

An Islamic View of Marriage & Celibacy

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Islamic jurists typically begin the discussion of a topic by defining the meaning of the subject under question. Islam is both a legalistic and moralistic tradition, although it is popularly known, like Orthodox Judaism, for its legalism. Language is essential to legalism. The Qur'an, revealed in Arabic, has occupied the focus of the scholarly community historically. What this means is that both the Qur'anic text and its language are afforded sacred status, inasmuch that without understanding the language of the Qur'an, one cannot offer an accurate description of Islam's legal and moral teachings. The Arabic word for marriage is 'nikah.' It connotes both the act of sexual intercourse (jima') and the contractual commitment of spouses to share life together ('aqd), whether or not the spouses share intimacy.¹ This is so even though linguists and exegetes differ about the original usage of the word.²

¹ In this regard, the Qur'an says, "O you who believe! When you marry believing women, and then divorce them before you have touched them, no period of waiting ('iddah) have you to count in respect of them" [Abzab 49]. This verse makes it clear that two people are considered married by the mere initiation of the contract. Similar to this verse in meaning is, "And if you divorce them before consummation, but after the fixation of a dowry for them, then the half of the dowry [is due to them]" [Baqara: 217]. Another verse that bears testimony to this understanding is, "Such of your women as have passed the age of monthly courses, for them the prescribed period, if you have any doubts, is three months, and for those who have no courses [it is the same]" [Talaq: 4].

² Most legal sources state that the word 'nikah' originally was applied to the act of sexual intercourse (wat'), but was figuratively utilized as a reference to the mere contract of marriage minus consummation ('aqd). They further state that when Islam came, it readjusted the connotations of the word such that the outward meaning of the word when used in scripture is for the contract ('aqd), but figuratively a reference to the act of sex (wat'). The premodern scholar, Raghib of Isfahan (460 AH/1068 CE), however, objects to the view of the majority saying,

Marriage is viewed as both a means to perpetuate the human species and as a contributor to societal cohesiveness. The Prophet Muhammad said, “Marry affectionate women of child-bearing age.”³ He also said, “O ye of youthful exuberance! Whoever of you has the material means (ba’a)⁴ should marry. For, verily, it helps better to restrain one’s gaze

“The word ‘nikah’ originally connotes the contract of marriage (‘aqd). It was later used metaphorically to connote sexual intercourse (jima’). And it is not conceivable that it originally connoted sexual intercourse, and then became a metaphor connoting the contract, because all nouns utilized to connote sexual intercourse (in Arabic) are indirect expressions (kinayat) since they (the Arabs) experience a sense of repulsion upon the mention of it (sex), the same sort of repulsion they experience upon the mention of those who are involved with such activity. So it is not conceivable that one who does not have the aim of stating what is vulgar to characterize what he finds revolting by what he finds enticing.”

(Al-Asfahani, Raghīb Husayn. *Mufradat Al-Jāz al-Qur’an*. Beirut: al-Maktaba al-‘Asriya, 2006, p. 524)

³ Muhammad Ashraf b. Amir Al-‘Azimabadi. *‘Awn al-Ma’bud ‘ala Sunan Abi Dawud*. Amman, Jordan: Bayt al-Afkar al-Dawliya, p. 910, hadith #2050 from Sunan Abi Dawud.

⁴ Some commentators on this hadith interpret the word, “ba’a”, as “the material means for marriage” (mu’an al-nikah). This would include the cost of the dower (mahr), and the physical fitness to seek familial provisions. According to this understanding, “ba’a” would be translated as “material or financial means” as I have done above. Most commentators, though, interpret the word to mean “intercourse” (nikah). (And we already mentioned the disagreement about the literal meaning of the word, ‘nikah.’) In this case, the hadith would translate as, “...Whoever of you is capable of sexual intercourse should marry.” I, personally, believe that the former translation is more accurate since the concluding statement, “...But, whoever of you does not should fast,” seems to qualify the context. In other words, “...whoever of you is able to have intercourse but does not have the financial means for marriage should fast.” Otherwise, the meaning would be, “...whoever of you is

and to guard one's chastity. But whoever does not [have the means] should fast. For, it acts for him as castration."⁵ Marriage is also seen as a form of "sacrament" that if executed in the proper spirit can contribute to the health of one's faith in God. The Prophet said, "When one of you marries he has perfected half of his religion. So remain conscious of God in the other half."⁶ Another version of the hadith reads, "Whoever God provides with a pious wife is helped in half of his religion. So let him remain conscious of God in the second half."⁷

Read together, the above citations clarify that the aim of marriage in Islam is not merely reproductive. It is also unitive and relational being that men are encouraged to marry women who are both of "child-bearing" age and "affectionate." The Qur'an teaches, "*And among His signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your [hearts]: Verily in that are signs for those who reflect*"[Rum:21]. What the aforementioned hadiths also points to is a sort of calculated restraint or limited "monasticism" understood from the encouragement to "fast" when a man lacks the material means to do so. This short essay attempts to extrapolate the relational and communal doctrine that underscores the Islamic teachings on marriage and consecrated celibacy.

able to have intercourse whether or not you have the material means for marriage should fast." That would contradict the opening declaration translated the way that most commentators do, "...Whoever of you can have intercourse should marry." This leaves us with a command to do one thing and another to do its opposite (i.e. "Marry!" and "Don't marry!").

⁵ Muhammad Ashraf b. Amir Al-'Azimabadi. *'Awn al-Ma'bud 'ala Sunan Abi Dawud*. Amman, Jordan: Bayt al-Afkar al-Dawliya, p. 908, hadith #2046 from Sunan Abi Dawud.

⁶ 'Abd Allah b. Sa'd Al-Yafi'i. *Al-Tarhib wa Al-Tarhib*. Tanta: Dar al-Sahaba lil al-Turath, 1994, 2/420

⁷ Sulayman b. Ahmad Al-Tabarani. *Al-Mu'jam Al-Awsat*. Cairo: Dar al-Haramayn, 1995, 1/423, hadith #972

Definition of Marriage

Marriage is legally defined as “a legal agreement (‘aqd) founded upon the intentional transference of the right to take benefit from female reproductive space (bud’).”⁸ Practically all classical definitions of marriage highlight “access to intimacy with women” as a major feature of the understanding. Some modern definitions, though, offer a more apologetic tone likely in response to universal demands for greater agency for women. The Moroccan marriage code defines marriage in the following terms:

“Marriage is a legal agreement of reciprocal commitment and cohesion, of permanence,⁹ between a man and woman¹⁰. Its goal is to achieve guarded chastity, virtuousness, and to increase the population of the community by instituting a family under the custodianship of the husband, built upon firm foundations that secure for both parties of the

⁸ This is the definition of the pre-modern scholar, ‘Ali b. Muhammad al-Jurjani in his *Kitab al-Ta’rifat*. There are many technical definitions of marriage. Each of them contains the essential notion that a husband has sole right to intimacy with his wife. Modern definitions have attempted to deemphasize this aspect of marriage and turn the reader’s attention to the relational aspect of marriage and its intended permanence. (al-Jurjani, ‘Ali b. Muhammad. *Kitab al-Ta’rifat*. Beirut: Dar al-Kutub al-‘Ilmiya, 1995, p. 246)

⁹ This particular emphasis on ‘permanence’ is meant to militate against the common Shiite allowance of temporary marriage (nikah al-mut’a). This is so, even though most classical definitions of Sunni scholars do not emphasize the permanent or temporal aspect of the marriage commitment, though it is assumed.

¹⁰ Specifying that marriage is between “a man and a woman” is mentioned to exclude the possibility of same-sex marriage.

agreement the capacity to bear its burdens in tranquility, peace, affectionate love, and respect.”¹¹

The following integrals can be gleaned from the aforementioned definitions and discussions of the Islamic marriage:

I. Marriage is Contractual: “A legal agreement”

Saying that marriage is a “legal agreement” is not to suggest that it is only valid when in writing. This legal agreement called *‘aqd* in Islamic law is understood in the normal sense of “contract” but in less restrictive terms. In Islamic law, when two people negotiate the cost of a commodity or the terms of a personal obligation, agree on the terms, and then part company, this is said to be a contract or *‘aqd*. This means that whenever the significant parties involved both consent to the arrangement, they are considered married in the eyes of God even if the state has not ratified or sanctioned the agreement.¹²

II. Marriage is Consensual: “...founded upon intentional transference of the right ...”

Saying that marriage is consensual implies that the parties involved, bride & groom, or their legal guardians enter this contract with full volition and freewill. It means that the guardians or (in the case when the spouses are adults) the husband and wife are not forced to agree to the terms of this agreement. It also suggests that not only one of the parties is desirous of the relationship while the other is not, as in the case of rape. Furthermore, this “intentional” transfer necessitates that the one who is responsible for this transfer is not a

¹¹ Abd Al-‘Aziz Tawfiq. *Mudanwana al-Abwal al-Shakhsiya Ma’a Akbir al-Ta’dilat: Zabir 1993/9/10*. Casablanca: Dar al-Thaqafa, 1996, p. 43

¹² Another word used to describe the socially binding nature of the marriage contract is ‘mithaq’ which is often translated as ‘covenant.’ ‘Mithaq’ is closely related to the word ‘thiqa’ which means ‘trust.’ This emphasizes the spirit of fidelity that is meant to characterize a marriage.

minor, not insane, nor impaired in any way that would reasonably indicate that he/she does not fully and freely consent to the arrangement.

III. *Marriage confers entitlement to a utility, not ownership of a woman's body: "...transference of the right to take benefit from female reproductive space."*

In a contract of marriage, a woman grants to her husband the right to intimacy in exchange for financial, psychological, and emotional support. A husband does not own his wife. He, rather, owns an entitlement to her reproductive space, within reason.

IV. Marriage is a Social Institution

Islam stipulates that in order for a marriage to be valid it needs to be publicized. The Prophet Muhammad said, "There is no marriage without a guardian and two upright witnesses."¹³ Scholars have stated that the contract is valid from the moment the guardian offers his ward to her future spouse and the groom accepts the offer. This means that even in the absence of witnesses the two parties of the contract (the bride and groom) are legally married in the sight of God by the mere offer and acceptance of marriage. On the other hand, scholars stipulate that before the marriage can be consummated members of the community must be called to witness or news of the union is to be announced along with the terms of the arrangement between the significant parties. Due to the fact that a husband is legally responsible for the finances of the family, this calling to witness of members of the community ensures that he will be held responsible for his obligations, and guarantees that a

¹³ Ahmad b. al-Husayn Al-Bayhaqi. *Al-Sunan Al-Kubra*. Beirut: Dar al-Kutub al-Ilmiya, 2003, 10/250, hadith #20526

woman's rights are protected in the case the husband denies his husbandry as when his wife bears a child or is left without financial support.

What the aforementioned means is that Islam considers marriage to be a contractual, sacramental, social institution. Its aim is to unite spouses in productive mutuality, reciprocity, and to encourage the formation of virtuous communities. Marriage is procreative, unitive, and communal. That it is communal means that its fundamental conception originates from a "high context" culture. It also serves as a source of psychological and emotional security for both parties involved and for the children born in households characterized by love, care, and affection.

Supreme Status or Supreme Responsibility?

The Qur'an teaches, "*Men are the caretakers of women¹⁴ by virtue of what merit God has given to some over others and by what they spend from their wealth*" [Nisa': 34]. It is true that women who accept "subordinate" status in regimes of patriarchal hierarchy consent to place themselves in a potentially vulnerable situation. The degree of that vulnerability increases or decreases in severity according to whatever additional terms that woman can negotiate prior to marriage. While Muslim women are unfairly portrayed as the most oppressed women on the planet because of surrendering to being supported financially by their husbands (among other things), one would think that more reproductive freedom and legal privilege for women in industrialized countries would mean less inequality. On the contrary, the US rank 19th in gender equality in the workplace in 2010. Japan, another economic superpower, ranked

¹⁴ Muhammad Marmaduke Pickthall translates this as, "Men are in charge of women..." Abdullah Yusuf Ali translates it as, "Men are the protectors and maintainers of women..."

94th.¹⁵ What this reveals is that in spite of the relative success of the feminist movement, women worldwide still live by far under dominant patriarchy. That being so, it would seem prudent to see what Islam has proposed to balance the economic inequities of patriarchal society before one rushes to judge the relative un/happiness of Muslim women.

It is true that many men (and even scholars) historically have read their administrative advantage over women as being a sign of God's greater love for men. While that is so, the above verse actually is to be read as a sign of responsibility. Being a caretaker necessitates that the one being cared for surrender to her caretaker's God-given authority. That means that a wife is also expected to be obedient to her husband's guidance and direction, "...[But] if they return to obedience, seek not against them means [of annoyance]" [Nisa':34]. Even though husbands have the right of obedience over their wives, it is not to be understood that the latter are obliged to uncritically follow their husbands' orders. Rather, wifely duties are to be informed by the Prophet's instruction—peace and mercy upon him, "There is no obedience to a created being in disobedience to the Creator."¹⁶

Rules Are Secondary In Marriage

We have already discussed the love, affection, and mercy that are to be shared between husband and wife. This aspect of the married life can be lost at times while focusing too much on the legal rights and obligations of each spouse. What one needs to understand is that the importance of rules become manifest only when dispute occurs. When the parties

¹⁵ The Global Gender Gap Report 2010: <http://www.weforum.org/issues/global-gender-gap> Also see: http://www3.weforum.org/docs/WEF_GenderGap_Report_2010.pdf

¹⁶Muhammad Nasir al-Din Al-Albani. *Sabih al-Jami' al-Sabir wa Ziyadatubu*. Beirut: Al-Maktab Al-Islami, 1988, 2/1250, hadith #7520

of the marriage agreement forget, deny, or claim obligations or rights undeclared in the Islamic law or according to the terms of their contract, this is when they are instructed to take recourse to the Islamic legal teachings. The Qur'an says, "*O ye who believe! Obey God; Obey the Messenger; and those possessing authority among you. But if you dispute with one another about a thing, then refer it back to God and His Messenger, if you truly believe in God and the Last Day*" [Nisa': 59].

What this means is that the normative relationship between husband and wife is to be built upon affectionate love and mercy. The Qur'an says, "...[O]n the contrary, live with them on the footing of kindness and equity; if you take a dislike to them it may be that you dislike a thing; and God brings about through it a great deal of good." [Nisa': 19]. For this same reason, we find that the Prophet Muhammad never demanded his rights from his wives even though he was the person with the most right to do so. When asked by his wife, 'Aisha, what kind of person he was at home, she said, "He was in the service of his family." His humility was so much that he stitched his own clothing, fed and milked his own livestock, served himself, carried his own groceries from the marketplace, and swept the floor himself when he saw that housework needed to be done.¹⁷

Islam & Consecrated Celibacy (Rahbaniya)

¹⁷ Qadi 'Ayad Al-Yahsubi. *Al-Shifa bi Ta'rif Huquq al-Mustafa*. Beirut: Dar al-Kutub al-'Ilmiya, 2000, 1/88.

Being that Jesus Christ never married and is understood as having encouraged consecrated celibacy (Mathew 5:48; 19: 10-12; 19:16-22; Mark 10:17-22; Luke 18:18-23), Christian priests and nuns have good reason to pursue the monastic life. That Christ is understood not only as God but as son of God viewed as a human exemplar of spiritual excellence makes for a good starting point for the Islamic view of consecrated celibacy. Muhammad ﷺ, like Jesus ﷺ, was nothing more than a mortal man given revelation and miracles by God. His presence on Earth was not merely to deliver God’s message. It was also to teach humanity how to live God’s message through example. This is important for our discussion because Muhammad—peace be upon him—participated both in married and familial life. While on Earth, no one was closer to God or knew His intent for the creation better than Muhammad ﷺ. This means also that no one knew better how to gain closeness to God than Muhammad did. That he did marry and have children serves as the clearest sign that consecrated celibacy or monasticism was not deemed to be the best way to gain proximity with God, although his general conduct (other than marriage and family), like other prophets and messengers, resembled much of what we know about those who choose the life of consecrated celibacy.

In one hadith, he declares to a man by the name of ‘Uthman b. Maẓ’ūn who neglected the conjugal rights of his wife due to excessive fasting by day and praying at night, “O ‘Uthman! God has not sent me with monasticism.”¹⁸ A group of his companions once were reflecting on the fact that God had forgiven him his past and future mistakes. After consulting his wives about his daily rituals, they—placing their faith in the number of good deeds they could amass—decided that the only way they could be guaranteed God’s mercy

¹⁸ Muhammad b. Ya’qub Al-Kulayni. *Al-Kaḥfī*. Tehran: Dar al-Kutub al-Islamiya, 1946, 5/494

and a place in Heaven would be to outstrip him quantitatively in worship. One man vowed to pray all night without sleep. Another vowed to fast every single day. A third vowed not to marry women. When the Prophet heard of what these had vowed and why, he scolded them saying, “Verily, I am the most god-conscious and god-fearing of you. However, I fast and abandon fast. I pray and rest. And I marry women. So whoever dislikes my practice (Sunna) is not of me.”¹⁹

To solidify Islam’s somewhat negative view of consecrated celibacy, the Qur’an has to say the following about it, *“Then, in their wake, We followed them up with [others of] Our messengers. We sent after them Jesus the son of Mary, and bestowed on him the Gospel; and We ordained in the hearts of those who followed him compassion and mercy. But the monasticism which they invented for themselves, We did not prescribe for them. [We commanded only] the seeking of the good pleasure of God, but that they did not foster as they should have done.”* [Hadid: 27].²⁰

This verse read together with the hadith encouraging one to fast when lacking the material means for marriage strongly suggest that vows of celibacy are Islamically prohibited, and that abstinence from sexual activity is the only lawful path one may pursue in the absence of the said means. Perhaps the reason for the prohibition of the permanent vow has much the same to do with the fact that the desire for sexual release is natural at the onset of puberty: nearly of the same nature as the appetite for food or drink. A Muslim is encouraged

¹⁹ Al-Yafri, ‘Abd Allah b. Sa’d. *Al-Tarhib wa Al-Tarhib*. Tanta: Dar al-Sahaba lil al-Turath, 1994, 2/425-26.

²⁰ This can also be translated as *“But the monasticism that they initiated, We prescribed for them merely for seeking the good pleasure of God, but they did not foster as they should have done.”* The former translation suggests that the monks introduced the practice of consecrated celibacy by their own constructions, not with God’s urging. The latter translation, on the other hand, means that they were urged to do so by God but fell short in their commitment to their vows of celibacy.

to partake of God's blessings in moderation. The use of the natural tools given to one by God in the ways that God has advised is considered to be a sign of gratitude.

The person who is able to manage the urge for sexual activity proves him/herself to be very strong. This path undoubtedly leads to certain revelations about God's loving way with people. The married person, however, experiences love threefold: as eros, agape, and caritas. Eros (carnal love) moves the spouses to form a union. Agape (sacrificial love) maintains their union, and they learn caritas (objective love) through the procreative aspect of their union while raising children.

What this means is that marriage puts a conscious person in relationship with God by teaching us through our relationships with family how God's love works. When we learn both ablative love and love of another not for utility, we come closer to understanding what it means to love and be loved by God. We often do not understand God. God can cause pain at times, joy at others. When children cause us displeasure, although we get upset with them we love them no less. This is perhaps the greatest lesson of the married life. Spouses learn the love of eros, graduate to love of friendship, and through the procreative process learn charitable love. The celibate may achieve this station also. But eros may be a constant nuisance that makes the achievement of that station very difficult for it may not follow the naturally graduated course that it does when it grows between spouses.

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