ISLAMIC MARRIAGE

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**Islamic marriage**

Marriage is usually a contract that is legal between two people in Islam. The groom and the bride are typically required to consent to the wedding of their free wills. A contract that is usually formal is considered as being integral to an Islamic religious marriage that is valid.it outlines the rights and responsibilities of the bride and the groom. In such a marriage, there must be two witnesses of the wedding contract who are Muslims.

In Islam, there exist times when marriage is not allowed. The consent from the girl is usually necessary, and her representatives are the ones who deal with all matters regarding the approval who is called Guardian. In the case of a virgin, the father’s permission is necessary as he is usually the legal Guardian . However, in cases where the approval gets withheld on some conditions that are unreasonable, or the girl has no paternal grandfather or father, then it is not necessary, an uncle or even the judge will be the legal Guardian. In the case of remarriage, a woman who is not a virgin does not require such permission.

**How to choose a wife/husband**

The criteria for selecting a marriage partner are many; beauty, wealth, rank, character, congeniality, religion and many others might help in choosing a wife or a husband. The Quran suggests that women of purity are for men of purity and men of purity are for women of purity. Marriage to a woman maybe due to the following reasons; the amount of property she owns, her rank, her beauty or her religion /character. The holy book stresses that; one should marry one who is best in religion and character.

Islam has provided freedom of choice to those who wish to get married. The mutual option that is usually given the highest consideration is that of the intended spouse. The process of selecting a marriage partner should be a function of a healthy balance between the review of the influence, the freedom of choice of the would-be spouse, and consent of parents/guardians. In Islam, falling in love is not a pre-condition for marriage. However, for purposes of selecting an appropriate mate, the would- be spouse are allowed see as well as talk to each other and are encouraged to do so.

The Islamic religion stipulates seven etiquettes for seeking a husband, and they involved asking oneself a variety of question. For instance, why am I getting married? It is a tough question to ask even in cases where the prospective spouses meet to make the final decision. It is because it will act as a reminder about the real purpose of marriage from an Islamic perspective. Marriage is part of the Sunnah of Prophet Muhammad and faith. The second important question is that of what am I looking for in a spouse? The four reasons of beauty, rank, religion, and money are some of the key questions to reflect on and decide on the marriage partner of choice . Lowering your gaze when you meet your spouse is the third etiquette. The Quran stresses on this point but not in a critical perspective. Getting someone to help is the fourth. It emphasizes that marriage is not something to throw oneself into all by you. Seeking help especially from parents, an imam or from some respected members of the Muslim community might assist in the process of looking for the right spouse or initiate and participate in a communication process that is important.

Getting a third party involved helps in verifying if the person you are interested in is respectful, decent, and honest. The third party checks on the references, and asks about individual character, behaviour, he or she also looks out for your best interest. Asking for references before getting married is an important aspect. This third party is usually are friends , family, neighbors and colleagues. The Islamic etiquette also suggests that when meeting with a spouse who is about to become marriage partner, we should not be alone, which is the same Islamic etiquette when meeting with any women; but of course it doesn't apply to first & second degree women(mother, aunt, sister, etc...). The last one stipulates that, when speaking, we should be business-like and to the point.

**Conditions/eligibility for marriage in Islam**

Marriage is a social as well as a legal relationship that is usually intended to extend and strengthen family relationships. The conditions for an Islamic marriage includes; the existence of a proposal where the partners choice should be the one with the most piety. The Holy Quran recommends that lovers should see each other before going through with the marriage. The couple is permitted to employ their critical eyes is establishing where the prospective partner is right. An apparent acceptance is the other important condition. The girl possesses the right to make a decision on matters concerning her marriage, the father or guardian of the girl has no right to object or ignore her wishes. However, the choice of a partner by a virgin is usually subjected to the approval of the guardian or the father.

The availability of two competent male witnesses is another necessary condition on matters regarding the Islamic marriages. The presence of witnesses is required so as to exclude illicit sex as well as to safeguard legitimacy of progeny. The Islamic laws recommend that marriage should be publicized widely.it should never be kept a secret as it leads to troubles within the community and suspicion.

The last conditions stipulate that there must be a marriage gift by the bridegroom to the bride. Dowry by the bridegroom to the bride is a symbolic expression of the groom’s cognizance of the various economic responsibilities of marriage as well as his readiness to assume all responsibilities related to the wedding. The wife is usually entitled to a gift of marriage that is of her own. The gift may be prompt or differed based on the set agreement between the two parties.

**Rights and duties of Islamic marriage**

A married Muslim must realize that one’s spouse is first and foremost another Muslim. Therefore he or she is one’s brother and sister in Islam. Therefore all rights that fall upon a Muslim based on the general brotherhood of Islam are also due to an individual’s spouse. Some of the rights that exist between two married Muslims include the right to enjoy each other, the right to inherit from each other, rights of confirmation of the lineage of their children, and the rights of the wife/obligation of the husband.

The woman possess some rights over the husband according to the Islamic religion. Some of the rights include the right to dower, marital relations, justice between some wives, privacy, a right not to be beaten, defence of honour and a right to be taught her religion. The husband too has some rights based on the same faith . Some of the rights include; the right to be obeyed in all that is not disobedience to Allah, marital relations, to be thanked for his efforts. The rights of the wife not leaving the house without permission and being head of the house, as well as the reason that that the woman cook for him and keep his house. The holy book clearly stipulates the various ways through which these rights should be accorded within a family by Islamic couples.

**Forbidden Marriage in Islam**

The Islamic religion prohibits some women from engaging in marriages. They are based on blood relations and marital relations. On matters related to women who are forbidden due to blood ties include descendants who arise due to a relationship with a lady no matter how freeform example, a man’s daughter, or granddaughter. Ascendants of women no matter the distance including both the mother’s paternal and maternal grandmother are some of the restrictions. Descendants from his parents no matter how far either the sister, half-sister or sisters children. Another set of women forbid by blood include siblings of male and female ascendants no matter the distance either great aunts, paternal and maternal aunts.

The other round of women who are forbidden because of marital relations include wives of ascendants no matter the distance either the father’s wife of grandfather’s wife. Descendants of wives like their stepdaughters and their children in cases where the man consummated the marriage with the wife. The other set of forbidden marriage arises on matters related to breastfeeding.

The Quran stipulates that breastfeeding makes forbidden what was prohibited through blood relations. Some temporary reasons might also hinder marriages based on the Islamic religion, for instance, while a woman is married, a man cannot marry her sister, mother or any of her aunts.in cases where an individual divorces his wife three times, then it is not allowed for him to marry her again. Although there exist some circumstances that might change the set rule, in such a case when the woman marries someone else and consummates the marriage then it legally ends, then the first husband can come back and enter into marriage with the wife. Another situation is that of a man having four wives, and then a marriage proposal is not relevant according to the Islamic rules. Another limiting factor is that of marrying a woman who is already married or who misses in idda. A woman in idda due to death or divorce is not allowed marrying until it is complete. A woman upon whom a man has made li’an unless the man confesses that his lied. al li’an is a case where a husband accuses the wife of adultery but cannot bring witnesses, so the man swears that it occurred and the two undergo separation after the wife swears that she is innocent. The man can never marry her again unless he confesses that he was lying.

**Polygamy in Islam**

The Islamic laws allow their men to practice polygamy. They can have more than one wife at the same time. The limit for the number of wife’s an Islamic man can have is four. Polyandry refers to the act of a woman having more than one husband is forbidden by the Islamic laws. Polygamy for Muslims differs based on the country of origin.in some countries; the practice is relatively common while in others, it is rare or non-existent.

The Quran permits polygamy among Muslims, and Islamic scholars uphold this notion. The scholars stipulate that the Quran clearly gives directives that a man must marry only one wife in the case where he is unable to fulfil the rights of all his wives in a manner that is fair. The scholars support the aspects of independent reasoning where a man can support the needs for his wives without prejudice or discrimination. Most modern Muslims view the practice of polygamy as an allowed fact but are unusual and not recommended. The method is commonly considered in its historical context as marriage was the only way through which a woman could be provided during the time of prophet Muhammad. Many countries either places onerous restrictions on the practice of polygamy or outlaw the practice.

The rise of Muslim feminism plays an integral part in matters related to marriage; the feminists strive to ensure that the practice is stopped. The feminism has led to the empowerment of most Islamism women, and they have realized that they can alter their roles in the society via rereading the various religious texts. The women have made progress in changing the religious notions that dictate the Muslim ethics and society.

The Islamism feminist realized that there exists no probable connection between the Islam and the patriarchal practices carried out in the Islamic community. They read the Quran and identified that he treated his wife’s with respect he also included them in all religious practices. The feminist demanded an elevation in their rights on matters related to the Islamic religion. Polygamy is a practice that existed long in history, although it was difficult to change it, the women now fight for fairness in the marriages in cases where issues of polygamy arise.in some countries full of Islamic nationalist, the women have received the massive empowerment . For instance in Iran and Algeria , women have legal protection against polygamy. The law enforcement is still up to the interpretation of the courts. The new scholars can interpret and argue for the practices that aim at empowering Islamic women but not to cause oppression. Some African Islamic countries like Egypt, Morocco, and Jordan have taken vital steps in blocking the propagation of polygamous marriages. On matters related to the economic status and health, the countries argue that polygamy makes things worse than leading a monogamous marriage.

**Divorce in Islamic religion**

Divorce takes a variety of forms in Islam. Some are usually initiated by the husband while some by the wife. The basic traditional legal categories of divorce are the Talaq, mutual divorce, oaths, and legal divorce. Theories of practice based on Islam have varied significantly based on time and place. The rules of divorce were governed by the sharia laws and differed depending on the various legal schools. The Quran stipulates that marriage is unbounded by time and the relationship between spouses should be based on love. The Quran advocates for alternative means of solving marriage problems other than indulging in a divorce. It prescribes two periods of waiting for three months before finalizing the divorce. The two sessions aim at giving the husband time to reconsider the made decisions. Proportionately, a man who takes an oath to avoid intercourse with his wife who automatically leads to a divorce is usually given a four-month period to break his promise.

The Quran made some reforms on matters related to gender and inequity of the practice of divorce that existed in pre-Islamic Arabia. Before the emergence of Islam, divorce in Arab countries was governed by customary laws that were unwritten. They varied according to the region and tribute observance of the decision and legislation depended on the authority of the individuals as well as the interested groups.

The rules by the Quran on divorce provide a fixed set of norms for all Muslims. They are usually backed by divine authority that is often enforced by the community. The new reforms entailed giving the wife a possibility of initiating a divorce, abrogation of the husband’s claim to the property of his wife. Condemnation of divorce without any compelling reason while at the same time criminalizing some unfolded claims of infidelity made by the husband and institution financial responsibilities to the man upon the divorce of his wife. Divorce is something that the Islamic religion discourages at all cost, but there exist some legitimate reasons as to why individuals might opt to take a step towards ending their marriages.

**Iddah in Islam**

Iddat is the period a woman must observe after the death of her spouse or a divorce. During this time, the woman may not marry another man according to the Islamic rules and regulations. The purpose of this phase is to ensure that the male parent or any other offspring produced after the cessation of marriage would undergo recognition.

The length of the iddat varies depending on the number of circumstances. Islamic rules stipulated that the iddah period of a divorced wife is three months. There exists exceptional case for the three months period. First, in a case where the woman is pregnant, the iddat lasts until she gives birth . The other case is where the marriage was consummated, and this fact rules out the Iddah. For a deceased; the idda is usually four lunar months and ten days after the death of her spouse. it does not put into consideration the issues related to the consummation of the marriage. The Quran clearly stipulates the above directives in its chapters. Besides the sharia laws also provides clear instructions on the various waiting periods.

It is evident that the Islamic religion poses some of the strictest laws; it has different bodies that govern as well as institutes its laws. Besides, the Islamic religion allows for practices of polygamy although in recent years, numerous countries ascribed to the Islamic faith are shunning away from the practice. There are a variety of issues surrounding divorce in among individual who practice as well as observe the Islamic religion. A variety of stumbling blocks that exists on women who violate some set rules where they are usually forbidden from carrying out a variety of practices like remarrying. Apart from that, a variety of circumstances like divorce and the death of a spouse might hinder a Muslim lady from getting married. The religion has a broad range of rules that govern the marriages; the religion is unique as it allows the practice of polygamy among its men and assuring the offspring is recognized righteously to their father.

**References**

Ali, K. (2010). *Marriage and slavery in early Islam*. Harvard University Press.

Hanzaee, K. H., & Lotfizadeh, F. (2011). Influence of family structure on consumer decision-making style in Iran. *International Journal of Business and Management*, *6*(11), 297.

Hasan, A., Ahmed, N., Raza, M., & Sadiq, A. (2013). *Land ownership, control and contestation in Karachi and implications for low-income housing*. Human Settlements Group, International Institute for Environment and Development.

Hefner, R. W. (2011). *Civil Islam: Muslims and Democratization in Indonesia*. Princeton University Press.

Kholoussy, H. (2010). *For better, for worse: The marriage crisis that made modern Egypt*. Stanford University Press.

Mohammadi, F., & Amirkhanloo, M. S. (2013). A Comparative Study of the Iddah (Waiting Period) in Iran Jurisprudence and the Laws of Other Countries.

Nurmila, N. (2009). *Women, Islam and everyday life: Renegotiating polygamy in Indonesia*. Routledge.

Oman, N. B. (2011). How to Judge Shari'a Contracts: A Guide to Islamic Marriage Agreements in American Courts. *Utah L. Rev.*, 287.