

Chapter 3: Woman and Family

The second area of human life of woman and man, being the arena of family life, and this chapter will be dedicated for manifesting the common identity of woman and man within the framework of family. Yes, it is impossible to believe in the equal human character of woman and man unless by proving it in all arenas of life. In chapter two, commonness “between woman and man” in human and individual maturities was laid to discussion, and this chapter will elaborate on common identity of woman and man in the scope of the family.

For attaining to this aim, two subjects should be studied:

First the way Islam views marriage and forming of a family should be made clear, and then attention should be paid to exposition of position of woman in the family and her status. The second area of human life of woman and man, being the arena of family life, and this chapter will be dedicated for manifesting the common identity of woman and man within the framework of family.

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How Islam Views Marriage

Many various laws and regulations on family issues have been enacted in religions and legal old-fashioned schools, that being based on their view toward the phenomenon of marriage. These views and deductions can never be at one level both in regard of depth and profundity and in regard of veracity and

deviation.

That is because so many deviated and inclined viewpoints exist in religions and beliefs and even Muslim scholars. Among churches masters and rabbis there was a belief current, that getting married is contradictory to sacredness and chastity, and it is permitted only for procreation of offspring and prevention of unrestrained licentiousness on part of men and women.

Bertrand Russell says:

According to the theory of Sann Paul, the generation production was only a partial goal of marriage, while its main objective was prevention of adulteration and libertinism. This was the main role of marriage, which lies in fact warding off the more corruptive with the depraved. 1

Al-Ghazali, a sunni eminent thinker, takes into consideration five benefits for marriage as follows: production of children, defeating the carnal lust, giving calmness to self, bringing settlement to the heart, and self disciplining.

Among all these he regards survival of offspring to be the most important advantage, saying: "Procreation "walad": is the origin, and for it marriage "nikaah" is enacted and legalised, with the purpose of maintaining the nasl "offspring, seed" and so as to keep the world from being devoid of mankind. And lust "shahwah" was created only as a compelling and inciting force for keeping the Nasl."2

The noteworthy point in al-Ghazali's speech being his genus inclined view toward issue of marriage, because his explanation of the last three benefits goes on as if all the profits of marriage are gained by men. In the third advantage, which is giving calmness to self, he says: The human soul becomes fed up and wearied with continual persevered worship and sociability "uns" with women causes the self to get rid of this weariness. In the fourth benefit he says: Since housekeeping is entrusted to the woman, so the man's heart be disengaged and free for worship, with some of his disturbances being eliminated. In explaining the fifth benefit he said: practising strict self-discipline can be achieved by guardianship of children and family members and providing all their needs and requirements.3

Hence, out of these five advantages of marriage two are common between woman and man, but the other three ones pertain only to men.

al-Allamah At-Tabataba'i, a great shi'i exegete, takes the main objective of marriage and copulation to lie in permanence of species and procreation of the same offspring. At the same time he considers subsiding and satisfying the lust and partnership in material living and housekeeping to be out of real essence of marriage, viewing them as preliminaries and preludes for marriage or advantages consequential to it.4

He also says:

Nature of men pushes them to try to obtain and desire female sex and vice versa. And providing every

woman and man with feminine and masculine qualities has no purpose but procreation of same offspring and permanence of human species. Hence marriage is founded on this reality, and all rulings of marriage revolve also round this very reality.⁵

After showing this goal he goes on by criticising other viewpoints and opinions, saying.

“The nowadays rules and laws of marriage have been enacted on basis of cooperation between woman and man in managing the living affairs. Hence, marriage contract is a kind of partnership in life whose scope or extent is smaller than the urban community. On this basis, the modern laws do not interfere in the chastity rulings which being legislated in Islam.”⁶

He holds this theory to be inconsistent with the human temperament and natural disposition, and says: If the purpose of marriage be such a reality, it can be established between two individuals of one sex, and family also would have never been in need of such laws and regulations.⁷

Seemingly this viewpoint, which is laid forth by Al Ghazaali and his predecessors, is vulnerable to criticism due to the following reasons:

1. There is strong stress in the Qur'an on matter of tranquillity and relief, and in two verses it stated that the objective of creating woman and man being to find rest and calmness.
2. If the issue of marriage and matrimony be founded on procreation alone with no other purposes in view, there will be no difference between an animal and man. Because the animals produce the same kind and their offspring can survive though they neither commit themselves to a family and its system nor requiring specific regulations.
3. He “Al Ghazaali” himself considers, in another place, procreation of kind and permanence of offspring “Nasl” to be philosophy of marriage not its cause ”illah”. Therefore he counts getting married to barren and menopausal woman as something permitted.⁸

Nevertheless, no one can accept the one sided viewpoint in respect of marriage, whether multiplication of generation or other purposes be taken into consideration as aim of marriage. Rather we believe that marriage contract in the Islamic Shari'ah seeks to achieve several aims, all of which being intended by the Islamic Lawmaker.

Herewith I introduce exposition of these purposes:

Permanence of Human Offspring

The holy Qur'an, in a verse, refers to marriage with terms like cultivation and harvest:

“Your women are a tilth for you “to cultivate”, so go to your tilth as ye will...” (Qur'an,2 :223)

Sayyid Qutub, in exposing this verse, says: The Qur'anic verses manifest the marriage connection with miscellaneous expressions in so many places, using the term raiment "Libaas" once and finding rest and love another time, or tilth "harth" in another place.

The term tilth "Harth" indicates a part of marriage attachment, which is procreation of the kind and multiplication of offspring. Thus we come to realise the profound view of Islam which admitted man, with all his inclinations and needs, not considering a part of his necessities.⁹

Some traditions are there to support this theme. Once the Messenger of Allah (S) said: "Get married so that to multiply in number, so as I can boast with you the nations."¹⁰

Al-Imam Al-Baqir (A) has also reported a hadith from the Messenger of Allah (S) as saying:

"What is that keeping the believer from taking a wife, so that may Allah grant him a child that makes the earth heavy with no god but Allah."¹¹

Repose and Tranquillity

Habitation and calmness of the couple "bride and groom" being one of the goals upon which the Qur'an emphasised. This fact is indicated in the Qur'an by verse no.89 of surat ala'raf, and verse no.31 of surat ArRoom. These verses along with the explanation given in chapter one consider repose of wife and husband to be philosophy of creation of woman and man.

In some narrations too, spiritual sociability was regarded the factor of creation of the couple, like the following one:

"Then He created for him "Adam" Hawwa "Eve"... Adam said: O my lord, what is this nice creature? I fell so pleased with it, and looking at it. Allah said: O Adam this is My bondswoman "slave" Eve... do you like she be with you so as to entertain you, and talk to you? He replied: Yes my lord, if you do this to me I will be grateful and thankful to you as long as I am alive."¹²

Satisfying the Sexual Instinct

One of main instincts of man being the sexual instinct to which and whose position the Islamic Law "Shari'ah" has paid good attention and consideration. In fact Islam's realistic view and attention to the sexual instinct excites so much wonder.

Masadah Ibn Sadaqah is reported to have said: I have heard that al-Imam as-Sadiq was once asked: Why don't you regard the adulterer as kaafir "disbeliever" while using this term for the prayersforsaker. What is the cause of this? al-Imam as-Sadiq replied: The incentive that pushed the adulterer to commit that sin "adultery" being the bestial passion "Libido" that overcame him, but the incentive that made the prayerforsaker to abandon prayers is only belittling and despising the Salaat. The fornicator gets

pleasure from the act he practises, and what he intended to gain of his act was only sensual pleasure, while it is not so in case of prayers, as his intention can never be pleasure. 13

In another hadith, in a reply to the same question, al-Imam as-Sadiq said:

The reason for this lies in the fact that whatever you yourself hasten to do, with no strong incentive forcing you to doing it, or no overcoming factor, like adultery and wineimbibing, and you called upon yourself to forsake the prayers without any lust or desire, hence this is considered only disdainment and contempt.” 14

Yet in another hadith Al-Imam As-Sadiq (A) declared:

“Stone the old man and old woman for adultery because they have passed and spent their stage of lust and sensuality. 15

Also in fiqh and hadith books it is stated that every wife and husband that fails every morning and night to satisfy her/his lust lawfully, is counted as muhsan “continent, chaste”. If any of them commits adultery “double adultery”, her/his penalty is commuted, and the execution “stoning to death” will be changed to flogging “jald”. 16

Once Al-Imam As-Sadiq (A) put this question to his followers: Do you know what the best pleasure is? But they showed ignorance of the answer. Thereat he (A) declared:

“Verily the most pleasing thing is to lie with women.” 17

In another narration Al-Imam As-Sadiq (A) said: “People have never delighted themselves in the world and hereafter with a pleasure better than the joy of lying with women.”

Of course this pleasure for woman and man is not in the way that only men get pleased, so in continuation of this hadith this matter is indicated with general expression thus:

Then he said: The heaven dwellers never find pleasure in the Garden with anything more desirable to them than copulation with women, neither in “heavenly” food nor drink.” 18

All these traditions reflect the strong power of the sexual instinct inside every human being, the fact to which the Islamic legislator paid good attention and consideration.

Now I see it inevitable to say that this instinct with that strength should be satisfied within the boundary of the house, and its healthy basis is marriage contract.

In a continuation of a hadith cited in the previous chapter, the following statement is quoted:

“Allah, the Glorious and Exalted, said to Adam: You can ask her hand from Me, as she is My slave and may fit you too as a wife for satisfying your sexual instinct.” 19

If any exciting look to non-consanguine woman “la mahram”, unlawful, and indecent “lewd” deeds like adultery, sodomy, masturbation and alike acts have been forbidden “by Islamic Law”, and on the other side strength and intensity of sexual instinct be confirmed, so the only means left for satisfying it being the atmosphere of family. Thus only marriage can also achieve this human need and desire.

Status of Woman Inside Family

Partnership in Moral Life

In many narrations it is reported that by marriage man acquires half of religion, with gaining immunity, and has to try his best to safeguard and maintain the other half.

“Whoever gets married has in fact acquired half of his religion.”²⁰

“Every one of you should have a remembering tongue, a grateful heart, and a believing righteous wife assisting him in winning the hereafter.”²¹

Further many traditions are there concerning the selection of wife, recommending to take into consideration qualities like good morals, faith, and commitment, and warning against getting married to disbelievers and winebibers and alike: All this indicates the fact that the habits and traits of the husband and wife have effect on each other and do play a role in moral development or degeneration of each other.

The holy Qur’an considers getting married to a believing bondswoman to be preferable to marry a polytheist free woman.

“... A believing bondswoman is definitely better than an idolater “free” woman...” (Qur’an, 2:221).

Partnership in Material life

The wife and husband should help and sustain each other in arranging and ordering worldly life, the fact on which strong emphasis is there in many religious sources, as in the following hadith:

Imam As-Sadiq (A) said:

“Three things bring comfort to the believer: a spacious house disguising his defects and shameful deed out of people, and a virtuous wife that helps and supports him in “managing” the affairs of world and hereafter.”²²

Upbringing of Offspring

It is worth mentioning that one of important purposes of marriage, which has a high degree coming after procreation of the same kind and permanence of species in order, being upbringing of offspring

“children”. The wife and husband are verily the best educators for children as vulnerability of children before the parents is much more than others. And the Prophet's hadith “Get married and multiply in number, so that the earth gets heavier with your offspring, who are monotheists” is an indication to this very role.

In interpretation of the verse

“O ye who believe! Ward off from yourselves and your families a Fire...” (Qur’an, 66:6).

Al-Muraghi, a Sunni exegete has said: Those who are meant by this verse being the wives and children. al-Imam Ali (A) said: Teach your families the good deeds and educate and discipline them. Yet in another hadith: Tell your families to keep in mind the prayers, fasting, zakaat “almsdue”, the needy, orphans and neighbours.”²³

We think that these six purposes are altogether the object intended by Islam, the fact certified by laws and regulations of marriage, divorce with family manners and morals. Observing chastity and modesty, looking after the children, abstinence from obscene acts and vices, observing rights of wife, 'iddah “a prescribed period which a woman has to pass after her divorce or husband's demise for her remarriage” and inheritance and others all indicate these purposes.

Based on this, the characteristics recommended in selecting the spouse are farther than one purpose, but rather observing all the purposes, like:

- A faithful, wise and modest wife;
- viviparous;
- Able to meet all of husband's sexual desires;
- chaste;
- noble and of honourable descent and lineage; having a pretty face²⁴

Further men are recommended not to seek to marry the women for their beauty alone, as this indicates that marriage is viewed only from the angle of satisfying the sexual instinct no more no less. Also it is recommended not to seek to marry a woman for her riches, since this reflects the fact that the man is intending to have a partner in material life. By this we never mean to disregard and ignore wealth and beauty, but just to draw attention to their being reproached and censured.

Alas! from old pre Islamic era and more in the modern jaahiliyyah, all views toward marriage are one sided, as marriage with the purpose of having children or for getting help in material life or other purposes. The Islamic Shari'ah regards all this as an inauspicious and reprehensible phenomenon.

In brief, Islam views marriage as a means to achieve the previously mentioned six purposes, with none

of them being fit to replace the other. Also it takes all these goals for the woman and man, on the same level.

Status of Woman inside Family

After making clear the religious perspective of marriage and family, it is recommendable to observe what the position the woman has within these subjects is. Do the woman and man represent the origin and branch in the family? Or do they have equal and equivalent position? Or is the responsibility of woman greater than that of the man? And if the woman's responsibility is greater, what does that mean?

Attention should be given to the fact that the woman and man have two dignities and two roles, one being partnership in marriage "spouse" and the other being fatherhood and motherhood, both of which need study and discussion. About this subject also many incorrect views and wrong beliefs are there, that it is proper to refer to them first before elaborating on the subject in as dully as possible.

1. Abul-Aswad Ad-Du'ali once has gone with his wife Umm Awf near Ziyad laying before him the disagreement between them in respect of a son. Each one of them claimed the son to belong to him/her:

Abul-Aswad said: I am more entitled to have the son than her, I bore him before her and laid him before her. Then Umm Awf said: You have laid him "put the sperm into the ovary" out of lust and pleasure, while I have delivered him with difficulty and constraint "kurh", and you bore him when being light while I conceived him when being heavy.

Ziyad then said to Umm Awf: You are right, and more entitled to have the son. And he handed the child to her.

2. al-Ghazali in Ihyaa Al-Oloom and Mawlana in Fihi Ma Fih and others maintain less important role for the woman within the family "and marriage". In Ihyaa Al-Oloom, when expounding the five goals of marriage and particularly in explaining three instances of them, al-Ghazali delivered a speech in a way indicating as if the man being the origin and the woman being like a parasite and an uninvited person, since he said:

Al-Junaydi said: I am in need of the woman in the same way as I need food and sustenance. Hence woman is a food and cause of heart purity.²⁵ And because of marriage the heart becomes free from housekeeping and engagement in cooking the food, and tranquil for reserving knowledge and manners, the tasks that can be undertaken by a pious woman.²⁶

In the same manner man, on his way to earn of halaal "lawful" business and family guardianship, undergoes so many hardships and exerts efforts which are in themselves laborious struggle "jihad" and selfdiscipline²⁷.

Mawlana Jalaal Ad-Deen Balkhi, in his book Fihi Ma Fih, was also involved in this sex dilemma, whence

he says:

“Day and night you strive and exert endeavour, seeking edification of woman's morals, purifying uncleanness of your wife with yourself. You would rather purify yourself through her than purifying her through you, and you should edify yourself through her, listen to her and obey whatever she says, though this request may be impossible to achieve on your part. Abandon jealousy and zeal though it be one of unavailable qualities of men, but through this good quality bad and abominable habits may characterise your behaviour.

For the sake of this meaning the Prophet (S) is quoted to have said: There is no monarchism “rahbaniyyah” in Islam, as the friars chose seclusion from people, living inside the mount, separation from women and abandoning the worldly life; confining God in a narrow passage and raising doubt about Him and the Prophet. They never bother themselves to court a woman as it is something tiresome, and they hate to hear the impossible demands of the women, or going here and there to meet their needs, considering themselves to be well-educated.²⁸

As it is observed that the woman on one part is regarded as a lust container for the man and on the other as a plantation for the man to cultivate and harvest. That is she is regarded both as a wife and unseen mother.

These were samples of incorrect views in this subject. But reviewing the religious texts especially the holy Qur'an reveals the falseness of these deductions and inferences, viewing equivalent role for both woman and man with giving superiority to the woman in some respects. This equivalence or superiority, is noticed in both the dimensions as a spouse and as a mother.

Allah commands Adam and his wife Eve to live in the heavens:

“And O Adam! dwell thou and thy wife in the Garden, so eat ye two from wherever ye two desire...” (Qur'an, 7: 19).

“And We said: O Adam! Dwell thou and thy wife in the Garden, and eat ye freely “of the fruits” thereof where ye will...” (Qur'an, 2:35).

He also reminds Adam and his wife that the Satan being their enemy:

“Then said We: “O Adam! Verily this is an enemy unto thee and thy wife; therefore let him not drive ye both out of the Garden for “then” thou shouldst be put to toil.” (Qur'an, 20: 117).

Also in time of dissension He addresses the wife and husband thus:

“And God” said: “Get down hence ye two, all together...” (Qur'an, 20: 123).

Yes the woman has, as a wife, an independent identity equal to the man, having a share and exploiting

all privileges of marriage and family. Also the woman, like man, has choice right in marriage “choosing the husband” and it is not allowed to force or impose any thing upon her. It is reported that Khudham, the father of Khansa¹ has coerced her to marry someone. When the Messenger of Allah (S) became aware of this, he annulled the marriage contract declaring: “Whoever wants to get married in this way, has got married to the father of Lubalah too.²⁹

One day a girl came near the Prophet and said to him: My father has coerced me to get married to his brother's son. The Messenger of Allah (S) authorised the girl to accept or refuse, when the girl said: “I have permitted the doing of my father “accepted his wish”, but I intended to let the women realise that fathers have no authority to do what they like or interfere in this affair in particular.³⁰

Ibn Abbas is reported to have said: A daughter reluctantly approached the Prophet (S) and exclaimed: My father has coerced me to marry someone unwillingly. The Prophet then gave authority and choice to the daughter to agree or disagree.³¹

Also inside the house no one can be a leader over her, as the woman is a partner in life not a captive. And the family is formed through a contract accepted by two parties with its effects and essentials including both the wife and the husband, with the same extent.

Likewise, the woman constitutes, as a mother, a pillar of the family like the father, and rather it can be said that the woman as a mother has a position superior to the father.

In surat alisra¹ Allah gives a comprehensive commandment in regard of the father and the mother:

“And commanded thy Lord that thou shalt worship not “any one” but Him, and goodness to parents; if either or both of them reach old age with thee, utter not unto them “even so much as” “fie” nor chide them, and speak unto them a generous word. And lower unto them the wing of humility out of compassion, and say thou: “O My Lord! Have mercy on them as they cherished me when I was little.”³²

In this verse, after “God's” recommending the children to show kindness to parents and abstinence from irritating and annoying behaviour toward them, Allah calls the sons and daughters to pray to God to have mercy on father and mother who undertook their fostering and nourishment from childhood.

In other verses a recommendation to be grateful and thankful to the parents was given:

“And We did enjoin upon man concerning his parents; beareth him his mother in weakness upon weakness and his weaning taketh two years “and” saying: “Be thou grateful unto Me and unto thy parents; “and remember thou that” unto Me is the ultimate return “of all”.” (Qur’an, 21: 14).

So also the holy Qur’an leaves determination in respect of period of suckling of the child to consultation between the father and mother:

“... and if both “the father and the mother” decide on weaning by mutual consent and “with due”

consultation there shall be no blame on them...” *“(Qur’an, 2:233).*

The position of the mother is also described so highly and considerably. It is reported that the Messenger of Allah (S) said: “Had Jarir Ar-Rahib been a faqeeh and knowledgeable man he would have conceived that responding to the request of his mother being verily more preferable than worshipping his Lord.”³³

In another hadith doing goodness and kindness to the mothers is counted among signs of wise sane men.³⁴

To sum up, it should be said that the woman inside the sphere of family traverses the second arena of development and enjoyment of profits of life, and it is not true that she becoming cause of maturity of another one. The woman is in fact, a partner in all prerogatives of living, both as a wife and as a mother. So every planning and sketching of rights of woman in the family should be laid down on the basis of this independent and equivalent character of woman.

No one can regard the role of woman as a wife to be tantamount to role of husband, but the right to divorce and guardianship “custody” being totally entrusted to the men. And as it is improper to elevate the status of the mother up to the Divine Throne, it is not for us to deprive her of the right of custody and correlation with the child.

On the other hand, the family in perspective of Islam has no chief, and all kinds of predominance “siyadah” of father or of mother or child being deviation from the natural and instinctive path of the family. Rather every and each member of the family has certain rights that should be fulfilled and certain duties that he/she should undertake and be held responsible for.

It is true that there should be a manager in the Muslim family, but he/she should not behave as a master and mawla since the other members are verily not slaves or subjects. Further the manager should, according to qualifications and authority, undertake the function of administration, never being a despotic ruler or a sensualist.

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1. Banoy Mujtahid Irani, pp. 113–116.
 2. Zanushu'i Wa Akhlaaq, p. 31.
 3. Al-Mahajjah Al-Bayzaa, vol. III, p. 58.
 4. Al-Mahajjah Al-Bayzaa, vol. III, p. 67–70.
 5. Al-Mizaan, vol. IV, p. 179.
 6. Al-Mizaan, vol. II, p. 277.
 7. Al-Mizaan, vol. II, p. 277.
 8. Al-Mizaan, vol. II, p. 278.
 9. Al-Mizaan, vol. XV, p. 15.
 10. Fi Zilaal Al-Qur'an, vol. I, p. 353.
 11. Bihaar Al-Anwaar, vol. XVII, p. 259.

12. Wasa'il As-Shi'ah, vol. XIV, p. 3, hadith 3.
13. ibid., vol. XIV, p. 2, hadith I.
14. Al-Kafi, vol. III, p. 384, hadith, 9.
15. ibid.
16. Al-Kafi, vol. VIII, p. 176, Baab 3, hadith 3.
17. Al-Kafi, p. 178, Baab 3, hadith 10; Jawaahir Al-Kalaam, vol. XLI, p. 269.
18. Wasa'il Ash-Shi'ah, vol. XIV, p. 10, hadith I.
19. ibid., hadith 8.
20. ibid., vol. XIV, p. 10, hadith I.
21. Al-Kaafi, vol. V, p. 329.
22. Al-Mahajjah Al-Bayzaa, vol. III, quoted from Sunan Ibn Majah, hadith 1856.
23. Wasa'il As-Shi'ah ah, vol. XVI, p. 24, Baab 20, Ha, 41.
24. Tafseer Al-Muraghi, vol. XXVIII, p. 162.
25. In connection to these qualities and traits refer to Wasa'il Ash-Sha'ia, vol. XIV, pp. 13-24.
26. Al-Mahajjah Al-Bayzaa, vol. III, p. 65.
27. ibid., p. 69.
28. ibid., p. 70.
29. Simaay Zan Dar Iran, p. 132, quoted from Fihi ma Fih, p. 86.
30. Al-Istee'a'ab, vol. IV, p. 295.
31. Sunan Ibn Majah, vol. I, p. 602.
32. ibid., p. 603.
33. Surat Al-Israa', verses 23-24.
34. Kanz Al-'Ummal, vol. XVI, p. 460.

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