

## Marital Affairs

### Mutual Rights of Husband and Wife

. . . ***They ( wives) are your garment and you are their garment . . . (Qur'an, 2: 187)***

While the “family” is the foundation of civilization and society, the relationship of husband and wife and defining their mutual rights and duties is the foundation of family-life. This is a very difficult problem; human beings have been trying to unravel this knotty problem since the beginning of humanity – and the result is a never-ending conflict of theories and a mass of irreconcilable views and opinions; and this con-fusing state of affairs seems to worsen day by day. In various places and at various times, the mutual duties of husband and wife have been going up and down in cycles like a merry-go-round.

Space does not allow us to give here any detail; but history has clear evidence to show that whenever the sphere of activities of women was enlarged the only result was unmitigated disaster and a decayed society.

Every so-called liberty brought a reaction of horrifying suppression; and every unchecked excess resulted in suffocating restrictions. Maintaining a balance between extremes is the law of nature and nature does not hesitate in severely punishing those who break its laws.

Even now there is a war of ideas, a conflict of ideals, going on in this subject between East and West – or, more correctly, between Islam and the non-Islamic world. The real cause of the conflict is that the anti-Islam forces are either un-willing or unable to decide what are the “Natural” spheres of activities for man and woman, and what are the aims and objects of a married life. If these two points are clearly defined, then there is no danger of anyone going astray.

## **The Rights of the Husband**

***Men are the protectors and maintainers of women, because Allah has given the one more strength than the other, and because they (i.e., men) support them ( women) from their means . . (Qur'an, 4:34)***

This *ayah* covers in a nut-shell all the principles of domestic life. As mentioned earlier woman is, by nature, the weaker sex. As such she should not be expected to struggle for a livelihood; instead man should provide for both. If 'home' is a kingdom, then husband is the King, and wife his Prime Minister. This *ayah* points to these facts. Let us look minutely at these phrases

**'Allah has given the one more than the other.'**: This phrase refers to the natural strength of man in comparison to woman.

### **Man and Woman: Physical Differences**

It has been mentioned earlier that there are certain important anatomical and physical differences between man and woman, which equip them for different roles in procreation. To these major differences can be added other secondary ones involving skeletal and muscular variations.

Reference to any physiology book will show that the regulation for the maintenance of these differences is largely a chemical one: the hormones (the name given to the chemicals which animals and human beings produce to regulate procreative and other functions) produce physical and functional differences. It can also be shown scientifically that these hormones produce distinct emotional effects and they are agents which cause emotional changes such as those seen in women before and after child-birth.

It should be mentioned here that it is the hormones which produce the marked general difference between man and woman, described earlier, which make the latter more suited to the task of rearing young children, and the former better able to withstand the rigours of competitive existence.

Farid Wajdi Afandi quotes an authority to the effect that the psychology of a woman is nearer to that of a child. A child will start crying if confronted with an unpleasant situation; and will start jumping and merry-making when happy. Just the same is the case with woman who, in comparison to man, is more affected by such feeling.

Allah has made woman more sensitive than man because it is more in keeping with the role for which she has been created, i.e., Motherhood.

Pointing to this fact Kenneth Walker writes in *The Physiology of Sex*: [1](#)

In order that she may succeed in the world to which she rightly belongs, woman has been equipped with a greater sensitiveness to effective stimulus than has a man. She sees life through her feelings, and emotionally reaches to many a truth to which a man, working laboriously through the medium of his reason, remains permanently blind. The fact that in the sphere of intellectual abstraction she is at a disadvantage is no sign of inferiority, for it is no exaggeration to say that a man's judgment is as often warped as it is helped by this intellect.

'A woman judge,' it has been said, 'Would always deliver her sentences in accordance with the dictates of her heart.' But, as Maranon has asked, 'What better method could there be of judging the action of others than reason tempered with feeling?' It is therefore no depreciation of a woman to state that she is more sensitive in her emotions and less ruled by her intellect. We are merely stating a difference, a difference which equips her for the special part for which she is cast.

Perhaps because of this difference in perception, and the dominance of feeling over intellect, the Qur'an treats evidence of two women as equal to that of one man

. . . ***And get two witnesses from your own men; and if there are not two men, then a man and two women such as you choose for witness, so that if one of them errs the other can remind her . . .***  
***(Qur'an, 2:282)***

Anyhow, it was because of this natural weakness of the "Fair Sex" that man has been made responsible to provide for her necessities. Justice and mercy demand that her back should not be broken by putting a heavy load upon her.

**"Because they (men) support them (woman) from their means "** makes this point clear.

It is painful to see that the non-Islamic societies have compelled the weaker sex to carry a double load of responsibilities on her shoulders, disguising this "tyranny" as "emancipation of women" and "equality of sexes."

And what does this "emancipation" mean?

Woman is still required to carry on her natural responsibilities of child-bearing and child-rearing. Man does not, and by nature cannot, share with her the burden of pregnancy, nursing and suckling the infant, looking after the children and all multifarious activities connected with "motherhood." Woman has to bear this burden alone. But, in addition to these full-time life-consuming responsibilities, man now tells her to help him in the struggle of earning their livelihood!

Thus, the stronger sex has “liberated” the weaker sex to share his burden without himself sharing her burden. Poor woman, she is still overwhelmed by the powerful slogans of “liberation” and “emancipation” without realizing that it is no-thing but a clever device of man to overload her with his own duties. The disaster – social, domestic and economic – wreaked by the entry of woman in earning fields are too numerous to be listed here.

## **Natural Spheres of Activities of Man and Woman**

It is clear that, so far as the safety and development of the human race is concerned, every human being has two important functions to perform:

- (1) Procreation, i.e., maintaining the population of human beings so that human race is not faced with extinction;
- (2) To obtain the necessities of life by participating in the struggle of economy.

On the other hand, we see that the Creator has divided the humanity into two distinct groups: Male and Female. And, it is clear that, physically and biologically man is equipped far better to deal with the hustle and bustle of the struggle to earn livelihood, while woman is prevented from it by her many physical differences. On the other hand, the body of a woman is geared to pro-creation and child-rearing.

It requires no great philosophical mind to realize that the nature has endowed each group with the ability to efficiently perform only one of the two functions: the man, by nature, is un-able to bear and rear a child; likewise, the woman is not meant to bear the back-breaking burden of earning her livelihood or to plunge into the conflicts of society.

## **Benefits of Marriage**

The above discussion brings us to the benefits of marriage and the philosophy of the matrimonial bond.

Marriage is one of the fundamental sociological institutions. Mankind, since its very beginning, has kept to it without any disruption. Even the so called ‘uncivilized’ tribes and primitive societies treat marriage as a sacred bond. Such an institution must be based on the foundation of the nature it-self.

**Philosophy of Marriage:** Islam has based its matrimonial laws on the correlation between masculinity and femininity. Obviously this complementary system in man and woman – and it is the most intricate and inter-related one, permeating their whole beings – was not created in vain or without purpose. The male by his nature is attracted to the female, and vice versa.

And this system has only one goal in sight: Procreation. Islamic marriage is based on this reality, and all its matrimonial rules revolve around this axis. On this foundation are based the Islamic laws concerning chastity and conjugal rights, exclusive attachment of the wife to her husband and the rules of divorce and *'iddah* (the waiting-period after a woman has been widowed or divorced before she can re-marry), legitimacy and parentage, custody of children and their upbringing, inheritance and other related matters.

In short, marriage is the only legal and honourable way of satisfying sexual desire, and the husband and wife by their union ensure the survival of mankind. Although almost all the burden in this task falls on the woman, the initial steps can-not be taken without the participation of the man.

This is the philosophy of marriage. And it also shows the first and primary benefit of matrimony.

The Holy Prophet said:

Marry and procreate and increase your population . . .

**Second Benefit of Marriage:** The second benefit is that the husband and the wife jointly (but with division or responsibilities) perform the tasks which they are faced with in establishing a family. And each finds his or her fulfilment in the other. As explained earlier, woman is not fit to earn livelihood; man is not fit to manage domestic affairs. Marriage binds them to make up each other's deficiencies, so that the family may prosper.

The man will spend his energies in earning a livelihood for himself and his family. The woman will manage the domestic life with that income. Allah has reminded us of this very point in these words

***And marry those among you who are single, and the virtuous ones among your slaves, male and female: if they be in poverty, Allah will make them rich by His Grace; for Allah is abundantly-giving, All-knowing. ( Qur'an, 24:32)***

It is for this reason that al-Imam Ja'far as-Sadiq (a.s.) said: "The sustenance is with women and dependants." Domestic science is the natural preserve of women, and by their efficient management they can make the money stretch far.

Modern non-Islamic societies have laid the foundation of matrimony on only this cooperation between husband and wife, while in Islam it is a secondary, not the primary, benefit. Marriage, according to present day societies, is a co-operative venture, albeit much narrower in scope than other such institutions, like a municipality or a club.

It is for this reason that modern laws do not pay any attention to the rules of chastity etc. This inadequate foundation – cooperation in life – has given rise to a vast multitude of social problems and

has created chaos in domestic life, because it is not in complete harmony with realities of creation and nature. Man is a social animal, no doubt. Everyone cooperates with everyone else, dividing the labour and work according to one's aptitude. But this factor requires cooperation between any two persons; it does not specifically call for cooperation between a man and a woman.

Therefore, it is a weak foundation on which to build the edifice of matrimony. If marriage were only a co-operative institution, there would be no need of any special rule for matrimony; the general rules governing associations and co-operative societies would be enough. It would negate the virtues of chastity and fidelity, nullify the concept of legitimacy and affinity, and abrogate the rules of inheritance – as some “advanced” societies have done. If we accept this ultimate result of the modern philosophy of marriage, we will have to accept that all this complicated and inter-related system in the bodies of man and woman was created without any purpose.

Now to return to our original topic. The basic philosophy and secondary benefit of marriage have already been described. It was because of those benefits that the Holy Prophet said: “The worst of your dead is the unmarried one.”

Now, we may understand the meaning of the *ayah*:

***They (wives) are your garment and you are their garment.***

The garment serves three purposes: it beautifies, it covers the parts of the body, and it protects from cold and heat. Allah says

***O' Children of Adam! We have bestowed upon you garment to cover your shame, and to be an adornment to you. And the garment of righteousness, that is the best . . . (Qur'an, 7:26)***

Husband and wife, by uniting together, cover the natural shortcomings of each other, and this union protects them from hardships and difficulties which one faces by living alone; the sun of happiness and prosperity shines on the horizon of life; and both, by their joint efforts, discharge all the duties laid upon them by human nature.

## **Islamic Boundary Line**

Up till now we have been looking at the natural boundary line between the responsibilities of man and woman. Now, let us see how Islam – the Natural Religion – has safe-guarded that boundary.

It was mentioned earlier that Islam wants to educate boys in such a way that they develop into Men of Action; and to educate girls to make them into the Rulers of the Home.

Nature demands that all individuals should have equal rights. But it does not mean that every individual should be entrusted with every responsibility and every duty. A weak person is not expected to perform the tasks done by a strong one. If we treat both equally, it will be harmful to both.

What is then the meaning of this equality? It means that everyone should be given his or her right without let or hindrance, and be put in his or her rightful place. The words of Allah point to it

***. . . and they (women) have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them; . . . (Qur'an, 2:228)***

This verse ordains equality between the rights of both groups at the same time when it shows the differences between the both.

Men and women equally share the Divine gifts of thinking and will, which in their turn create free choice. She should, therefore, be free in her thinking and will, and should have freedom to choose her own course of action. In other words, she should be free to look after her life's affairs – personal as well as social – except where there is a genuine reason to the contrary. Islam gave her this freedom in full measure. She may act independently in all matters in which a man is free to act.

She gets her share in inheritance, she is the rightful owner of whatever she may earn, she may deal with others in all types of dealings, like trade, partnership and gift, she may acquire knowledge and impart it to others, she may stake a claim, defend her rights, sue and be sued without any need of seeking permission of her husband. These few examples will show how she was given an independent personality, unfettered in her will or action by men or their guardianship. She thus got, by the Grace of Allah, what the world had denied her since the beginning of humanity, and which was unheard of before the advent of Islam.

But while sharing these basic qualities with men, she differs from them in other ways. As a result of those differences, her body is comparatively soft and elegant; and finer sentiments, like love, tender-heartedness and inclination towards beauty and adornment, are more pronounced in her than in man. On the other hand, the power of cool reasoning is more prominent in men than in women. In short, a woman lives a sentimental life; a man in comparison does not allow sentiments to cloud his judgment.

It was for this reason that Islam differentiated between the duties and responsibilities of both groups. The tasks demanding cool reasoning, like rulership and judgeship have been reserved for men; also the fighting side of *jihad* (holy war against the infidels) is man's preserve, although women may attend the *jihad* for nursing and treating the wounded soldiers. The woman has been entrusted with bringing up of children and looking after the domestic management. Man has been given responsibility of her maintenance, for which he is compensated by a double share in inheritance.

Thus, Islam was the first to release woman from her bondage by giving her freedom of will and action. All the slogans of emancipation of women, raised in modern times, are but an echo of the clarion call of Islam. Non-Islamic societies in this matter are just following the lead given by Islam. But the trouble is that they are not content with following; they want to improve upon the master-piece of Islam – forgetting that the principle laid down by Islam is a perfectly circular ring; nothing can be added to or subtracted from it without disturbing the whole alignment. Yet, in spite of their keen desire to emancipate woman, these societies have not succeeded in this endeavour. Woman is still far behind in all those fields of activities which Islam has reserved for man. The data show that the fields of rulership, judgeship and military services (in the meaning of fighting) are still a “man's world”.

The following *hadith* (tradition) may give a general outline of the above-mentioned Islamic principle, al-Imam Muhammad al-Baqir (a.s.) said:

Verily, Fatimah (a.s.) had taken the responsibility of the domestic works, like ... grinding the flour, baking the bread and sweeping the house; and `Ali (a.s.) had taken the responsibility of all works outside the door of the house, like bringing the fire-wood, and obtaining food stuff, etc.<sup>2</sup>

According to this *hadith* the boundary between the responsibility of man and woman is the wall of the house. Woman is Supreme in whatever happens within four walls and man is Supreme in all matters outside those walls.

Islam has liberated the woman from the turmoils and troubles of outside world; so that she may concentrate on the burdensome duties of domestic affairs.

Now, we come to the mutual rights and duties of husband and wife.

## **A Woman's Place is at Home**

However, man has been made guardian of woman, because of his strong physical and intellectual powers and because he is responsible for maintaining her. It is for this reason that the wife is obliged to obey her husband.

The Holy Prophet has said:

The most honoured women before Allah are those who are obedient to their husbands and remain within the boundaries of their homes.

If the women remain within their natural boundary and, by obeying the husband, fulfill the duties imposed upon them by the Creator, they would discharge their responsibilities, and surely would deserve to be

called, "The most honoured women."

I know the exponents of the equality of sexes will oppose this straight-forward principle. But in the domestic affairs as in all societies an authoritative leader is a **must**. No association or institution can function without a leader; even sports clubs need a President and a Secretary. Is it not strange that it is only the domestic institution, the hub of all success and prosperity, which is considered so unimportant as not to need any authority?

It has been explained above that a man has a natural ability to become that leader, while a woman requires a man to bring out her natural abilities. In the words of the poet Iqbal:

*The virtue of man shines out without any outside help;  
but the virtue of woman is dependent on an 'other' (i.e., man) to bring it out.*

Anthropologists tell us that the first stage of womanhood was when the "family" was not an established institution. Woman, in that period, was free from all bonds, and was absolutely her own master. But, in that very stage, she was absolutely without any honour and had no respect.

When the "family" was established, the situation began to change. Coming within the circle of family the woman lost her freedom and was obliged to submit to many restrictions. But, at the same moment, she acquired a high prestige and honour which was undreamt of before.

An interesting question has been asked by an author on this very subject. He asks that if the advance of civilization and human perfection only means that woman attains complete freedom and is not obliged to obey her husband, then, why is it that primitive tribes are not acknowledged as the guardians of highest civilization in the world, as males in those tribes are content to sit idle and it is the woman who is "free" to do all the jobs.

The "emancipation" has compelled many a woman in western countries to shun marriage. In words of a western social worker, these women abhor the fundamental factor of the civilization, that is 'matrimony'. They have completely lost the urge and feelings which are naturally found in the women of their age-group. Now they are neither man nor woman; they have developed into a neutral "sex"! They are not 'man' because they differ from man anatomically, and they are not "woman" because their activities and feelings are opposite to that of a woman.

A person cannot embark in two boats at the same time. If a woman is devoting her time in earning her livelihood, she is depriving her children of their natural rights of "maternal love and care".

In 1971, the *Sunday News* (Dar-es-Salaam) carried an article under the heading *It Is Hard On The Mother*. The following paragraphs give a fair picture of this deep-rooted problem:

“Take the example of a mother working in an office. Her first worry before she takes up her appointment is about her children.

“She must make sure that she has hired a suitable nursemaid for the children, which is often a dream because these are becoming unbearably expensive. But someone warm-hearted and generous, with a lot of love to give in mothering the children in her absence: that is the kind of maid servant she wants.

“A mother observes that parental love for a child is actually irreplaceable and is vital to its development. A child has to grow with it.

“But, as we have seen, who will pay for the nursemaid or the baby-sitter? The question is difficult enough for a working married mother.”

Again he writes:

“But their main concern is their children. As they have to give time to their job, they have to do the same to their children.

“For example, a woman teacher is a mother of two children. Teaching needs many hours of devotion and some extra hours of preparation at home.

“A woman teacher who is also a mother has to be very careful in planning her time. Home preparation interferes with the time allocated to chatting and playing with her children, since she has been away for the whole day.

“Some children are naughty. They have to be taken care of with tender toughness. And yet there are teaching lessons to be prepared. She literally has to divide herself into two persons!

“The majority of mothers enjoy cooking, so they prefer doing it for themselves even if they have cooks. After office hours, therefore, they pass by the market to do proper grocery, and so to make a meal of their choice – to please sweet teeth of their husbands.

“But the reality of their office or factory jobs means that they are doubling, not to mention that some women do not necessarily love cooking.”

Above the article, the following words were printed in bold letters: “Children are becoming a problem for the modern working mother in Africa.”

In the end the writer dutifully suggested this interesting cure:

"The question we pose here is: Does a Tanzania husband help in the cooking or any other household chore which in the old days was meant for women?

"If a man and his wife are both career people, the dictates of socialism demand that both of them must work equally in the household. Since this is not the case, what it means is that socialism has not reached home ... where it should have begun in the first place."

But the question is this: If the parental love is irreplaceable then how can a nursemaid provide that love and care?

If the emancipation of women and "social-ism" mean that the woman has to do double duty (motherhood and wage-earning) and also the husband has to do double duty (wage-earning and cooking), then is it not far better and less back-breaking to let both of them do their own natural single duty without interfering with the other's responsibilities? This will have the added benefit of reducing the number of juvenile delinquents . . . because children will grow up under kind and understanding mother's love.

We may sum it up with the following words of Kenneth Walker:

"Not only in her physical but also in her psychological make up everything in a woman is sacrificed to the function of motherhood. In the same way a man is psychologically, as well as physically, specially equipped for the task of seeking out the woman and protecting her and his family.

"(A woman's) aptitude for physical and intellectual exertion in the primitive struggle for existence is less than that of man. Occasionally she may possess these more masculine faculties, and by her own exertions succeed in establishing for herself a place in the world, but this is not her natural role. Biologically speaking, the woman who fights her own battles has moved out of the sphere for which nature has equipped her and trespassed into another that does not by right belong to her. The fact that she often succeeds in making good in the new sphere into which she has wandered does not affect this principle. Emotionally and physically she is dedicated to the career of maternity, and it is on the man she was meant to rely not only for her own support, but also for that of her children."

The Urdu poet, Iqbal, has pointed to this fact in these words

*If western education means the death of 'motherhood' then such an education,  
in the eyes of thinkers, is **death**.*

This subject has been dealt with at some length in order that readers may fully understand the wisdom and virtue of the restrictions put up on women of Islam. Thanks to these regulations, Muslim women

have been enjoying their lives quite peacefully and naturally for the last fourteen centuries. They have remained safe and immune from the degradations to which other women were subjected up to the end of the last century. We are sure that by following the rules of Islam they will remain safe from present day excesses as they saved themselves from the shortcomings of the past.

## **Husband: Metaphorical Lord**

It was mentioned in Part Two that the parents are the metaphorical Lords of the children. There is no exception to this rule, so far as boys are concerned. But as for girls, after marriage the parents' Lordship comes to an end and they come under the domain of the husbands.

A woman once asked the Holy Prophet: "O' Messenger of Allah, whose right is the greatest on man?" The Holy Prophet said: "His parents." Then she asked: "And whose right is the greatest on woman?" He said: "Her husband."

Once some people told the Holy Prophet "We saw some people bow down before some of their people." The Holy Prophet said: "If I were to allow any person to bow down before anyone I would have ordered the woman to bow down before her husband."

Al-Imam Ja'far as-Sadiq (a.s.) said:

Allah sent a message to the Holy Prophet, "Tell Fatimah (a.s.) not to disobey `Ali (a.s.) because if he was ever displeased (with her) I would be displeased because of his displeasure."

It was because of this that the Holy Prophet said to Fatimah (a.s.):

O' Fatimah, if a woman worshipped Allah seventy thousand years, but died disobeying her husband (and the husband was not pleased with her), she would be amongst the people of Hell.

## **Obedience Based on Love**

We must remember that a rule, based on tyranny or injustice, can never be stable. Therefore, the foundation of the husband's authority has been laid not on fear or awe, but on love. Allah says:

***And among His signs is this that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between you. Verily, in that are signs for those who reflect. (Qur'an, 30:21)***

In this *ayah*, two words, 'love' and 'mercy', have been used for the matrimonial love. It points to the subtle difference between the love of woman and man. Woman, generally speaking, loves her husband more intensely. She gives her soul and body to the husband. The word, "love" describes this aspect.

On the other hand, husband's love to his wife is tinted with the natural superiority – there is no “giving up his self” to the wife. Hence the word “mercy”.

Anyhow, this love and obedience are the prelude to fulfil the two important duties mentioned earlier: Management of domestic affairs, and procreation.

## **Domestic Management**

First of all, it is essential that the wife should consider the earnings of her husband (however little or great that may be) better than the whole world.

Then she should try to keep the expenses of the household within that limit. The Holy Prophet said:

There is no woman who is happy with the sustenance which Allah has given to her husband and does not demand from him more than his strength, but that Allah will give her seventy thousand clothes in Paradise.

For those who contravene this ethic, the Holy Prophet said:

There is no woman who demands from her husband beyond his strength, and is not content with his livelihood – be it little or great – and is not satisfied with the sustenance given her by Allah, and who will be among those whose good deeds are not accepted, but her sins not pardoned, and with whom Allah will remain displeased except that she repents.

It is a fact that many domestic chores very much try the patience. It is for this reason that the Law-giver of Islam has promised eternal blessings in reward of such drudgery. The Holy Prophet said:

If, while cooking her food, tears come out from the eyes of the woman because of smoke, Allah will write for her the reward of those warriors (in the way of Allah) whose eyes shed tears from the fear of Allah.

If she has got someone to help her in domestic duties, and, thus, gets some free time, she should not waste that time; instead, that precious time should be spent in useful activities within the boundary of her home. “The best activity of women is spinning; because for every thread she is forgiven one sin and awarded one good deed.”

Her attention has been drawn towards good house-keeping in the following words: “Whosoever woman,

in the house of her husband, transfers a thing from one place to another, for a good purpose, Allah looks at her (with mercy), and whosoever Allah looks at with mercy, would never be punished." Her attention has been drawn towards good house-keeping in the following words: "Whosoever woman, in the house of her husband, transfers a thing from one place to another, for a good purpose, Allah looks at her (with mercy), and whosoever Allah looks at with mercy, would never be punished."

## **Procreation**

The progress of mankind, nay, its very existence depends upon this important function; and almost all of its responsibilities are with the woman.

When a woman is blessed with it, she is in fact discharging her duties towards humanity.

Islam has not overlooked the ever-present travail and pain incurred in this important function. It has promised her great reward and unlimited blessings in recompense for this difficult task. The woman has to pass through four stages in this connection:

- (1) Conception;
- (2) Delivery;
- (3) Suckling;
- (4) Good rearing of the children.

According to the Holy Prophet, she gets eternal rewards in all these stages:-

- **First stage:** When a woman conceives, she (during her pregnancy) is likened to one who is (continuously) fasting, praying, and doing *jihad* by one's soul and wealth in the way of Allah.
- **Second stage:** When she delivers, she gets so much reward that it cannot even be imagined because of its greatness!
- **Third stage:** When she feeds her infant, she gets the reward of emancipating a slave (from the children of Prophet Isma'il, a.s.) at every suckling.
- **Fourth stage:** Rearing the children – It has already been described in the rights of children.

The following extracts from a *hadith* must be read carefully: The Holy Prophet said to her daughter Sayyidah Fatimah (a.s.):

O' Fatimah, it is incumbent upon woman that she should not bring before her husband, what he does not

like; should guard herself as his trust; should be sincere to him in his presence as well as in absence; should cut (the injury of) her tongue (from him) ; should look after him when he needs looking after; should fulfil his requirements and should look after his condition; because her looking towards her husband is an act of worship; and she should not invite anyone to his food except with his permission; and she should remain content with the sustenance given her by Allah; and she should not leave her husband, and if she left him, then neither her prayer, fast nor alms will be accepted (by Allah) until her husband forgives her.

***. . . and they (women) have rights similar to the rights against them, according to what is equitable, but men have a degree (of advantage) over them, and Allah is Exalted in Power, Wise. (Qur'an, 2:228)***

This *ayah* explodes the myth of so-called “slavery of Muslim woman” which is the target of the attacks of many an ignorant western orientalists. It was essential, for the purpose of domestic well-being, to install the man with effective authority over women. “*Men have a degree (of advantage) over them*” points to this fact. Apart from this, both sides have been accorded well-balanced rights. Each “half” has been given all the necessary rights without any reservation.

As mentioned earlier, according to reason and according to the Islamic *shari'ah*, the husband is solely responsible for the livelihood of the wife, and in view of this responsibility he has been given an authority which in its turn is based upon love.

It appears from above that all that a woman needs for her peace of mind, spiritual well-being, and material comfort, can be classified under two headings: (1) Sincere love; and (2) Fair maintenance.

If one looks at the long list of the demands of advocates of Liberation of Women, one will find that all those rights which are in conformity with reason are within the circle of these two rights.

Islam has emphatically ordered husbands to let their wives enjoy their rights without any hindrance. The Holy Prophet said:

Any woman who makes her husband suffer with her tongue ... will be the first to enter Hell; and, likewise, the man if he treats her unjustly.

## **Love and Good Grace**

al-Imam Ja'far as-Sadiq (a.s.) said:

I am sure the more a man becomes good in this thing (i.e., Faith and Islam), the more his love to (his) women increases.

The ayah: "**And He has put Love and Mercy between you**" shows that matrimonial love is the Grace of Allah; and the stronger the faith in Allah, the greater this grace of Allah upon the couple.

It is for this reason, that al-Imam Ja'far as-Sadiq said:

In the character of the prophets is the love of women.

The Holy Prophet accordingly, said:

Let it be known that the best of you is the one who is best for his women. And I am the best for my women.

Likewise, he said:

Allah may have mercy on His servant who does good between himself and his wife; because, verily, Allah has given him authority upon her and has made him her protector.

According to the Islamic *shari 'ah*, it is highly emphasized that a man should enter his home with smiling face. The home may become paradise if this rule is followed consciously,

In the section 25 it was mentioned that the "most honoured woman" is the one who is obedient to her husband. The above-mentioned *ahadith* show that the "best man" is the one who treats his wife gently and with good grace. In other words, these *ahadith* fully explain the ayah.

***And women have rights similar to the rights upon them. (Qur'an, 2:228)***

## **Right of Maintenance**

In many *ayat* in the Qur'an, Allah has exhorted man to treat his wife gently. Apart from the above-mentioned *ayat*, another *ayah* says:

***. . . And live with them (women) with kindness and equity . . . (Qur'an, 4: 19)***

"Good treatment" according to the *ahadith* means that the wife should be provided, as far as possible, the same standard of living which she had in the house of her parents; so that she does not face material discomfort and mental depression.

But if the husband, because of his limited resources, is unable to provide that standard, he is not to be

blamed.

*. . . On the wealthy according to his means; and on the poor according to his means . . . (Qur'an, 2:236)*

Al-Imam Ja'far as-Sadiq (a.s.) said:

The dependants of a man are his prisoners. And the most beloved servant in presence of Allah is the one who is the best in treating his prisoners.

Likewise, al-Imam Musa al-Kazim (a. s.) said:

The dependants of a man are his prisoners. So, if Allah bestows someone with His blessings, he should increase the expenses on his prisoners; and if he did not do so, then that blessing is likely to perish.

According to the *shari 'ah*, maintenance of the wife is in exchange for her obedience. If she does not deny the husband his conjugal rights, she is entitled to her maintenance. If the husband, because of his financial difficulties, defaults in its provision, he remains indebted to that amount; and must repay soon after getting money etc. In short, the maintenance of – the wife is based on a “give and take” basis, and man has to pay it any-how. al-Imam Ja'far as-Sadiq (a.s.) said: “Cursed is the man who neglects his dependants.”

## **Forbearance**

As was mentioned earlier, women's feelings dominate their intellect. If a girl is not brought up properly according to Islamic ethics, she is apt to become hot-tempered and sharp-tongued.

On the other hand, a man is not so dominated by emotions. Therefore, Islam has enjoined man to have patience and forbearance in the face of woman's temper. A man must be tolerant to his wife, keeping in view her natural weakness and remembering that she by nature is governed by emotions.

Allah says:

*. . . And live with them (women) on a footing of kindness and equity; and even if ye take a dislike to them it may be that ye dislike a thing and Allah created in it a great deal of good. (Qur'an, 4: 19)*

There is no denying that it is a very tough assignment and sometimes needs a lot of patience. Allah says in the Qur'an:

***And there are men who say: "Our Lord! give us good in this world and good in the Hereafter, and protect us from the torment of the Fire." (Qur'an, 2: 201)***

Among several explanations of this *ayah*, Amir al-mu'minin, `Ali (a. s.) said:

Good in this world means a good-natured wife, good in the Hereafter means '*huru'l-in'*, 'torment of the Fire' means a 'bad wife.'<sup>3</sup>

To say that a bad-natured, hot-tempered wife is the torment of the Fire presents the reality in the best possible way. But we should always keep these *ahadith* (traditions) in view:

Verily, Ibrahim (a.s.) complained to Allah against the temper of (his wife) Sarah. Then, Allah sent a message to him telling him that "Verily, the likeness of woman is likeness of a rib; if you straightened it, it would break; and if you left it as it is you will benefit from it."

In short, many *ayat* of the Qur'an and many *ahadith* exhort the married couple to strengthen the bond of mutual love and affection as long as they are linked together in matrimonial bond, even if it means self-denial and extraordinary patience. And it is by following this principle that human beings may enjoy the peace in this world and happiness in the life hereafter.

## **Misunderstandings and Conflicts**

Islam is aware that philosophical theories alone do not pave the road to a better life. It is the practical laws and codes which bring the peace in a household. Ethical sermons can be of no benefit to common man if they are not firmly based on common-sense and are not within his easy grasp.

The ideal of Islamic marriage is one in which both parties have mutual love and respect and each consciously honours the rights of the other.

But this world is not made of only pious and understanding people. There are many hard-hearted men and women in this world; they do not care for the damage done to Islamic society by their misbehaviour and their flaunting the ideals of the Islamic *shari`ah*. Therefore, it was necessary to frame some rules to correct their behaviour.

Why Conflicts?

The main cause of the conflict is the negligence of one's duties towards the other.

This negligence can be either from the husband's side, or from the wife's side, or from both sides.

Islam has laid down clear rules for each of these situations.

## **When the Wife is at fault**

If the wife neglects her duties and gives trouble to the husband, then, three cures have been prescribed step by step. Allah says in the Qur'an

*. . . And as to those women on whose part ye fear disloyalty and ill-conduct, admonish them, and (then) refuse to share their beds, and (lastly) beat them. Then, if they return to obedience seek not against them means (of annoyance); for Allah is Most High Great. (Qur'an, 4:34)*

**First Step:** First the husband should admonish the wife and advise her to change her behaviour. In the beginning, advice and mutual discussion may bear good fruits, while tough measure may create an undesirable reaction.

**Second Step:** If this fails, then it means that the malady has taken a deeper root. Therefore, the husband should leave her in her bed. This silent protest may bring the wife to her senses; and the cause of conflict may be removed.

**Third Step:** But, if her arrogance has reached the furthest limit, and she is oblivious of admonition and that subtle protest, then the 'soft' treatment will not be of any use. In this extremity, the husband is allowed to beat her. If good-manners fail to awake her gentle feelings, the alternative is 'tough' dealing.

But that 'tough' dealing also must be tempered with tenderness. al-Imam Muhammad al-Baqir (a.s.) said: "Verily, it is a stroke with a tooth stick." The *shar'ah* says that the blow should not be such as to break a bone or to leave red marks or bruises, nor is he allowed to hit her on her face, nor in another place several times.

If these cures remove the cause of complaint, the husband should at once start gentle and fair dealing with her. The last sentence of the above mentioned *ayah* points to this aspect: "*Then, if they return to obedience, seek not against them means (of annoyance).*"

## **When the Husband is at fault**

If, on the other hand, the husband is at fault and neglects his duties towards his wife, then she, at first,

should try to bring a reconciliation with him.

***And if a wife fears cruelty or negligence on her husband's part, there is no blame on them if they arrange an amicable reconciliation between themselves; and the reconciliation is best . . . (Qur'an, 4: 128)***

If this method fails, then she has a right to put the matter before Hakim ash-Shar'i (the *Qadi* or *mujtahid*) who has every authority to settle the dispute according to his discretion.

## **When both are at fault**

If both neglect their duties towards each other, then there is a need of some helping hands to end the conflict. Therefore, Allah has ordained:

***And if ye fear a breach between the two, then appoint two arbiters, one from his family and the other from hers; if they wish for reconciliation and peace, Allah will cause their reconciliation , for Allah is Omniscient All-knowing. (Qur'an, 4:35)***

This arbitration may be resorted to even in the first two situations when only one party is at fault.

## **Separation**

Some discords become very complicated and defy all solutions, and family-life becomes extremely intolerable. In such cases, only two alternatives remain:

1. to leave the couple in the same condition, which in the words of the Qur'an is: "***The torment of the Fire;***"
2. to release them from the bond of marriage, so that each can find another suitable life-partner.

Common sense prefers the second alternative; and Islam has adopted the same.

Christianity prefers the first alternative, i. e., to compel the couple to remain as man and wife even if they intensely hate each other. It is based upon the following alleged words of Christ:

It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement. But I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery: (Mathew, 5:31 -32).

Let human nature decide whether it is only the fornication which pollutes the matrimonial atmosphere ? Does not hot temper or flaunting each other's rights create equally intense discord? Is not negligence in maintenance, disloyalty, desertion, or disobedience enough to turn the home into a Hell?

It is necessary here to emphasize in so many words the wisdom of divorce in many cases, as allowed by Islam. Suffice it to say that now even the followers of those religions which do not allow divorce are resorting to parliaments to establish "divorce" in their countries' legal systems, some-times in face of fierce opposition from their churches and religions.

The Hindu religion does not recognize divorce; Hindus a few years ago made divorce a part of their legal system through the "Hindu Code Bill".

The Anglican church is opposed to divorce; Anglicans through an Act of Parliament (of which all the Bishops are members) have allowed them selves to be divorced by the courts. And here is an interesting side-light. The sovereign is the Head of the Anglican church; and as such is supposed to uphold the theory of illegality of divorce.

And the same sovereign, in his/her capacity of Head of State, signs the Acts of Parliament legalizing divorce.

Why could not King Edward VIII marry a divorcee, while at the same time hundreds of thousands of his subjects were getting divorce under his own authority? Does it mean that Christians have two sets of rules: one for great people, another for the common folk?

The Roman Catholic church also is fanatically opposed to divorce. But compelled by the hard facts of life they have found a method to dissolve the marriage, without calling it "divorce". If some-one has the patience of 'Job' (Ayyub) and the money of Qarun, he can obtain, after several years' pleading, a decree from the Vatican, declaring that the marriage was null and void from the very beginning.

Ingenious, is not it? The only difficulty is that it can be obtained by wealthy tycoons only. "In recent years, Pope Paul VI has streamlined the cumbersome process . . . that could drag a case out for as long as twenty years. But despite the Vatican's attempts to limit legal fees, costs at the Rota remained high, sometimes running into thousand of dollars and making annulments available mainly to the

prosperous.”<sup>4</sup>

And if the marriage was not a marriage from the beginning, what is the status of the children of that marriage? Are they also illegitimate?

Italy, under pressure from the Vatican, had resisted the popular demand of legalizing the divorce. Now, there also, an Act has been passed and has become Law.

As soon as the act became law thousands of people applied for divorce, most of whom had been separated from their spouses for twenty or even thirty years.

So much suffering can be caused to humanity by such doctrines. And not only suffering but also encouragement for frustrated people to indulge in sins. Can a couple, separated for twenty or thirty years, remain chaste? Surely, they will find partners to satisfy their natural urges – unlawfully, of course.

## **Talaq, Khul` , Mubarat**

As separation is the result of irreconcilable discord, it may be of the same three types which were mentioned in section 34.

1. *Talaq*: This is usually translated as 'divorce'. When the husband is fed up with the misbehaviour of the wife and wants to dissolve the marriage, it is called “*talaq* ” in Islamic terminology.

***O' Prophet, when ye do divorce women, divorce them at their prescribed periods and count (accurately). . . (Qur'an, 65:1)***

2. *Khul`*: If the wife is suffering from the ill-treatment of the husband and wants to get free from him by offering some indemnity, it is called “*khul`*”;

***. . . If ye do indeed fear that they would be unable to keep the limits ordained by Allah, then there is no blame on either of them if she gives something for her freedom . . . (Qur'an, 2:229)***

3. *Mubarat* : If both are tired of each other, and want to dissolve the marriage, it is called “*Mubarat*”:

***And if they disagree (and must part) Allah will provide abundance for all from His All-reaching bounty . . . (Qur'an, 4:130)***

Thus all three ways of dissolving the marriage are allowed in Islam.

But in all these cases, marriage can be dissolved by the husband's consent only. He has the authority to perform *talaq*, *khul`* or *mubarat*.

Again, advocates of the “equality of sexes” will frown on this provision. Therefore, it is better to mention that in Western countries where the woman has been given the right to divorce her husband, 80% of the applications of divorce are lodged by wives. And, many is the husband who only comes to know that his wife had divorced him when she is already married to another man.

As has been mentioned earlier, the outlook of woman is dominated by emotion; and if they are given the right to dissolve the marriage, they are more likely to think of divorce on the slightest of pretexts.

The Qur'an reproves the 'People of Book' that they believe in certain parts of the Book and reject other parts. It is their tendency from the very beginning. Faced with the difficulties created by Christian doctrine, they turned towards Islam to borrow a leaf from its *shari`ah*, and adopted the principle of divorce. But the deep-rooted prejudice against Islam prevented them from adopting it with all its necessary details. Divorce was adopted, but details were ignored.

Result?

In California, 2,000 marriages were performed in one year; and within same period 641 divorces were granted. In other words there was one divorce against every three marriages.

This abundance of divorce in Christian societies may also be a reaction to the unreasonable restraint of Christian churches.

## **Conditions of Divorce**

Islam allowed in principle dissolution of marriage in all three situations of discord; and thus satisfied human nature. But, at the same time, it has imposed so many conditions that divorce becomes hard to perform. For example, the husband must be adult and sane, should give divorce by his own free will and intention; it must be done in approved formula, before two men of approved probity; the wife must be free from menses etc., and the couple should not have cohabited after her last menses.

After divorce, a period of three months ”*iddah* ” was prescribed; may be the parties feel remorse on separation and are ready to restore the marriage ties again. If so, then the divorce may be revoked and the marriage continues.

Another benefit of this rule is to make sure that the woman is not pregnant from her previous husband.

## **Divorce: The most disliked permission**

Together with these conditions, it has been emphasized that the divorce is very much disliked by Allah and His Prophet.

The Holy Prophet said:

The worst of all permitted things is divorce.

The Holy Prophet also said:

Gabriel advised me about (gentle dealings with) the women, so much so that I thought that she should not be divorced except because of open unchastity.

Here the Holy Prophet is saying the same thing which is attributed to Christ in Mathew. But see the difference in language and then compare the results of these two sayings. *Injil* put un-necessary burden on human nature, and as a result, its followers flouted its ruling and indulged in unbridled lawlessness. Islam allowed divorce, but showed its displeasure with it, relying on human feelings to keep its use to the minimum. The result is that in Islamic society divorce is a rare thing; and a Muslim's domestic life is so secured that non-Muslims cannot imagine it.

1. published by Penguin Books.

2. Bihar al-anwar, Vol. 10.

3. Tafsir Safi.

4. Time, November 13, 1972.

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