THE RIGHTS OF FAMILY IN ISLAM

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IN THE NAME OF GOD

Preface

A tremendous disaster threatens the modern society of mankind. The ignorance of which would perish human dignity and morality. The foundation of family life has already been weakened. With the existence of extreme permissiveness, misinterpreted liberties and extravagant associations among both sexes. The interest in forming a warm, solid family life and assuming its various responsibilities has been reduced. It is clear that the forceful tendency in human beings to form a family and bearing its heavy responsibilities springs primarily from the urge to fulfill sexual desires and enjoy psychological pleasures coming from sexual activities, because. Sexual instinct is so powerful that facilitates most of the difficulties and hard responsibilities accompanying marriage, enabling the spouses to bear the extreme labor and hardships of matrimonial life. If, however, people are to be free to fulfill their sexual desires in the unlawful fashion, that is, without having to marry, they will be hardly willing to assume matrimonial responsibilities such as raising, educating and financing children through marriage. This deplorable social situation has resulted in the fact that those already married are tempted to evade shouldering the heavy burden of family life. Instead, they drive it to the threshold of breaking up, thus incurring numerous troubles to their wives and children and with respect to their legal rights. On the other hand, Thousands of young girls and boys, who are in a position to marry, live aimlessly finding no suitable way in which they may establish a family. They live a dull life in a despicable condition. A study of the statistical figures showing the numbers of divorces, bachelorhood of girls and boys, illegitimate children and pornographic books and magazines reveals the depth of this horrible calamity plaguing the century of sophisticated technology.

Our intention is to review, in a series of articles, the family problems from

different view-points, and then point out the Islamic view on each problem. We hope to contribute to the promotion of virtue and spirituality complementing the technological advance and help to save future generation from an inevitable downfall, God-Willing.

The Aim of Devising Social Laws

The Islamic laws and tenets dealing with social, individual and legal problems suggest as a whole that Islam attaches great importance to social life and social balance, and has made irrevocable laws for every aspect of human life in order to establish an Islamic progressive community.

What purpose does Islam follow by presenting its divine laws? This is a question, which may come to mind. In response we point out briefly that Islam aims at establishing a specific social system in which all human characteristics, however different they may be, should be used for the purpose of social development; each individual performing its particular task as efficiently and as coordinating as possible. Far from contradicting one another, these forces should complement one another thus laying the foundation on which the fulfillment of the ultimate goal may be achieved. Such a society would be characterized by enthusiastic and dynamic activities and hopefully free from laziness, inactivity, idleness, sharp class differences, weakness and dropouts. These evils of such a society, would be replaced by progress in science and technology fair distribution of wealth, balance among various social forces, the opportunity for all individuals to enjoy material and spiritual advantages and equality in social and economic rights, all of which would be provided in specific proportion as envisaged by Islam.

Let us now see how Islam has set about its sublime ultimate goal of creating a progressive and balanced society and study the method it has recognized to be the most fundamental and the nearest to the goal. The detailed study of this subject is saved for later. Here, however, we content ourselves with saying that; since the small society called family, is in fact the nucleus or the unit of a greater society and since the enactment of laws for the family is, designed to consolidate the relationship among the members of this small social unit and the establishment of a suitable system, is to the benefit of the greater society and its system, and guarantees the attainment of social common goals, Islam in its realistic approach, has used these facts in favor of human beings in order to establish a progressive society and by making special laws for every member of the family, has tried to bring together their thoughts and coordinate their actions. As a result, all families, which as a whole constitute the greater society have been brought under a special system and put to benefit by Islam in the most suitable way.

Marriage - A Response to the Call of Human Nature

The establishment of a family begins with undertaking a matrimonial contract by observing specific conditions stated in Islamic Law texts. The marriage agreement and the starting of a new life, full of commitments and responsibilities mixed with pleasure, is in fact, an appropriate answer to the urge of the sexual instinct inherent in the nature of animal beings. If this sexual desire is not fulfilled in the right time and satiated enough, it will express itself in deviated forms and will have grave consequences which will demonstrate like a sweeping flood; resulting in countless individual and social harms.

Since Islam has founded its laws and tenets for both the individual and society on the basis of human nature - the secret of their survival being this very fact. It has distinguished the needs of the human nature and determined their quantities and size, according to this insight and has devised a set of wise, comprehensive precepts to regulate natural tendencies including sexual desires and channeled them towards social interests of humanity.

It goes without saying that Islam has favored determining the human nature and providing for the moderate fulfillment of its requirements notably sexual desires solely because sexual instinct is the source of human survival through giving birth to offspring who may be benevolent and helpful to society, regardless of its use for the purpose of enjoying sensual pleasures. In other words, marriage is a means, not an end. We shall discuss this in our future treatises.

The Motives for Marriage

The Holy Koran and the genuine quotations from religious authorities have in various ways pointed out the importance of marriage and its healthy influence on different aspects of human life. A careful study of these observations clearly shows Islam's realistic view of marriage and the benefits derived from it for Human Society.

The Holy Koran has regarded the creation of spouses and the establishment of friendship between man and woman as a sign of the knowledge of God and has talked of mental and physical calmness, the regulating of sexual affairs and the establishment of mutual kindness and friendship between man and woman:

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"His signs include the fact that He has created for you mates of your kind."
(Holy Qur'an: Rum 21)

The more one pays attention to this Quranic verse notably to the phrase "so that you may take repose" the more one discovers details, which clarify the importance of marriage for the happiness of human being. According to this

verse, matrimonial life not only brings physical comfort but also makes people mentally relaxed. It prevents the overflow of sexual desires and provides the ground for the growth of virtuous habits in human beings.

Obviously, one of the most important bases of human happiness in life is mental, spiritual, moral and physical relaxation, which is the ultimate goal of every human being. Marriage plays, therefore, an important role in the achievement of the basic goal in the life of every people.

Man, according to his creation, is much interested in his own survival and makes his best by every possible means to fulfill this intrinsic desire. The best and easiest and at the same time the most pleasant choice which man has so far made to reach this end is the act of breeding.

A human being considers his children and the survival of his offspring the continuation of his own self and his own survival. One of the most important aims of marriage is to breed virtuous and socially helpful children. The secret of parents' love towards their children should be sought in this very natural instinct.

Quite obviously, the survival of offspring and consequently the continuation of life, which are sought by man according to his intrinsic nature, would be guaranteed by marriage, establishing a family and bearing the responsibilities of a family life. Thus, the will to marriage comes from an intrinsic urgent need.

In the Holy Qur'an, the sura "The Bee", verse 72, God has described having children as one of the results of marriage and has consecrated it:

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"God has appointed for you wives of your own kind and given birth by your wives to children and grandchildren and given you daily foods from among pure things".

God has also said in the opening lines of the sura "The Women":

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"O people: fear your Lord God, Who created you from a single body and created from it its wife and bred innumerable men and women from that couple."

The factors and motives for establishing a family is not merely limited to intrinsic drives mentioned above. Having extensively researched to find the causes of the formation of a family, the sociologists have at length come to the conclusion that a great number of factors have given birth to this social

phenomenon. Some of the sociologists including Brifu believe that economic factors play the most important part in the creation of a family and its survival. Others believe sexual and psychological factors to be the primary cause of the family formation.

An interesting theory about the causes of marriage has been offered by Muler Lir, the German sociologist, in his book "The Evolution of Marriage in Modern Times." He writes: "Three factors have attracted people to marriage, which are: economic needs yearning to have children; and love. Although these three factors have existed in all societies, their importance has varied in different periods. In primitive societies economic factors were the most important of all; in ancient civilizations breeding played the most significant role and in modern civilizations the greatest part has been played by love."(Samuel King's Sociology, p. 232.)

Marriage is a Means, not an end

Some people have not understood the real value of marriage and its basic role in life. They believe it to be only a means of satisfying short-lived sexual desires and others who are more interested n economic and financial affairs describe marriage a business deal between a man and a woman or between two families. They reduce marriage to an economic or commercial affair, looking at it from the viewpoint of materialistic profit.

Both of these attitudes are utterly wrong. Unwillingness to marriage and formation of a family is extremely far from the reality of natural laws and its basic goal, because marriage is a social necessity, and is made in order to breed children and to guarantee its survival. A family is a center of securing the continuation of successive generations and guaranteeing the social survival. As R. M. Mc Aiver, the famous sociologist has said: "The family is the: enter of the most cordial relations, in which the personalities of a woman and a man reveal themselves in the deepest possible way." To secure this basic goal is often accompanied by intense sexual desires and probably requires economic advantages. There is, however, a great difference between the idea of marriage being a means of satisfying sensual desire and profit-making on the one hand and the view that marriage is mainly designed to breed and preserve the human species and at the same time to guarantee financial profits.

Skimming through the pages of the history of Arabian Peninsula and the neighboring lands at the dawn of Islam and studying their social conditions and their relations, we may find the roots of such baseless thoughts in that time, too.

In the dark and thoroughly ignorant atmosphere of that time, a number of Arabs believed the family to be merely a means of fulfilling sexual desires and tried to satisfy their animal lusts.

Admitting that the moderate fulfillment of sexual instincts is necessary to protect physical and mental health, Islam tries by giving wise prescriptions to show the right way of exploiting this natural force and using it to the benefit of

society and social and individual survival. Thus, Islam has risen against the concept of sexual instinct being the basic drive for marriage and against the idea that the sexual power has the sole aim of satisfying fleeting lusts and momentary pleasures. Islam has introduced marriage as the sole instrument of preserving offspring, survival of human species and the possession of virtuous children. As we read in the Holy Koran, Sura "the Bee", verse 72, God, "has born to you through your wives children and grand children." At the beginning of the Sura "the Women" we read:

"He has produced from them (the couple) a great number of men and women."

We have mentioned that having children and the survival of human species constitute an inherent motive for marriage, which is a natural tendency and a solid commitment based upon the mutual friendship and love between man and woman.

Besides confirming this intrinsic feeling and this natural inclination, the Koran describes having children or the reproduction of species as an admirable characteristic of God's favorite servants'

"Who say: O Lord: Give us eye-sight from our wives and children" (Sura *"Forghan"*, 74).

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Families on the Verge of Extinction

In the modern sophisticated life in which the balance has been offset to the disadvantage of spirituality and in which indifference to the fundamentals of natural life has been ever increasing from every direction, the concern for marriage and for assuming the family commitments and responsibilities has declined and an extreme reluctance to marriage has appeared among young girls and boys, who do not show enough interest in marriage, which is the right and legitimate way of fulfilling sexual needs.

The current statistical figures produced by sociologists show quite well that the number of marriages have been sharply reduced in recent years and sexual perversions among the youth have grown at a very great speed. As a result, the basis of life has been shifted and the family life has come to the threshold of extinction.

No one should be surprised to find the situation so much deplorable. If all facilities and possibilities of revelries, sensual pleasures and sexual permissiveness are to be offered quite freely to young people to enable them to satisfy their sexual fully without having to endure the responsibilities and hardships of marital life, they will never be ready to marry and breed virtuous and useful children. The crisis of marriage in the West testifies to this problem. Social permissiveness in the U.S. and Europe has distracted the youth in such a way that they have already become more or less indifferent to marriage. Farid Wajdi quotes from "***Al-majallat***": *"Marriage which were considered essential and indispensable by our ancestors have none suffered an utter defeat."*

This excessive permissiveness in human societies not only has discouraged the young people from marriage which, as an essential foundation of society, has virtually become obsolete, but has also exposed the existing families to extinction and turned family atmospheres, which have to be full of sincerity and kindness, into the centers of various disputes, confusions and nervousness. Our best proof is the increase in the number of family quarrels and divorces. Ironically, this statistic increase has mainly occurred in the civilized world.

The Causes of the Discouragement from Marriage

What has caused the discouragement from marriage and the spread of sexual perversions among the youth, and even led to the disruptions of the families? What has Islam, on the other hand, done and how has it done it in order to uproot the cause or the causes of these problems and what basic methods has it offered by which such a campaign may become successful?

The study of all the factors and causes is out of question here, but an outline of the main causes is as follows:

1-The availability of the means of sensual pleasures, making it possible to satisfy sexual needs in illegitimate ways and the existence of entertainment centers such as night-clubs, discotheques, all sorts of pleasurable nightly gatherings and unlimited liberties for girls and boys to meet each other

frequently.

The danger becomes more obvious when we consider the artificial means of creating sexual excitements such as obscene magazines, pornographic pictures and films. After several attacks made by school-boys into girl-schools in the U.S. a newspaper, reporting these accidents, writes: "Most of the experts in the United States speak on behalf of the youth, saying that in the U.S. the propaganda machines make a cult of the feminine sex and try as much as possible to persuade the public to buy products by publishing obscene pictures of women. As a result, young people have become extraordinarily enthusiastic about the sight of nude women.

As a result of this notorious situation, sexual perversion has developed into various forms and no moral principle is near at hand to harness this unruly instinct, i.e., sexual instinct.

2-Heavy dowaries and luxurious marriage ceremonies mostly among the Eastern people have made so many impediments on the way of marriage that young people no longer dare marry.

3-Some of the girls and boys are too much particular about choosing a husband and a wife and make many conditions such as wealth, nobleness, good qualities, or even good appearances which are less found in the real world outside one's mind.

As a result, they can rarely decide to marry. Thus, this important social principle falls victim to a series of avidities and absurd expectations of a number of people.

Now, it should be seen what precepts Islam has offered to cure this mental illness, that is, the youth's reluctance to marry and how it has fought to remove the causes of this illness. Let us also know what has been the idea the Christian and other religions' clergy about marriage.

The Islam's View of Marriage

The best way of judging various religions and human intellectual manifestations is to investigate existing laws and tenets an examine how much religions and human thoughts correspond to human nature and its requirements and how much they fulfill individual and social needs of mankind and to what extent they are objectively applicable.

A general study of the laws and precepts of the Islamic faith especially its social codes are making comparison between them and those of other religions. Human intellectual manifestations since the primitive stages of the formation of thought proves clearly that the Islamic school of law is the one which can run the world be and respond most efficiently to human natural needs.

Among the Islamic progressive laws which are peerless in all other religions and legal schools of the world are those concerning marriage.

Now mention should be made of Islamic view of marriage in various conditions and circumstances of human life and then that of the Christian

church and priests and of the whole Christian world in contrast with the Islamic view:

In view of marriage, Islam pays attention to piety, virtue, honesty and other good qualities of the man and woman and their families rather than their material qualities such as wealth and beauty of the couple.

In authoritative books. There are quotations of the hadiths, which say that if a girl is beautiful but lacks religious and moral virtues, Islam does not approve of getting married to her. In general, several types of reliable hadiths from the Islamic religious leaders have been quoted in authorized books. A careful study of these hadiths will clarify Islam's view of the problem of marriage. All these hadiths, despite differences of opinions in their interpretations, share a single supreme goal: the encouragement of the people to marry.

1-One type of these hadiths describes marriage as a main pillar of religion. As Imam Baghir says: "No building has been made in Islam more favorable to the Almighty God than marriage."
This sentence quoted from Imam Baghir is enough to prove the importance of marriage as the nucleus of a society.

2-Other type of authentic hadiths describes marriage as the Prophet's tradition and points out that the Prophet took pride, among other things, in the survival of the offspring and training of children for good-deeds, which are the ultimate goal of marriage.

Imam Ali says: "Get married because marriage is the Prophet's tradition." He usually said that if somebody liked to follow his tradition, he would have to get marriage was among his traditions: "Get married, so that your population may increase, for I shall take pride in the multiplicity of the Muslim population among non-Muslim nations."

Other hadiths describe the main goal of marriage as follows:
"Imam Baghir quotes from the Prophet:" Nothing should prevent believers from marriage, so that God may, through marriage, give them children who will worship God."

3-A series of Hadiths have been quoted from the Islamic leaders which depict marriage as a guardian of religion and as something which, by satisfying sexual needs to a moderate extent, removes individual and social dangers and harms created by the overflow of sexual drive."

The Prophet said: "He who marries will protect half of his religion."

On the other hand, there are other hadiths, which have criticized celibacy and refusal to be married and have blamed those who use their sexual drive in a wrong way and reject the natural law of marriage under unreasonable pretexts.

Islam gives more credit to prayers and worships of a married person than an unmarried person The Prophet said: "Two rak'as of prayer performed by a married person are worth more than the worship of a person who, having harnessed his sexual drive, devotes the days of his life to fasting and performs nocturnal prayer."

Since the youth who have reached puberty and have been overwhelmed by burning sexual desire may be tempted to ignore moral values and social and individual ethics in favor of being drifted into corruption and wretchedness, Islam, trying to prevent this individual and social illness, gives strict orders to people to satisfy as soon as possible their sexual instinct by marriage and seriously blames those people who, despite being under the pressure of sexual drive, refrain from marriage which will calm down their unbridled lust and reject them as deserving the fire. Imam Baghir quotes from the Prophet: "Most of the inhabitants of the Hell will be those who have remained bachelors"
The Prophet says: "The humblest of your men are those who are unmarried."

As you have seen Islam denounces every idea of refusing marriage as perversion and dismisses every law and social customs, which will ultimately squander sexual drive. Thus, Islam does not approve of the present state of the modern civilization and current unnatural permissiveness, which will only result in discouraging the youth from marriage and considers them in disagreement with human nature's requirements and human disposition.

Some of the hadiths imply that there were ignorant people in Arabian Peninsula at the dawn of Islam who turned away from marriage under the pretext of lacking the necessary expense or fearing poverty and financial hardships resulting from marriage. As soon as the Prophet was aware of this social disease which might have spread among the whole community, he made a timely campaign against it and eradicated it.

Imam Baghir quotes from his praiseworthy father as saying that the Prophet said: "He who avoids marriage on the pretext of poverty, suspect God himself, although God says in the Holy Qur'an: If you are poor, God, being supreme and powerful, will make you rich and without being in need of others."

Islam does not consider lack of enough wealth an impediment to marriage; on the contrary, it describes marriage as a factor, which increases daily bread and removes poverty. As the Prophet says:
"Marry and form a family, because marriage increases your daily nourishment."
The sixth Imam says: "The daily bread depends on having wives and family."

How significant this statement of the Imam is! Obviously, the activities of those people who have assumed family responsibilities and brought some others under their own protection often increase automatically as several times as much.

As a married person, in order to provide a better living for his family members, uses his mental energy and talents much more than he did when he (or she) was a bachelor, the family's earning rises and its livelihood improves.

The Christian Church's Hard-line Policy toward Marriage

The Christian Church's attitude towards marriage as a natural behavior is quite in opposition to that of Islam. The more Islam attaches importance to marriage and by various means tries to keep alive the tradition of marriage and

protect it against dangers, the more the Church restricts marriage and attempts to prevent it by various devices.

The clearly Christians priest described marriage as "an inevitable evil", which was their mildest reference to it.

Samuel King, the famous sociologist, writes in his book, "Sociology": "Paul, the great Christian leader was by no means optimistic about marriage. He would only agree to marriage r the mere reason that marriage was 'better than burning'. This great cleric, who was one of the major founders of the Church, never married in his life. The way he opposed marriage and sexual relationship made a profound impression on the Church's future attitude towards sexual problems and the idea of celibacy was increasingly strengthened in the course of time by the spread of asceticism among Christians, so that celibacy came to be regarded as a favorable practice and marriage as an unfavorable deed."

Yet, the contemporary authorities of Christianity approve the wrong tradition of the early clerics and follow seriously their examples. During the recent decades, a large congress was held by Catholic theologians in Vatican, in which the issues of the freedom of marriage and the unnecessary restrictions imposed by the Church on marriage were debated. Unfortunately, however, it was decided at the end after long discussions that marriage would be something unfavorable as before and that the Church could not tolerate it.

Evidently, this incorrect attitude adopted by the Church towards marriage will intentionally or unintentionally help spread prostitution and other corruption's resulting from the rebellion of sexual drive in the Christian world. The sexual instinct has to be fulfilled like other natural needs of human life. If this instinct is blocked in its natural course and is not fulfilled to a certain degree, it will manifest itself in various forms of sexual perversions. Thus, the Church authorities will be responsible for a section of sexual perversions and many social disasters in the Christian world.

For this reason, a group of Christian sociologists have criticized the Catholic priests' opposition to marriage and expressed their concern for its grave consequences for the Christian world. Among them Grossed in his book, "The Family Problems" writes: "If Paul had married a good woman instead of remaining a celibate, the Christian world fathers who came after him would have undoubtedly adopted a softer attitude towards marriage."

This wrong attitude of Catholic priests created in public opinion a sense of humiliation for the feminine sex as a whole. Thus, the woman came to be increasingly regarded as responsible for 1 appearance of sin in the world and as a cause of temptation who led men to corruption.

Although Protestants, who made Gospel teachings the guide of their life, brought about profound changes in the attitude towards marriage, they dismissed sexual relations as unfavorable except for giving birth to offspring. They set it as their main target to prevent marriage.

Islam's Formula for increasing the Number of Happy Marriages

The recent statistics in the so-called civilized countries, dealing with marriages and divorces, show well the low rates of marriages and the high rates of marital disaccords. According to these statistics, the necessity of adopting social decisions to increase happy marriages is felt.

The horrible statistics in this field, which are regularly published, are clear evidence that the modern societies are seriously threatened with social problems. The numbers of marriages are gradually decreasing while those of divorces and family quarrels are creasing.

Ironically, the law courts dealing with family problems have filed to stop the marital differences and raise the number of marriages. Instead, the family quarrels and the divorce cases are rising up.

The increase in divorce cases and the decrease in number of marriages have proved once again that the holding of court hearings for solving the differences cannot, in itself, prevent family disagreements. These courts may apparently prevent divorces by force, threat, putting the husband and wife under pressure and fusing to issue the divorce certificate. This method, however, cannot provide happiness for families.

How to Solve This Social Problem

The easiest and at the same time the most effective and practicable way for increasing happy marriages is the formula with which lam leads young people, by considering the various conditions of their life, to sweet family life, thus raising the number of marriages.

On the one hand, Islam prepares the favorable mental and spiritual background to encourage people to marry by influencing the thoughts and opinions of the members of society; thus approving marriage as a ritual and as something which protects religion and calms soul and mind. Describing marriage as an important duty of the Muslims, Islam has made specific regulations for marriage. On the other hand, Islam tries to prevent and remove factors, which cause the sexual drive to deviate from its natural course by formulating decisive tenets.

How often there are young people who have not reached maturity and have not been influenced deeply by Islam or who cannot easily marry because of social and economic problems and difficult social conditions for marriage. At the outset, Islam lays the responsibility of this important problem on the shoulders of the families in which these young people have been grown up and educated. Therefore, one of the major duties of the parents, as proposed by Islam, is to provide their children as soon as possible with the necessary means of marriage. The religious jurists have devoted special section of their books to this field. They have quoted many hadiths concerning marriage. The following is one of them: "One day the Prophet said from the pulpit to the audience:

O Muslims! Your daughters are like ripe fruits of trees. If the fresh and

delicious fruits are not picked on time from the trees, they will be spoiled by the sun and winds. Thus, if you do not make the right response to the voice of your daughters' instinct by giving them in marriage to suitors and guaranteeing their health by marriage, you will never be immune from their drifting into corruption. After all, they are human beings and their human needs should be fulfilled."

Since parents may fail in carrying out their Islamic duties and evade their responsibilities in their sphere and since the young people may be unable to marry and consequently be subject corruption, Islam, in order to save them from the bondage created by sexual drive, has proposed a wise solution by putting the responsibility on the shoulders of other Muslim people and by making them share the youth problems. There are correct hadiths concerning this point. As an example, we shall just quote to our dear readers the following authoritative hadith.

The Seventh Imam said: "Three groups of people will benefit most from God's favor: those who provide their Muslim brothers a service; and those who make efforts to conceal the secret of a Muslim."

Of course it is obvious that the responsibility which parents and other Muslim people bear in respect of young people's marriage is considered from the point of view of family duties and protection the health of youth and Muslim communities and human and conscientious duties.

Such a responsibility is not a necessary religious duty and as a result, evading this human responsibility is not considered a sin and does not require somebody to be taken to task for it except in cases failure of parents and other Muslims in considering the marriage problems and being indifferent to the spiritual and physical problems of the young people will lead to individual and social harms. If so, this responsibility will gain great dimensions. Now, it should be discussed that, according to Islam, what qualifications a girl should possess, so that she may deserve to be married; how is it possible to find such a girl and choose her for marriage; and whether it is necessary for the girl and the boy to be informed, before marriage, of each other's mentality and spiritual and physical advantages or disadvantages. The details about these problems will be discussed in the next essay.

The End