

The Quranic View of Women and the Family

Notes by Vivienne Stacey based on

Jamil Chabouh, *La Conception de la famille dans le Coran et dans la Bible* (par-memoire de fin d'études, présentée à l'Institut Biblique de Nogent-sur-Marne, France. Avril 1990)

1. Q 30 v.21 – Marriage is one of Allah's signs
Q2 v.187 – A man and his wife are raiment for one another.
 - a. Marriage is presented as a good thing – a gift of God. Q16 v.72
 - b. It is the normal situation. Q4 v.25.
A tradition says marriage is half of religion.

2. Celibacy
 - a. Q24 v.30-33 – Men and women to remain chaste before marriage.
 - b. Q17 v.32 – Avoid adultery
 - c. Q24 v.2 – Punishment for adultery: 100 stripes. (Not stoning, as in the Traditions)
 - d. Q24 v.2 – Punishment for accusing honourable women, without producing four witnesses – 80- stripes

3. Mixed Marriages

A Muslim man may marry a woman from the people of the Book (i.e. a Jewess or Christian), but not an idolatress or atheist. A Muslim woman may only marry a Muslim. The children of all are to be brought up Muslim. Note the example of Mohammed, who had a Coptic Christian concubine Marie and a Jewish wife Safiya Bint Huayy.

 - Q5 v.5 – You may marry virtuous women of the Book
 - Q2 v.221 – Do not marry idolatresses
 - Q60 v.10 – You can marry fugitive believing women whose faith has been examined.

4. Forbidden Women

Q4 v.21-23 – It is a great sin to marry any of those listed, including foster-sisters.

5. Men and Women are Equal Spiritually Before God
 - a. Q33 v.35 – There are four ways in which the primacy of men over women is affirmed:
 - i. In physical nature – Q2 v.228
 - ii. In disciplining – Q4 v.34
 - iii. In a legal situation – Q4 v.34
 - iv. In the matter of inheritance – Q4 v.11
 - b. Q4 v.32 – Men and women have different functions and responsibilities

6. The Family

- i. Children are a gift of God. Q16 v.32
- ii. In pre-Islamic society, the birth of a girl was of less honour.
Q16 v. 58,59, 43 v.16, 81 v.8
- iii. The duty of parents.
The approval of God reveals itself in the approval of parents and the anger of God reveals itself in the anger of parents. Q64 v.14,15
- iv. The duty of children.
 - a. Obedience to parents is like that due to God Q37 v.102
cf Q12 v.80, 2 v.83, 46 v.15 and 4 v.36
 - b. Looking after elderly parents is implicit in the worship of God
Q6 v.152
 - c. Being faithful to Islam is absolute and comes before obeying one's parents – (Q4 v.36) Q31 v.15
 - d. Be gracious to elderly parents – W17 v.23,24. Don't be insolent.
 - e. More importance is given to the mother than to the father. Q46 v.15
See a tradition which endorses this: Someone asked the Prophet -
Two distinctions:
 - i. Al Arham – the claims of parents (Q2 v.215)
 - ii. Al Akrabun – the claims of kinsmen (Q17 v.26)
 - f. Hadith – Whoever believes in God and in the last day maintains his family claims.
 - g. Example of Abraham 'father of believers'. Before Abraham was called to leave his father and his tribe, he prayed for forgiveness for his father.
Q9 v.114
Abraham interceded for his father and his people.

7. Polygamy

Q4 v.3 – Up to four wives allowed if they are treated equally.

Arguments in favour of polygamy

- a. The practice of Mohammed and his companions.
- b. The fact that the physiological needs of the man are sexually more compelling than those of the woman and last to an advanced age. (See page 96 in Jacques Jomier *Pour Connaitre Islam* (Paris 1988, ed du Cerf)
- c. Many men were killed in the expansion of Islam, therefore more widows needed protection.
- d. Barrenness or illness, or long menstruations of the wife hindered relationships. Q2 v.222
- e. Polygamy protects women themselves in an immoral society and frees from the hypocrisy of the monogamist who practices adultery in secret or has mistresses. (J. Jomier)

Arguments in favour of monogamy

- a. Modern views and reasons for reform laws
- b. Justice – impossible to treat wives equally in dividing time and presents.
(Q4 v.129)
Q4 v.3 – but intention counts!
However, this is really an argument for monogamy.

8. The Special Situation of the Prophet

- a. He was not an ordinary man. Q4 v.80; 59 v.7; 4 v.59
- b. The title of Prophet carries with it special privileges explicitly mentioned in the Koran, which exempts him from the maximum of four wives.
- c. Also, the fact that the prophet had nine (or eleven) wives, who were of different tribal and religious origins, is considered by Muslims as a work of unification, done with the sole aim of uniting the different tribes.

9. Divorce

”Divorce is the most detestable of permitted things.”

Divorce before the marriage is consummated. Q2 v.237

Divorce after marriage: the process of divorce –

Note 1 Only the man is free to send his wife away. The usual interpretation is that, if the wife had the same possibilities, she would be less concerned in preserving her home. Too great an independence favours individualism. The right of asking for a divorce can always be granted to the wife if it has been written into the marriage contract and if the school of law under which it comes permits it.

Note 2 Causes before the rise of Islam in Arabia provoked the long process of divorce. A tradition before Islam tells us of serious reasons for divorce: badly prepared and presented meals, taking another wife. Faced with such abuses, Islam established a rigid code to protect the wife and to restrict the rights of the husband. Q33 v.52

10. Quranic Legislation Concerning Divorce

The first quarrel in the life of a couple will not necessarily lead to divorce.

There is a procedure of several steps towards reconciliation presented in the Quran:

- i. The husband should begin by admonishing his wife.
- ii. He abandons the conjugal bed if she does not respond to his admonishments.
- iii. He may beat her if she persists in disobedience – Q4 v.34.

If she obeys, he can be reconciled to her. If all these possibilities are exhausted, the husband can, as a fourth step, appeal to two arbitrators: one from his family and the other from his wife’s family. Q4 v.35

Divorce will only be pronounced if all these efforts are in vain. If the wife shows good will, the husband can be reconciled to her; otherwise the divorce will take effect after a period of four months in the course of which the wife will rejoin her family. At the end of this period of actual separation, the husband will again have the chance of reversing his decision or continuing the maintenance. Otherwise, the divorce will become effective at this time.

Q2 v.226,227 Divorce is only irrevocable after two pronouncements

Q2 v.229 If, after divorcing his wife, a husband wants to marry her again, he can only do this after she has married someone else and been divorced.

Q2 v.230 the third pronouncement finalises the matter.

11. The Case of the Pregnant Wife

In case of divorce or widowhood, the woman has to wait three menstrual cycles before re-marrying, lest there be any doubt about the paternity of the new-born child. (Q2 v.226) During this delay, and if she is pregnant, until the birth and the end of the weaning (which lasts two years), the divorcing husband is bound to provide for the woman and child. (Q2 v.233).

It is possible for the husband, in the case of the pregnancy of the wife, to take her back without condition. (Q2 v.228)

Once the divorce is finalised, the husband has to guarantee to his ex-wife a suitable pension so that she does not become an expense for her family or society until she marries someone else. In the case of death, a man who wishes to marry a widow has to respect the waiting time. During this time, he must not propose marriage or make a secret promise. (Q2 v.235)

During the year following her husband's death, the widow ought to have been provided for. (Q2 v.240)

12. Inheritance

The Koran contains a good number of instructions about inheritance. Lawyers have harmonised them. The fortune left following a death can be divided in to *inheritance* and *legacy*.

- a. Inheritance is the most important part. It is divided according to well-defined proportions fixed by the parental decision ahead of time, according to the Quran. That often required complicated mathematical precision.
- b. Legacy is left by the will of the testator, but in any case he is not to bypass the legitimate inheritors. It is left by will to this or that person whom the testator has freely chosen. (Q2 v.180)

For the dividing of the inheritance, Islamic law applies, among others, the following principles (Q4 v.11): The man receives double the wife's amount, because he has the direct responsibility for the children. He ought to meet all the material needs of his family in case of necessity. The woman is not held responsible for her father, mother, brothers, sisters, children and other near-relatives. (Q4 v.12)

Note: A widow who is not a Muslim does not inherit the normal inheritance of a widow, unless she converts to Islam. A child who has renounced Islam does not inherit.