2:230). The wisdom behind this seems that the divorce and remarriage should be taken serious and not be considered a “child’s play”. Additionally, the divorced woman after the *Iddat* (prescribed period of stay – the abstaining period for four months) may find another man (if she desires) with chances to lead her life with a better husband. But, if she is divorced again or widowed, she is entitled to marry with the prior husband or another one if willing to do so.

It seems obvious in Islam that woman is an independent entity. She has full rights to lead a married life, get divorced if she (or the husband) desires, and remarry if she likes. In many ancient and modern societies, the divorced women were/are devalued and less privileged. But, the Quran and the Holy Prophet’s (pbuh) teachings and sayings have given them due rights and respectable treatment even though divorce is detestable act in Islam. The Prophet (pbuh) never divorced any woman with whom he married. Rather, he married with some divorced and widowed, and treated them with great respect, love and affection.

### **Inheritance**

Islam has elucidated a detailed description of the principles of inheritance. The property and assets of someone may be transferred to any person during his/her life, and may be inherited through “Will”. Islam has prescribed principles of inheritance in favor of wife, husband, child(ren) and/or relatives. One of the major principle prescribed in Quran is “Allah directs you in regard to your children (rights of) inheritance: to the male, a portion equal to that of two females; these are the settled portions ordained by Allah” (4:11). The chapter 4 (Surah Al-Nisa) has explained the principles of division of inheritance of the deceased assets in various conditions of the existing family members and their relationships. Allah warns the believers in Quran, “And, who disobeys Allah and His Messenger (pbuh) and transgresses His limits will be admitted to a fire to abide therein; and they shall have a humiliating punishment” (4:14). The verse 4:11 is a much debated verse by some critiques related to apparent inequality that a male child inherits a portion equal to that of share of two females. Muslim jurists have explained it with sound reasoning. In Islam, male spouse is under obligation to provide maintenance (living) expenses for his wife, children and elderly parents while the female spouse is free from such obligations. Even in cases, if the women have their own earnings and assets; they do not have any obligations to spend their wealth at their own maintenance or upon children, if the husband is in a position to afford it. Their earnings and assets are their ownership. They have discretionary powers in this regard. If they wish to spend upon their own selves and/or assist to improve the family’s financial conditions, they may do so at their own sweet will. Further, the woman inherits not only from the parents but from the husband as well. Additionally, before her marriage, maintenance is the responsibility of parents (while living with them) and after her marriage, such responsibility is shifted on the husband (while living with him). So, she does not seem to be deprived in any way.

### Mutual Relations

The Holy Prophet said about the men, "...The best among you are those who are best to their women/wives" (At-Tirmidhi, 2014). Quran advised men, "... And live with them (women) in kindness; for if you dislike them – perhaps you dislike a thing and Allah makes therein much good" (4:19). The women are also advised to please their husbands. The Prophet said, "Any woman dies while her husband is pleased with her, will enter Paradise" (At-Tirmidzi, 2014). Further, tolerance and forbearing is advised during difficulties, adversaries, and frustrating situations. Quran advised, "...You must remain patient what befalls you" (31:27). The patience is said to be a great asset which is bestowed upon people of gratitude (Quran 41:35; 2:157) and the Al-Mighty Allah is the companion of the people who remain patient during adversities of life (Quran 2:153).

Islam suggests the couples and family members to remain democratic, nonviolent, and open in communications. Quran outlined the principle of democracy, "They [the believers] resolve their affairs with mutual consultations (42:38). In case of couple differences, conflicts and disputes, they are advised to seek counseling and reconciliation by their mentally mature family members (Quran 4:35), and seek knowledge and guidance from the learned ones (Quran 16:43; 21:7). Islam wants the people to lead a moderate way of life, and should neither be extravagant nor miser [in spending] (Quran 17:26, 27, 29), and they [should] help the poor relatives and needy people (Quran 17:26) as well.

Islam intends all family members and the society to remain tolerant, determined, patient, forgiving and compassionate for one another (Quran, 2:153; 3:200; 31:17; 41:35). Quran says, "Who spend [in the cause of Allah] during ease and hardship and who restrain anger and who pardon the people – and Allah loves the doers of good" (3:134). If the righteous people commit any mistake, they seek forgiveness and revert to the right path. "And, those who, while they commit an immorality or wrong themselves [by transgression], remember Allah and seek forgiveness for their sins – and who can forgive sins except Allah? – and [who] do not persist in what they have done while they know" (3:135). Allah has extended good news for the compassionate people, "And their reward is forgiveness from their Lord and gardens beneath which rivers flow [in Paradise], wherein they will abide eternally; and excellent is the reward of the [righteous] workers" (Quran 3:136). Though Islam allows revenge against the wrong doers without blaming them [the aggrieved], and blames the people who spread violence and tyranny, and warns that they would be punished by Allah (Quran 42: 42) but the person, who pardons and makes reconciliation, his/her reward is due from Allah (Quran 42:40,43). So, forgiveness and reconciliation are highly appreciated attributes in Islam. The Holy Prophet has emphasized that you must try to maintain healthy relations with others even though others are bent upon to severe relations with you. Further, it is advised to all Muslims including the married couples that they should not remain annoyed for more than three days. Once the Holy Prophet (pbuh) said in a meeting that if the person who severs ties of kinship would not enter paradise (Al-Nisaburi, 2014; Mut'im, 2014).

Islam encourages maintaining healthy marital and family relations and discourages separation and divorce, and allows divorce only when all peaceful means of couple reunion are exhausted. In case of disagreements, they are advised for reconciliation by (wise) family members (Quran 4:35). Islam teaches its followers that if someone resorts to the use of abusive language and bad behavior, the other one should respond with humility, politeness and good deeds that would likely diminish the enmity and create feelings of friendship (Quran 41:34). Quran narrated, "The best among you are those who are best in their manners" and "no doubt, [you] the Holy prophet is the best in manners" (68:4).

The Holy Prophet never abused or hurt any of his wives, and neither divorced nor humiliated anyone. His love and affection for all men, women and children is exemplary, and he is the source of peace and mercy for all creatures in all times and spaces. Allah declared in the Quran, "We have not sent you (as Messenger) except for the mercy (peace) for all universes [times, spaces and creatures]" (21:107). So, the believers should follow the teaching of Quran and the Holy Prophet for a successful marital life.

## II. MARITAL RELATIONSHIP PRACTICES IN PAKISTAN

According to Article 35 of the Constitution of the Islamic Republic of Pakistan, 1973, stated in Chapter 2, Principles of Policy, Protection of Family etc., - "The state shall protect the marriage, the family, the mother and the child". Pakistan is a country of about 207.8 million people where about 96% people are Muslims (Pakistan Bureau of Statistics, 2017). Here, the marriage ties are foundations of the family that need to be protected. According to 6<sup>th</sup> population survey of Pakistan Bureau of Statistics (2017), 63.04% people of age 15 years and above are married while 31.22% people of the same age are never married as yet. So, it is observed that 2 out of 3 persons are married while 1 out of 3 persons are still not married. For the married people, it is commonly observed and reported in electronic and print media that their marriage ties are gradually weakening. In spite of the fact that formal and

informal proper guidance and counseling on marriage and family matters is almost non-existent in Pakistan. It is also common perception that the marriage and family ties are still better off and the divorce rate is still lower (0.34%, Pakistan Bureau of Statistics, 2017) as compared to the American and European continents where the divorce rate hovers between 40% - 50% (American Psychological Association, 2017; European Divorce Statistics, 2002). At the same time, Pakistani society is following the rout of many technologically advanced countries of the world where the institution of marriage and family including the marital quality are rapidly declining as the Pakistani family is following the norms of Western family style and form (Ahmad & Najam, 1998c). On the other hand, Islamic teachings in Quran have clearly endorsed strong commitment to marriage and family life. Quran has warned, "Protect yourself and your family from Fire (Fire: the most severe punishment in the hereafter)" (66:6). Further, gay and lesbian marriages are strongly prohibited in Islam (26:165,166,172; 27:53-55). The people indulging in such homosexual practices were destroyed by wrath of the Al-Mighty Allah. Ahmad and Najam (1998c) have warned to protect the institution of Family in Pakistan unless it is too late.

With reference to the present day globalized changes, Pakistani society is also going through various social changes. It is commonly observed that Pakistani society, including marriage and family is passing through drastic changes. The divorce rate has increased many folds during the previous four decades in Pakistan. Additionally, the marital quality here is generally considered to be quite deficient in present days while heading towards Western family norms (Ahmad & Najam, 1998c). In Pakistani cultural context, separation and divorce are discouraged even though the spouses may not be faring well. Divorce is invoked as the last resort though its frequency is increasing day by day. Conflicts, tensions, abuse, violence, suicides, murders, honor killings and associated problems are on the rise as reported on the mass media. Almost five to ten men and women are subjected to such violence daily in mass media and it is estimated that almost the same number are not reported in media. Here, the marital quality seems declining day by day. Ahmad & Najam (1998a), in their longitudinal study of first five years of marriage time span indicated that the marital quality of the spouses declined significantly along with transition to parenthood, and such declining trend seems more obvious day by day.

Additionally, it is commonly observed that most of the prevailing traditional and modern practices of marriage relations are not Islamic rather, against Islam. So, a lot needs to be done to make their traditions as Islamic or not to be called against Islam, at least. For this, a great stumbling block is the lack of people's literacy on Islamic education, and their lethargic attitude to change their marriage and family traditions. Further, due to process of globalization and modern worldwide changes along with influences of Western values, the youth seems to be in a state of confusion and conflict with their traditions of status and role, and rights and obligations in marriage and family life while they lack the role models befitting them at the same time.

Though the Pakistani society includes a great majority of Muslim population (96.28%, Pakistan Bureau of Statistics, 2017), and the Constitution of Pakistan (1973) claim to be Islamic Republic but many of its marriage and family practices are in conflict with Islamic teachings. For example, in Islam, the spouses must have free and independent consent for marriage whether it be arranged by the parents/guardians or contracted by the spouses themselves. Here, as a prevailing tradition, boys and girls, in many cases, are persuaded or forced to get married through the consent and arrangements of parents or guardians. The love marriages contracted by spouses themselves are highly disapproved by their parents, guardians and relatives. Forced marriages are not allowed in Islam but still prevalent in many parts of the country especially, in villages where almost 70% of the population resides. According to Islamic principles of marriage contract, free and independent consent of the spouses are the prerequisites of marriage (Mullah, 1990). The Holy Prophet, Muhammad [pbuh] discouraged the forced marriages. It is narrated by a Muslim lady named Khansa bint Khidam Al-Ansaria that her father gave her in marriage with a man but she disliked that marriage. She approached to Allah's Messenger, Muhammad (pbuh) to state her position and he (the Prophet) declared the marriage invalid (Al-Bukhari, 2015).

Additionally, the marriages of spouses earlier than their legally prescribed age even supported by the parents or guardians are clear violations of prevailing law (Government of Pakistan, 2017, Child Marriage Restraint Act, 1939). Another tradition of declaring girls' "marriage with Quran" is neither Islamic nor legal and ethical. Some male elders do it so that the girls remain unmarried for life to serve them, and/or to retain the family's property with themselves. Islam does not allow such marriages.

Additionally, in some areas of Pakistan, the family elders persuade or limit their children/adults to marry among near relatives, extended family or clan in the name of prevailing *caste system* due to various traditional, cultural and economic reasons. Some parents prefer to hold their unmarried girls and boys for long period of time and not allow them to marry, keep waiting in search of a suitable partner as near cousins, relatives or *caste* rather than to get them married with a suitable partner outside their near cousins, relatives or *caste*. With such

consideration, some spouses are bound to remain unmarried (for long) or be tied up in marriage with someone among their near family relative or *cast* even though the spouses may be mismatch or misfit by age, education, socioeconomic status, temperament or affection. Such (forced) marriages are usually ordered by the family elders without freely expressed or implied consent of the spouses which is against the expressed and implied spirit of Islam (Mullah, 1990).

Traditionally, in many cases, the love marriages contracted without the wholehearted consent or support of parents / guardians are at high risk. Even the life of the spouses and their consequent children are threatened while in some cases, they are killed in the name of *honor* by their nearest family members and relatives. Additionally, in many cases, mere doubts of illicit sexual relations between men and women have potential threat to their life. Such a cultural practice is clear violation of the Islamic principles and the fundamental human rights of the Constitution of Pakistan (1973) whereby, nobody is allowed to infringe others living rights and/or take the law in his own hands.

Some other cultural practices such as exchange marriages of spouses between the families are still prevailing in some communities, even though they may be mismatched. Additionally, the sale/purchase of the spouses in some forms and giving in of the spouse/s by a family to another family member as ransom are still in vogue in some regions. In such cases, the spouses have no choice of exercising their independent and free will. These are violations of Islamic marriage principles.

Another prevailing hidden practice against Islamic teachings is of female infanticide and feticide in some subcultures of the society. Infanticide and feticide are strictly forbidden in Islam (Quran: 6:151; 17:31; 81:8-9). Additionally, birth of the baby boy is highly preferred over the girl. Birth of the boy is celebrated with happiness while birth of the girl is just considered as an insignificant event that passes on with silence and sometimes, callousness and depression. In many cases, birth of the girls are taunted, tainted and considered an ill fortune by the family members. Mothers of female babies are accused by their husbands and near relatives and they [mothers] feel guilty while no fault on their part. Such attitudes create odd ends against female babies and their mothers with long repercussions on their physical and mental health. Additionally, the couples having birth of all female babies are at risk of more conflicts, tensions and divorce as compared to the couples having majority of male babies. The male babies are extended with preferential treatment in facilities of health and medical care, nourishment, education, recreation, social exposure, intellectual development, self-esteem, self-actualization etc. as compared to their female counterparts. Such attitudes and behaviors also lead to discriminatory treatment between boys and girls since their early childhood that carries long lasting effects on their personality development. Additionally, there is sharp division of socialization between boys and girls with too many restrictions on girls' mobility, health, fitness and recreational facilities, choices and decision making in education, family and work life including financial independence and inheritance rights. They suffer apprehensions and vulnerabilities of various forms of abuses and neglect in this male dominated society. It is commonly perceived that the girls do not enjoy even their childhood due to social and familial attitudes and prevailing practices. Such attitudes and practices are clearly against the Prophet's teachings and Islamic values.

A consequence of such discriminatory treatment against girls and women is that they are not empowered to decide having their formal education, business, career, marriage and even the controlled number of child births. Traditionally, the decision to have a particular number of children lays directly in the hands of husband and/or parents-in-law of the bride with least consideration of the age, health, socioeconomic conditions and stresses suffered by the bride. However, the trend is slowly changing with passage of time, and the decision power is shifting towards the married spouses. But, generally, the husband and/or parents-in-law of the bride hold a dominating role.

Marriage celebrations including 'show of dowry' are still another aspect that is against Islamic teachings. People spend a lot of time and money to show off their wealth, power and family resources in the form of dowry and food parties. Usually, the marriage celebrations commencing from the time of engagement up to final day may take 3 to 6 ceremonies with intermittent intervals extending up to 7-15 days, depending upon their ethnic and family traditions. The near and far off relatives and friends of the bride and groom families celebrate the traditional ceremonies separately and jointly to display their social and financial strength at the marriage event. Consequently, this taxes a lot of their time and expenditures of all participants especially, of the bride and groom's parents or guardians. Such expenditure is difficult to bear for many families but the force of traditions compels them to do so. For this, some may even have to get loans that might be difficult to pay back and so, it is most likely that they will remain in debt for years or go insolvent. Such undue bearing of expenditures may lead to stresses, conflicts, malpractices and corruption in society. It is estimated that over 150 billion Pak Rupees are spent annually on marriage related celebrations, gifts and dowry in Pakistan. Quran has forbidden lavish spending and advised, "And give the relative his right, and [also] the poor and the traveler, and do not spend wastefully. Indeed, the wasteful are

the brothers [partners] of the devils, and ever has devil been to his Lord ungrateful” (17:26-27). Additionally, Quran has instructed the Muslims, “to be neither miserly nor extravagant lest they become blameworthy or denuded” (17:29), and so, “to follow a moderate way of life” (2:143; As-Saidi, 2015; Abu-Hurairah, 2015). The Al-Mighty Allah’s teachings and the Holy Prophet’s practices are clearly ordained to maintain simplicity, modesty and a moderate way of life in worldly affairs so as everyone may be facilitated (Quraan, 31:18-19; As-Saidi, 2015).

Another prevailing bad tradition is the divorce method. The method of divorce applied in Pakistani society is least appreciated in Islam. The form of *talaq-e-Bidaat* is disapproved form of divorce in Islam wherein, the husband may announce divorce (*talak*) three times in one go at any time of his displeasure while the divorce becomes irrevocable. First of all, Islam does not desire to go for divorce. But, if it is inevitable, Islam desires for *talak-e-Ahsan* wherein, the husband should declare divorce three times during each one of three months during the period of ‘*tuhr*’ (the period between woman’s three menstrual cycles) along with counseling/reconciliation efforts between the disputing parties. In this way, most likely, the disputing spouses may come to reconciliation and peaceful life. So, if the form of *talak-e-Ahsan* is practiced in Pakistani society in its letter and spirit, it may reduce the divorce rate to a great extent.

Another deplorable tradition is about the apathy and callous attitude towards marriage of the widow/widower and divorcee/divorced and more so against the widow and divorcee. Remarriage of the widow and divorcee in Pakistani society is not encouraged rather, discouraged and considered as taboo in most areas of the country. Such ‘ill-fated’ women are treated as second class citizens. The remarriages of such ill-fated women especially, of aged ones are discouraged, taunted and tainted. This is against the Islamic teachings. The Holy Quran has encouraged the remarriage of widows/widowers and divorced/divorcees, and shown extra sympathy for them and even extra reward for the men who tie up marriage with such women. The remarriage of such men and women would bring them back into normal family and inclusive social life. The Holy Prophet himself, by the orders of the Al-Mighty Allah, solemnized some marriages with widows and divorcees. In Pakistani Muslim culture, the widow and divorced women are still considered the ill-fortune entities, the idea that came from Hindu society. Islam allowed, rather encouraged the marriage of such aggrieved and neglected sections of society including orphan girls, widows and divorcees of each socioeconomic status or age so they may lead a respectable and healthy marriage and family life. There is a famous story of a great Muslim scholar of the 16<sup>th</sup> Century named Shah Abdul Haq Muhaddas Dehlvi that while he came to know that Islam had supported „marriage“ even for the widows of all ages, he convinced her old mother who had been widowed for the last many years to marry with someone. In pursuit of the Prophet’s teaching, he anxiously went in search of a suitable partner for her mother and persuaded her to marry with that man. So, the marriages of divorcee/ed and widow/er are promoted and appreciated in Islam but they are not being promoted or appreciated in Pakistani society. Such practice needs to be modified in Pakistan.

In the cultural context of Pakistan, sex is the least discussed subject and considered as a taboo while its underlying currents are many fold and have deep repercussions on marital relations. It is commonly known that the couples who have better quality and frequency of sexual relations are more accommodating, have more fun, better global marital quality, and less argumentation, negativity, conflicts and disputes. Premarital and marital counseling and guidance on sex and reproductive health in its social and cultural context may save them from many physical, emotional and psychological ailments, and further, facilitate their healthy marital relations and add pleasure and wellbeing in their lives. The Holy Prophet, Muhammad (pbuh) used to extend counseling and guidance to his companions on sex and marital issues as well. So, the counseling and guidance on all marital issues may alleviate spouses’ difficulties, stresses and tensions to a great extent in prevailing Pakistani perspective.

### III. Conclusion and Recommendations

Islam has given a detailed description of the rights, obligations and the way of leading healthy marital life for all human beings and especially, the believers. It is commonly observed that the rights and obligations of the spouses, healthy ways of communication, sharing and sex, coping with differences, difficulties, stresses and conflicts are neither well known nor being practiced by the couples in Pakistan. The laws, rules, regulations and etiquette concerning rights and obligations in marital relations, freedom and independence of marital choice and free consent of both spouses, observance of minimum marital age, maintenance of spouse and children, divorce process and related issues, custody of children, inheritance, remarriage after divorce or death of spouse etc. are not well comprehended by the general population including married spouses. The people who claim to be Muslims are not well aware of Islamic principles and the treasure of marriage and the family mentioned in Quran, traditions of the Prophet Muhammad (pbuh), Muslim family laws prevailing in the country and jurists’ interpretations in modern times. The gravity of the problem may be assessed that almost 50% of the population is still illiterate.

They can't read and comprehend Quran in Arabic and/or its translation in any language. Most of the prevailing marital cultural traditions are contraindicated in Islamic teachings such as forced marriages, exchange marriages, honor killings, non-transfer of inherited property rights to women folk, and demands of dowry, vanity and lavish spending in marriage related ceremonies. Further, women/spouse abuse, violence, devaluation of woman rights, and apathy towards widows and divorced women etc. are rampant in society. Usually, the people deal blindly with such issues according to their own whims, wishes, selfish interests, temperaments and prevailing traditions. Quran has warned that the people who are (mentally) blind in this world, will remain blind in the hereafter in finding the way rather, more than that (17:72). Further, Quran stated, "... Say [O' Prophet], "Do the people who have knowledge be equal to those who don't have it? (Not all all), only they will remember [who are] people of understanding" (39:9). So, according to Islamic perspective, the society needs to devise a policy to develop more knowledge, understanding and wisdom for healthy marital relationship.

Additionally, Islamic teachings, including legal and ethical knowledge and guidance about marriage and family life by electronic and print media in Pakistan are almost non-existent. The professional knowledge and general guidance on the subject matter in school and university curriculum is almost nowhere. The professional counseling and guidance services are almost "not available".

Further, a great majority of the population considers that the marriage and family matters are their secret affairs. They go on suffering and open up only when they emotionally burn out themselves in separation and/or divorce. Further, in some cases, it projects into unethical and unlawful manifestations of violence, undue litigation, suicide, injuries, assaults and related crimes that carry on deep and long lasting scars and stigmas on the personalities of spouses, children and families. So, there must be some suitable counseling interventions to avoid huge human talents and resource loss.

Further, the society needs to invoke the Article 35 of the Constitution of Islamic Republic of Pakistan so as to educate the masses, and codify laws, rules and regulations for the betterment and enrichment of the marriage and family life. All stake holders including the spouses, parents, psychologists, sociologists, educationists, religious scholars, judges, lawyers, parliamentarians, policy makers and administrators should formulate a national policy on marriage, marital relations and the family. They need to understand that marriage is the foundation of a family, and healthy marital relations are source of ingrained pleasure that influences not only the physical and mental health of the spouses but their child(ren) and future generations as well.

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