Chapter IV

ORTHODOXY IN CONTEMPORARY
ISLAMIC THOUGHT
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A) Marriage and Polygamy in Islam

Marriage

Man's body has originated out of sex. Sex is a natural phenomena. It can not and should not be curbed. In case it is curbed it may erose as volcano and destroy the social order. Such incidents are being reported throughout the history of mankind where there is advocating of sanyasa or nun ship.

Islam advocates marriage to every man and woman. The Quran declared about marriage is: "Marry those among you who are single or the various ones among your selves, male or female: if the in poverty, God will give them means out of His grace", and let those who find not the where withals for marriage, keep themselves chaste, until God gives them means."¹ Prophet Mohammad says about marriage "To live
in marriage is to observe my way. He who turns away from this way is not of me".2

Dowry (Mihr) is an value for the wife in debt on the husband and is mutually agreed up on before the marriage. Marriage even non-Muslim woman was not permitted unless the dowry (Mihr) was paid, and the woman was made the owner of property: "And the chaste from among the believing woman and the chaste from among those who have been given the book before you are lawful for you when you have given them their dowries, taking them in marriage, not fornicating nor taking them for paramours in secret."3

There was no limitation to the value of dowry, a whole Estae or a heap of gold could be settled on her: "if you have given one of them a heap of gold, take not from it any thing."4

Where a woman was given in marriage against her wishes, the marriage was annulled by the prophet Mohammad.5 "It is not lawful for you that you should take women as a heritage against their will".6

Marriage was no more a hindrance in the spiritual progress of man and in his perfection; it was rather a help
and led to the development of the spiritual faculties and to perfection:

And one of His Signs is that He created mates for you from your selves that you might find quiet of mind them, and He put between you love and compassion.\(^7\)

Marriage was thus recognised as a means to the moral uplift of man, and such it is in fact. Mutual love between husband and wife – a love based not on momentary passion but on a life-long connection – and the consequent parental love for offspring leads to a very high development of the feeling of love of man for woman as such, and this in its turn leads to the distressed service of humanity.\(^8\)

**Polygamy**

Islam permits more than one wife, it is seldom practiced. The Quran says about polygamy: "If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two or three or four. But if you fear that you shall not be able to deal justly with them, then only one (a captive) that your right has disposes. That will be more suitable to prevent you from doing injustices."\(^9\)
The Quranic verses are in favour of polygamy and when it is necessary as, one's wife suffering with illness, or during the time of war many male soldiers dying in the war, and there dependents women are became helpless condition, that time to give shelter polygamy is permitted.

Islam added some conditions to practice of polygamy with difficult requirement that all the wives must be treated with equal and justices.

Prophet Mohammad married Khadija when he was twenty-five years old and up to his age of fifty he had only one wife Khadija, later he contracted a number of marriages. But these marriages are considered to develop relations with various clans. Prophet's wives except Aiysha all were widows.

Prophet Mohammad reformed a custom of marriage. Pre-Islamic Arabian marry unlimited wives and also many strong clan's males forced to marry. Prophet Mohammad restricted a limited number of wives, and he also restricted to forced marriages, and marriage contract is practiced in presence of Khazi (priest) who, witnesses for marriage, the Khazi takes consent of lady whether she marry or not, and Khazi with
permission of both parties, young couples and present people make complete rituals of marriage.

B) Family planning and Islam

Family planning according to Quran

Abortion

"And do not kill your children because of poverty. We provide sustenance for you and for them." 10

The only true provider for all humankind is Allah. Muslims follow what Allah has prescribed for them, Allah will provide for them. Allah has warned mankind about killing children from fear of poverty for parents or child.

The abortion of foetus from the mother's womb is different issue, since this sperm and egg have already met and fertilised what could become a human being. These Quranic verses were revealed to prevent the practice of ancient Arab, who killing their alive new born children. The ancient Arab practicing this method for the reason of poverty. In those days people does not know the methods of abortion.
The Muslim scholar all agree that abortion is forbidden after the first four month of pregnancy, since by that time the soul has entered the embryo. The schools of Shariah (Islamic law) vary regarding the exact time the soul is believed to have entered the embryo. Some says that pregnancy begins as soon as the fertilized egg implants it self in the uterus, and to end the pregnancy after that point would forbidden.\textsuperscript{11}

**Abortion according to Hadith**

Abortion (Azl) is practiced during Prophet Mohammed's life time and it was not forbidden.

According Jabir "We used to practice "azl" (abortion) "azl" (Abortion) in the propheth's life time while the Quaran was being revealed. "There is another version of the same hadith, "We used to practice "azl" (Abortion) during the propheth's life time. News of this reached him and he did not farbid us."\textsuperscript{12}

According to Abu Said "The Jew say that abortion is minor infanticide, and the Prophet answered, Jews lie, for if God wanted to creat something, no one can avert it" \textsuperscript{13}
According to Umar Ibn Khatab, "The Prophet forbade the practice of 'azl' with a free woman except with her permission."  

Al-Ghazzali stated that there was no basis for prohibiting 'AZL'. For prohibition in Islam was possible only by adducing an original text or by analogy with a given text. In the case of contraception, there was no such text, nor was there any principle on which to base prohibition. In his view, coitus interruptus was permitted absolutely and this permission could be ratified by analogical reasoning. A man could refrain from marriage; or marry but abstain from mating or have sexual mating but abstain from ejaculation inside the vagina - 'azi'. Although it was better to marry, have intercourse, and have ejaculation inside the vagina, abstention from these was by no means forbidden or unlawful. 

Al-Ghazzali made a distinction between infanticide and contraception. He said that a child could not be formed merely by the emission of the spermatic fluid, but by the setting of semen in the woman's womb; for children were not created by the man's semen alone but of both parents.
together. So contraception could not be compared with infanticide which was the killing of an Existing being while contraception was different.

In the process of contraception, the two (male and female) emissions are analogous to two elements; offer and acceptance which are components of a legal contract in Islamic law. Someone who submits an offer and then withdraws it before the other party accepts it is not guilty of any violation, for a contract does not come into existence before acceptance. In the same manner, there is no real difference between the man's emission or retention of the semen unless it actually mixes with the woman's semen.¹⁶

**Modern Muslim Scholars Views on abortion**

The Grand Mufti of Jordan, Shaykh Abd Allah Al-Qalqilî, issued a *fatwa* in 1964 in which he said: There is agreement among the Exponents of jurisprudence that coitus interrupts, as one of the methods for the prevention of child bearing, is allowed. Doctors of religion inferred from this that it is permissible to take a drug to prevent child bearing, or
even to in level abortion, we confidently rule in this fatwa that it is permitted to take measures to limit child bearing. 17

Many modern Muslim scholars expressed their views on abortion. Their views based on the development of foetus into two stages. According to them, the whole period of pregnancy can be divided in two stages: the first 120 days, and the remaining period before child birth. Most classical Muslim scholars claim that it is permissible to have an abortion for valid reasons during the first stage. 18

**Modern Methods of Family Planning**

Islam forbidden to ‘Permanently’ End a man’s or a woman’s ability to produce children such as by having a hysterectomy or tubectomy or vasectomy, as long as that is not called for by circumstances of necessity to Islamic framework. 19

Islam permitted to control the timing of births with the occurrences of pregnancy or to delay it for a specific amount of time, if there is some *Shariah* (Islamic Law) need for that in opinion of the wife, based on mutual consultation and agreement between them. However, there is conditional by
that not leading to any harm (Forbidden), by it being done by means that are approved in the *Shariah*, and that it not do anything to oppose a current and existing pregnancy.\(^{20}\)

In the Modern world human facing many problems, the problem of poverty, imbalance distribution of resources, and not only economical resources, the Educational and medical facilities are also not reached every human being who need of these. These all problems are related with the population, in welfare of human being is close related with family planning birth control. So the population controlling is necessary for modern world to provide all needs of human being.
References

1) *The Quran* (24: 32, 33)

2) *Kanz al-Ummal*

3) *The Quran* (5:5)

4) *The Quran* (4:20)

5) Bukhari (67:43)

6) *The Quran* (4:19)

7) *The Quran* (30:21)


9) *The Quran* (4:3)

10) *The Quran* (17:31)


13) Ibid, P.112

14) Ibid, P.112

15) AL-Ghazzali Ihya Ulum al din, AL Matba AL-Azhariya AL-Misriyya, Cairo, 1302 A.H.

16) Khalid Farooq Akbar, *Family Planning and Islam: A Review Article reprinted courtesy of Hamdard Islamicus.* (Net Collection)


20) Ibid.