

INSTITUTION OF MARRIAGE IN ISLAM AND THE WEST: A CRITICAL EVALUATION

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Marriage is a well-recognised social institution to maintain the validity of conjugal relationship between unrelated man and woman, on the one hand, and contribute to the numerical strength of the humanity, on the other. Islam in an unequivocal term declares out of wedlock carnal love between male and female totally prohibited and cognisable. The west, which subscribes to the philosophy of individualism, allows mutually consented sensual partnership between any two or more than two individuals. These two opposite attitudes have left two indelibly different impacts on the people. Followers of Islam believe in the sanctity of marriage and practise it earnestly. There are individuals in Muslim societies who do practically defy Islamic rules of marriage but the entire Muslim world vociferously denounces it. The west has deliberately effected changes in the matrimonial connection, paving the way for live-in culture, boyfriend-girlfriend affiliation, and consented physical contact. Marriage which is the first valid step toward establishing family and strengthening society stands confirmed by Islam and Muslims, but shattered in the west. One could see the vivid picture of both Muslim world and the west. Islam still being the source of law for Muslims has managed to preserve stability of society, whereas the west has reached precipitous point, eliminating to the horrible extent vestiges of integrated society. Islam through its immutable principles of marriage creates blissful condition for the people. And the west considers marriage a shackle and hurdle in the path to freedom. This paper will discuss the Islamic principles and laws of marriage, as well as the practises in the west which phenomenally eradicate institution of marriage in the west thus turning the society there into jungle.

INTRODUCTION

The male and the female are the striking realities in almost all living beings. They both share some fundamentally common traits,

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passion, compassion, attraction, and intense urge to continue legacy through their new progeny. These common traits find their satisfaction through a socially recognised institution of marriage. Islam, Hinduism, Judaism, and Christianity, the major world religions do not allow their followers to satisfy their carnal urge but only through marriage for which there are certain rules and regulations. It is noteworthy that in the contemporary world the humanity seems to have become polarised into two civilisations, Islamic and the western. It is this natural reason that any universal issue when selected for debate or deliberation is generally looked at in the contemporary world from Islamic and the western perspectives. One may hardly find any debate on an issue whatsoever from Hinduism and western angles or from Judaism/Christian and western perspectives. In the eyes of the humanity today the rivalry is only between Islam and the west. Marriage is not an exception to this scenario. It is now well-known fact that Islam and the west are opposed to each other on the meaning, objectives, direction, and implementation of marriage. They are both now poles apart. This paper represents a humble attempt to investigate into the issue of marriage as ordained and practised in Islam, on the one hand, and in the west, on the other.

MARRIAGE IN ISLAM

The original term for marriage in Islam is *nikah*. In order to fully understand the concept of marriage in Islam it is quite pertinent to look into the literal and technical meanings of *nikah*. The Arabic word *nikah* basically means contract wherefrom are derived sexual intercourse, sexual union, copulation, coitus, matrimony and wedlock.¹ Its technical significance is very close to its literal sense. Most of the Hanafi jurists define *nikah* as a contract whereby the man (husband) is declared legal owner of the woman (wife) with a view to satisfying and enjoying sexual urge. Likewise, Maliki jurists refer to *nikah* as a contract in the presence of witnesses through which man gets legal right over the woman for coitus. As regards Shafi'i jurists, they consider *nikah* as a contract to allow man for sexual intercourse with the woman who becomes under

his possession² In these three definitions of *nikah* there are hardly any essential differences, which may be rephrased: “*Nikah* (marriage) is a social contract between a man and a woman whereby the former gets legal right to enjoy conjugal relationship with the latter”. To ‘Abd al-Rahman al-Jaza’iri, *nikah* is an open, free, and lawful union between man and woman, which is validated by Islamic law and accepted by Muslim society.³ ‘Abd al-Qahir al-Jurjani says: *Nikah* literally is merger (*al-zamm*) and intimacy (*al-jam*), and legally it is voluntary ownership of enjoyment with (wife’s) genitals (*tamlik manfa’at al-buz’ qasdan*).⁴

OBJECTIVES OF NIKAH IN ISLAM

Islam does not leave to its adherents to decide the fundamentals of marriage; it rather determines in advance the very objectives of marriage. The Revelation from Allah (*s.w.t.*) and the traditions of the Prophet Muhammad (*s.a.w.*) are very clear on this matter. One may thus identify the following five objectives of marriage in Islam: (1) chastity; (2) modesty; (3) affection and compassion; (4) cure of carnal desires; (5) survival and permanence of progeny; and (6) perfection of spirituality.

Chastity

Chastity denotes safeguarding one’s private parts from sex-indulgence except through marriage. In Islam, it constitutes the most valuable dimension of human character. Undoubtedly, chastity maintains human dignity, which if a man loses makes him a vicious person, a beast and a savage. The Quran praises highly those who remain conscious of the significance of their private parts and do not commit sex out of wedlock: “*Successful indeed are the believers who.....and who safeguard their private parts except through their mates or those whom their right hands possess, for they surely are not blameworthy*” (23:1-7); and “*...and the men who guard their private parts and the women who guard.....Allah has prepared for them forgiveness and mighty reward*” (33:35).

The Quran prescribes various measures for man to ensure chastity. The most practical solution to safeguard chastity is

marriage. Men and women possess very strong sex-drive, which make the opposite genders feel attracted towards each other. It is a natural appetite like that for food and drink. Islam does not prohibit humans from eating and drinking but inspire them to satisfy their hunger and thirst subject to very strict rules and regulations concerning lawful and unlawful. Similarly, Islam guides humans to gratify their sexual urge through marriage only. The Quran declares sexual acts outside marriage as abominable: “*And go not nigh to fornication; surely, it is an indecency and an evil way*” (17:32). Islam is so sensitive to the concept of chastity that it prescribes severe punishment for those who engage in sex without marriage: “*The adulteress and the adulterer flog each of them with a hundred lashes...*” (24:2).

Modesty

Man by nature is modest. What differentiates man from beast, among others, is modesty. Animals do not need to cover their body but man loves to cover his body. When Adam and Eve tasted the forbidden fruit, they both felt that they were naked and desperately began looking for something to cover their nudity (20:121). It proves that modesty is innate in humans. Besides formal attire marriage also serves as a means to help humans maintain modesty. The Quran likens both wife and husband to apparel to each other: “*...they (wives) are an apparel for you (husbands) and you are an apparel for them...*” (2:187). Thus, the message given in this verse is that spouses serve for each other as a means of comfort which ultimately protects them from immodesty. Marriage is indeed a means to ensure modesty.

Love and Compassion

The very essence of humanity is love and compassion which ensure stability in relations and continuity of its entity on the surface of the earth. Nucleus family is in fact society in miniature. Strength of families results in the strength of society. If family composed of basically wife and husband is fragile, the society will become fragile. In order to replace fragility with stability in human settings strong

bonds are required to be in place. The Quran refers to two main factors for strong relationship between wife and husbands and thus among all those around them: “*And among His signs is that He created mates for you from yourselves that you may find solace in them, and He put between you love and compassion; most surely there are messages in this for those who reflect*” (30:21). As long as love and compassion remain in place between spouses, humanity will continue flourishing smoothly without any hindrance whatsoever. Love and compassion in the real sense of the words require physical, mental, emotional, and spiritual intimacy that cannot be attained except through marriage.

Satisfaction of Carnal Desire

Sex with opposite gender is natural. It is so strongly embedded in human nature that if left it scot-free society will present the scene of jungle where beasts satisfy their sexual urge freely and openly. One of the main natural traits of human beings is decency, a required condition for dignity. In the above quoted Quranic verse (30:21) there is phrase (*li taskunu ilayha*—“so that you may find solace in it”) clearly indicates to the marriage as a means to fulfill sexual desire. Since satisfaction of sexual desire outside marriage is reprehensible and punishable, marriage is requirement for satisfying carnal urge.

Permanence and Survival of Progeny

The parenting is part of human essence. Man and woman both desire to reproduce their offspring so as to fulfill the urge of parenting on the one hand and continue the human legacy on the other. Husband has the natural power of penetration and wife has the innate ability of conception. This arrangement of nature signifies that wife and husband should reproduce their progeny. The Quran vividly describes this objective of marriage by referring to similitude between wife and cultivation (*harth*): “*Your wives are cultivating land for you, so visit it when you wish and procreate for yourselves...*” (2:223). Humans and animals are all, by nature, conjugal wherewith they get multiplied: “*He has made for you pairs*

from among yourselves, and mates of the cattle too, multiplying you thereby..." (42:11). All the Prophets (peace be upon them) had wives and children: "*And verily We sent messenger before you and gave them wives and children*" (13:38). Prophet Zakariyya (peace be upon him) prayed to Allah (*s.w.t.*) to grant him son in order for the prophetic legacy to continue: "*...so grant me from Thyself an heir who should inherit me and inherit from the from the children of Yaqoub...*" (19:5-6).

Perfection of Spirituality

Man is composed of matter and spirit. The combination of matter and spirit has made man a moral being. It means man has to take care of both matter and spirit. The objective of this natural disposition is to strike balance in human life, protecting it from any kind of extremism that could ultimately prove fatal for man. Mere paying special attention to his spirit and ignoring his material dimension or only aggrandising material strength even at the cost of spiritual dimension will certainly damage the very purpose of human existence. Islam lays emphasis on satisfaction of human material needs as well as spiritual demands. This is what makes Islam essentially different from other so-called religions. The currently professed faiths like Hinduism, Buddhism, and Christianity advocate for spirituality and inspire their followers to suppress material and biological wants. On the other hand, limited but dominating creeds like Judaism, Taoism, Confucianism, Zoroastrianism, and Sikhism stress on the satisfaction of material needs rather than spiritual ones. Islamic philosophy calls for the fulfillment of morality which is manifestation of amalgamation of both matter and spirit. Marriage is generally considered a material and worldly act but Islam defines it as a highly appreciated moral act whereby man manages to complete his religiosity. The Prophet Muhammad (*s.a.w.*) declares marriage as his tradition and the transgressor of this tradition as rebellious: "I marry women; and one who digresses from my tradition has nothing to do with me".⁵ Islam seeks to secure man of the three major sources of evil, the tongue, the stomach, and the sexual organ. The securing of sexual

organ from evil can be ensured only through marriage. The Prophet Muhammad (*s.a.w.*) describes it securing half of the faith: “Whoever marries actually secures half of his faith”.⁶

CONDITIONS FOR NIKAH

Islam puts several conditions for a marriage to be lawful and valid. The most well-known conditions are five: (1) specification of the bride and the groom in the contract of marriage, (2) affirmation of the contract in clear words/signs by both (bride and groom), (3) confirmation of dower (*mahr*), (4) corroboration of marriage by two witnesses, (5) permission from both bride and groom or from valid representative on their behalf, (6) elimination of objections regarding the legal position of the bride and the groom, and (7) authorisation of marriage contract by the guardian of the bride.

Specification of the Bride and the Groom

In the marriage contract both bride and groom are to be identified by name with clear reference to their fathers. Mere mention of word daughter or son without her/his names is not allowed. It is like any contract in the world wherein the persons concerned are identified and mentioned by names. There is no disagreement among *fugaha'* over this matter.

Affirmation of Contract by both Bride and Groom

In Islamic terminology it is called *ijab-o-qubool*. The bride concerned will have to express her agreement to the contract of marriage either in words “yes, I do accept/agree” or through some clear symptoms such as nodding head or keeping silent out of shame. All the *fugaha'* have consensus over this issue.

Confirmation of Dower

In the contract of marriage, a specified or unspecified amount of wealth is necessary to be compulsorily given to the bride by the groom either immediately upon completion of the contract or later on. Several Quranic verses prescribes dower as a condition for

marriage: (1) “*And give women their dowries graciously...*” (4:4), (2) “*...so give them their dowries as an act of obligation...*” (4:24), and (3) “*...so marry them with the permission of their masters and give them their dowries as per the norm...*” (4:25).

Corroboration by Two Witnesses

The contract of marriage is to be witnessed by two adult, sane, and just witnesses. Their names must be declared in the marriage-contract document. Majority of Muslim jurists and legal experts view the presence of the two witnesses at the time and place of marriage contract ceremony on the grounds that the Prophet Muhammad (*s.a.w.*) made it a compulsory condition for the validity of marriage. The Prophet Muhammad (*s.a.w.*) said: “Marriage is invalid except with the permission of guardian and presence of two just witnesses”.⁷

Permission from both Bride and Groom

If the marriage is taking place between two adult and sane male and female, permission of both bride and groom must be obtained prior to the execution of marriage contract. Bride and groom cannot be coerced into entering the marriage without their consent. Imam Abd Allah ibn Baz decreed that consent of bride whether widow/divorcee (*thayyib*) or bachelor (*bikr*) for marriage must be obtained, as the Prophet Muhammad (*s.a.w.*) said: “A widow (*aimun*) should not be married without her consent; a virgin (*bikr*) woman should not be married without her permission”.⁸ As for the groom’s consent for marriage, Muslim scholars have consensus over its indispensability.⁹

Elimination of Objections Concerning Position of Bride and Groom

The Quran prescribes a list of those women with whom one cannot enter into marriage contract: “*And marry not women whom your fathers married, except what has already passed; this surely is indecent and disgusting and it is an evil way. Forbidden are your mothers and your daughters and your sisters and your paternal aunts and your*

maternal aunts and brothers' daughters and sister's daughters and your mothers who have suckled you and your foster sisters and mothers of your wives and your step daughters through your wives with whom you have already established conjugal relationship—but in case you have not entered into marital connection with them, there is no blame on you for marrying them—and the wives of your sons who are of your own loins, and it is forbidden for you to marry two sisters together, except what has already passed; surely, Allah is Forgiving, Merciful. And also are forbidden the women who are already under their marriage...” (4:22-24).

Authorisation of Marriage by Guardian of the Bride

Marriage contract is to be authorised by the bride's male guardian, father or brother or son or uncle or grandfather etc. As for the marriage of minor bride, all the *fuqaha'* consider this authorisation obligatory. But there is a little controversy over the guardian's authorisation of marriage for the bride who has reached the age of puberty. Jurists from Maliki, Shafi'i, Hanbali, and Zahiri schools of Islamic law view marriage-contract without the permission of the bride's guardian invalid, whereas experts of Hanafi school of law, including Abu Hanifah do not find authorisation of bride's guardian necessary for the execution of marriage contract.¹⁰

MARRIAGE IN CONTEMPORARY MUSLIM SOCIETIES

Muslims in the world today are estimated to have almost touched the figure of 2.0 billion. They account for more than 25% of the total population of the world today. Out of these two billions Sunnis constitute almost 90% and Shi'as the remaining 10%. Under these two major camps Muslims could be classified into four main categories as to their attitude and loyalty towards Islam: (1) practising Muslims in the strictest sense of the word, (2) non-practising but emotionally charged Muslims, (3) liberal/secular and so-called moderate but non-rebellious Muslims, and (4) ultra-liberal with belligerent attitude to Islam as a whole. It is noteworthy that these various mutually conflicting groups of

Muslims the world over remain faithful to the basic Islamic rules on marriage. Thus the situation in Muslim societies whether in Muslim majority nations or in non-Muslim majority nations concerning marriage rules and regulations could be described in the following ways.

Strict Observance of Islamic Rules of Marriage

Muslims in Indonesia, Malaysia, Brunei, Bangladesh, Pakistan, Egypt, Sudan, Afghanistan and other Muslim countries in Asia, Africa, and Europe as well as in other countries strictly follow Islamic system of solemnisation of marriage, with slight variations from cultural angles. One may hardly find any Muslim society or individual who infringe upon the basic law of marriage promulgated by Islam. The seven conditions of Islamic marriage as mentioned above are, to a large extent, are observed by Muslims. Undoubtedly, some Muslim individuals in the world today do not care for these conditions of marriage. But their number is totally negligible. As for Muslim societies today, there is none subscribing to marriage law other than Islamic.

Severe Abhorrence over Practices Negating Sanctity of Marriage

Muslim societies today view any form of sexual relationship between male and female out of wedlock legally reprehensible and ethically harmful. Despite too much liberalism in the world today, Muslims do not condone acts of fornication, adultery, rape, lesbianism, homosexuality, polyandry, and incest. Single mothers who bear and rear illegitimate children are looked down upon with contempt by Muslim societies. Promiscuity and prostitution are both practised by some people in Muslim nations but none consider these sexual habits wholesome for the society. The concept of *halal* and *haram* in sexual satisfaction are still in place in fundamental norms in Muslim societies.

Stringent Vigilance against Sexual Corruptions

Muslim families the world over are very keen to keep their spouses and children morally upright. They know very well that

promiscuity and free sex outside marriage are bane for both individuals and societies. Easy access to media print as well as electronic is wreaking havoc in the world. Non-Muslim individuals and societies are not very much concerned about that; they rather view openness of sexual acts among male and female as shown in the media in the name of art and pornography as liberation of man from age-old traditions. Muslim societies frown at these freedoms and consider them satanic tricks to destroy humanity.

MARRIAGE IN THE WEST

Here west is not the geographical term for the nations in the western hemisphere; it is rather a reference to economically and technologically developed nations in part of Europe, Australia, and Americas, excluding South American countries and Muslim states like Bosnia, Albania, and Kosovo. In order to avoid confusions whatsoever, it is better to use the term west in the sense of western civilisation. The estimated population of the west, according to the above definition, may be around one billion. Since the west is dominated mostly by Christians, the subject of this discussion may cover only Judeo-Christian people in the west. The Jews have managed to maintain their religious identity by following Judaic law based on the Torah and Talmud. The Christians seems to have lost their religious identity as they are no more zealous towards Christian faith and practices. Their life is generally governed by so many western philosophies.

The west does not seem to subscribe any religious law on marriage. Christianity has slackened its grips over its so called followers in the west. There are hardly any rules of marriage in the west except some minor rituals inherited from previous generations such as walking of father the aisle, holding her daughter-bride's hand under his arm to the standing point of the groom. The only important part of this rite is bride and groom exchanging vows and kissing each other publicly. Even these simple rituals are day by day diminishing from the west, leaving the marriage totally at the wish and whim of the people.

Due to total sexual freedom in the west, which is governed by the

axiom “with mutual consent”, marriage contract no longer holds any significance in people’s life. Marriage in the west now stands replaced by so many non-marital social practices: (1) live-in relationship, (2) boyfriend/girlfriend culture, (3) promiscuous lifestyle, and (4) LHI scenario.

Live-In Relationship

The general meaning of live-in relationship as it appears from the term is living together without marriage. Legally, it may be defined as “a living arrangement in which an unmarried couple lives together in a long-term relationship that resembles a marriage”.¹¹ In this relationship couples cohabit rather than marry due to several reasons such as sexual satisfaction without any legal hitch, freedom from financial burden, and checking the compatibility of mutual partnership before marriage. The west is now more attracted to this relationship. There is no precise data collection of the unmarried couple with live-in relationship in the west, although some on-line surveys’ findings depict the picture, to some extent. Probably, the real scenario is more horrible than it is shown in the data. The percentage of live-in relationship in the west may be estimated at around 40% of the total population.

Boyfriend/Girlfriend Culture

Literally, boyfriend/girlfriend is an individual of significance with whom one shares relationship. Technically, it may be defined as a free arrangement of long term or short term nature between a male and a female to enjoy life mutually through cohabitation. Around a hundred years ago this kind of relationship in its technical sense was frowned at even in the west. Now it has assumed socially approved relationship. If it is said that almost the entire west is beset with this afflicting culture, it will not be exaggeration at all. The phenomenon known as single-mother is the logical consequence of this culture. Millions of single mothers in USA, Europe, Canada, and Australia deliver children outside marriage every year. It is hard to gather exact statistics of such single mothers. Unbelievably, it has now become fashion and symbol of enlightenment in the west to practise boyfriend/girlfriend culture.

Promiscuous Lifestyle

Promiscuity signifies involvement of lot of people in indiscriminate mingling or association, especially having casual sexual relationship with a number of different partners. The great number of teens in the west prefers to spend their time, wealth, and energy in establishing sexual relationship with multiple partners. Married couples in respectable professions in the west are no more exceptions to this horrendous habit. Almost every now and then the cases of married women, especially in teaching profession entering promiscuous relationship with their male students no longer create surprise in the minds.

LHI Scenario

L denotes lesbianism, H homosexuality, and I incest among closest blood relatives. This scenario has gripped the entire Europe and Americas. Lesbianism and homosexuality are legally approved actions in many European nations. This western gift has already affected many people in the third world. Sexual relationship between father and daughter, brother and sister, mother and son etc. in the west has become norm. There are even cases in which fathers marry daughters.

OBJECTIVES OF MARRIAGE IN THE WEST

The west does not attach any religious sanctity to marriage. It is now merely a means of some material benefits such as legal protection, tax-exemption, socially-sanctioned status, inheritance rights, entitlement to health care scheme, and children allowance, etc. The purpose of marriage in the west is not to protect the society from sexual anarchy, maintain chastity, and contribute to further development of the society.

CAUSES OF INDIFFERENCE TOWARDS MARRIAGE IN THE WEST

Marriage rate has fallen dramatically in most major European countries over the past few decades. National Institute of Statistics of Italy unveils the reality that: "Marriages have become less

important from a religious and civil point of view because many young people live together without marrying. Their notion about marriage is that it's such a celebration that costs a lot. So, people like to live together in an [unmarried] cohabitation".¹² However, we would elaborate some of the most prevailing causes of the indifference of the west towards marriage.

Individualism

Individualism is a philosophy that looks at every individual as of prime value and at the society as a means of fulfilling individuals' ends. According to this concept, it is individual not the society that is important. It has changed gradually the entire attitude of people of all the ages in the west. Consequently, even those above 55 who previously preferred married life are now increasingly choosing the single life. Middle-aged Americans are now 32 percent more likely to live without a "special someone" as compared to a decade ago.¹³ They prefer personal needs than the needs of the society. Even young women have become more assertive with status, identity and a solid relationship without marriage. As such people are in habit to live on their own selves, with not worry about marriage. Individualism is rising steadily than the past decades, due to which divorce rate is increasing, most of the adults are living alone, family size has decreased and multiple generations living under the same roof have declined because each person is under the spell of Self Inclination and Self Indulgence.¹⁴

Thus, western people concentrate on emotions and any influence that appears to detract from personal happiness, desires or success, is treated as a threat. Premarital sex, cohabitation and bearing children out of wedlock are accepted options by the western citizens who do not seriously mind problematic consequences of these practices. People today routinely create a distance from the teachings of their religion, the responsibilities to a family, the value of their parents and so forth in order to satisfy their own needs. Selfishness has become the order of western societies. The passion of individualism is destroying them on every level, personal, marital, familial and communal.¹⁵

Contrary to western individualism, collectivism in Islam plays a central role in Muslim society which stresses the importance of working for the collective good, taking care of others by maintaining unity in face of threat and sufferings. None can deny that strongest evidence of Islamic collectivism can be found in Muslim families which are the fundamental building block, social hub and a safe haven for all its members, a place of belonging and a source of love and emotional support.¹⁶

Alcoholism/Dipsomania

Alcoholism which is also termed as dipsomania is another prominent cause of western indifference towards marriage. Its excessive use is frequently identified as a contributor to sex-related or marriage-related problems. According to the National Institute of Health in United States of America, more than 15 million men and women in the US suffer from serious problems due to alcohol, yet they do not stop drinking.¹⁷ Excessive drinking has an acute impact in people lives, leading to impaired ability to form an intimate relationship between partners. High rate of divorce in the west is also associated with alcoholism. It has also been observed that excessive use of alcohol is one of the reasons for the breakup of marriages and consequently paving way for hedonism, whoring, adultery, extra-marital relation and fornication.¹⁸

Sex-Service Industry

Premarital sex has increasingly become socially and morally acceptable practice in the west. Sex service has now assumed a highly profitable job in various forms such as strip-tease clubs, sex theatres, brothels, peep shows, escort agency where sex workers and prostitute cater to all sort of taste and sexual orientations. Quite a number of sex festivals are organised in different regions of Europe where nudity gives vigorous sermons on every facet of sexuality for promoting sex toy, sex products and sexual gadgets which evoke the intensity of sex addicts to fulfil their beastly desires.¹⁹

Escape from Social Liability/Hedonism

Western people are generally over indulged in seeking pleasure. They believe that hedonistic fling is better option to escape from all sorts of social liabilities. Marital relation is a repulsive and forced relation for them, and they call it a Melodrama. Over marital relation they prefer hedonistic and promiscuous life style which they consider without the suffocation of monogamy and they can be with whomever they want, with whosoever they desire and whenever they can have sex. Thus, they prefer this promiscuous hedonistic way of life which paves way for openly sexual relationship without any commitment and provides fun for every day.²⁰

Thus, marriage is like the worst idea for them because they think life can be more interesting for them out of wedlock. Though they want to spend life with someone but don't want to get married and have children, that vividly expose their elopement and escapism from marital responsibilities, they prefer single independent life where they cohabit multiple partners on one night stands with less emotional baggage and less expensive than others social liabilities which a family demands.²¹

Legality of Consensual Sex

In the west the age at which a person is deemed legally competent to consent to sexual activities varies from State to State. In developed countries, though the rising rate of child birth out of wedlock, sexual exploitation, consensual incest and teenage sexuality have been tried to cease but the efforts are abortive because the violation of this legality of consensual sex at an early teenage is not taken up seriously.²² In an environment where consensual sex is legally sanctioned and easily available why should people care for marital relationship, a source of so many social burdens?

CONCLUSION

In Islam, marriage is treated as a natural means to protect and maintain chastity of both male and female in the society. It is considered a way to perfect one's faith. It is also to continue human progeny on the surface of the earth. It has clearly defined objectives

and conditions for marriage. On the contrary, the west which was supposed to represent Christianity in all walks of life including family and marriage contract has thrown away Christian rules of social responsibility and marriage. Moral corruptions have engulfed sanctity of marriage in the west. As a result the west is reeling under unbearable burden of immensely huge socio-moral problems such as increase in the number of children out of wedlock, broken families, teenagers suicidal inclination, illegal sex service, underage-pregnancies, incest, and marriage among close-blood relatives. The main reasons for these horrifying phenomena include philosophy of individualism, hedonism, and alcoholism. Muslim societies are flourishing day and night mainly due to their adherence to Islamic values, rules, and traditions that deal with marriage and family system. The west is far ahead of Muslims in scientific and technological developments but they are far ahead of the west in social security and ethical protection.

Notes

- 1 Al-Asfahani, al-Raghib, Al-Mufradat fi Gharib al-Qur'an (Beirut: Dar al-Ma'rifah, 1998), P. 506.
- 2 Al-Jaza'iri, Abd al-Rahman, Al-Fiqh 'ala Mazahib al-Arba'ah (Beirut: Dar al-Kutub al-'Ilmiyyah, 2003), 4/1.
- 3 Ibid.
- 4 Al-Jurjani, Ali bin Muhammad, Mu'jam al-Ta'reefat (Cairo: Dar al-Yaqzah, no date), P. 206, Definition No. 1932.
- 5 Al-Bukhari, Muhammad ibn Isma'il, Al-Jami' al-Sahih (Beirut: Dar Ibn kathir, 1993), Vol. 5, Kitab al-Nikah, Hadith No. 4776.
- 6 Al-Tabarani, Sulayman ibn Ahmad, Al-Mu 'jam al-Awsat (Cairo: Dar al-Harmayn, 1995), Hadith No. 7849.
- 7 Al-Darqutni, Ali ibn 'Umar, Sunan (Beirut: Dar al-Ma'rifah, 2001), vol. 3, Kitab al-Nikah, p. 152, Hadith No. 3478.
- 8 See <https://binbaz.sa/fatwas> under shurut al-nikah.
- 9 See <https://archive.islamonline.net> under shurut 'aqd al-zawaj.
- 10 See <https://archive.islamonline.net> under shurut 'aqd al-nikah.

- 11 See <https://legal-dictionary.thefreedictionary.com> under legal definition of live-in relationship dated 3/10/2018.
- 12 <https://www.google.com.pk/amp/s/amp.theguardian.com/lifeandstyle/2014/july25/marriage-young-european-austerity>.
- 13 See Maria Perez, <http://www.newsweek.com/Americans-are-more-single-ever-new-study-show-682290>.
- 14 <http://www.dailymail.co.uk/sciencetech/article-2942561/Think-Generation-new-Think-Society-began-shifting-individualism-CENTURY-ago.html>.
- 15 See, www.marriagemoment.org/2011/01/individualism-independence-and-tragedy.html?m=1.
- 16 See Kate Bradely, (29 September 2017), <https://classroom.synonym.com/collectivism-in-islamic-society-12087714.html>.
- 17 See <https://www.cliffsidemalibu.com/telltale-signs-someone-love-alcoholic/>.
- 18 See <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2667243/>.
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