

Right of Choice of Marital Partner for Muslim Women

Abstract

This study examined awareness among women about their right of choice of marital partner given in Islam and the perspective of women to exercise this right. In order to obtain information from a sample of fifteen unmarried educated women from Rawalpindi a semi-structured interview guideline was used to conduct in-depth interviews. Findings of the study revealed that women were aware of their right of choice but lacked implementation due to socio-cultural practices of society. It is concluded that Islam gives liberty to women to exercise their right of choice and ensure her consent to be taken to solemnize marriage. Despite having awareness of these rights among parents and society, practices of these rights are lacking due to social pressure and family systems. It is recommended that women should have more in-depth knowledge about their rights given by Islam and practice them with reference to Quran and Hadith.

Keywords: *Marital partner, Choice of marriage, Awareness of rights.*

INTRODUCTION

Islam as a religion endorses human rights on the basis of equality and abolish discriminatory practices against women. There are numerous cultural practices in different Muslim societies, which do not give women certain rights that are granted by Islam. One of the most important rights being denied because of different cultures practices is partner selection. Mate selection for marriage is the most significant event in the life of all humans and makes marriage a very important event of one's life as a spiritual, moral, and social union of two persons on the basis of certain rights and duties for both husband and wife. As society is changing very quickly; it is the need of the time to understand the importance of varying trends for marriages and to see the effect of these trends (Rehman, 2002).

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Regarding the choice of marital partner, Islam has given rights to both male and female consent is very important when it comes to matrimonial relation and when the family or guardian is shortlisting a spouse for her. Islam as a religion gives due importance to the consent of a girl and she has the freedom to raise her voice if she is forced to marry a person whom she does not want to marry. The present study focuses on awareness among women about their marital rights and prevalent social practices.

Marriage as social norm defines and controls the relationship between husband and wife, their kinsmen, their offspring, and society at large (Islam, 1992). Marriage means a customary, legal, or religious approval of the provision for forming a new family. As marriage is the foundation of social life in which mutual consent of both mates is required and somehow women's position in society is linked with her marital status. Chaudhry (2004) stated in most of the contemporary societies marriage is certified by the government. Although practices vary from one culture to another because all societies have their own rules and principles considered appropriate for arranging marriages. In the majority of societies and religious systems, women have no independent right to go into a marital relationship with their own free will. As in Islamic law, consent is an essential element in marriage negotiation because marriage under Islam is a contract.

Traditions rather than divine laws start ruling more and shape the social fabric of society and governs people's attitudes towards women and marriage which eventually started declining the status of women in all aspects, particularly concerning their marital rights. Especially right to choose her life partner. It is completely unacceptable, not even in her dream a woman could dare to propose a man orally or in writing (Ahmed, 2006). Islam gives every wise man and woman the right to decide their worldly matters after attaining puberty. In the matter of marriage, also, Islam has given freedom to send their proposals. Parents and other relatives can give them appropriate advice, as they should, but they should not force the boy and girl to a particular match. The men and women who are going to be married should act upon the advice of parents and relatives, but according to Islam, they cannot impose their decision on them (Ahmed, 2006). As mentioned in Quran:

“When they reach their term, place not difficulties in the way of their marrying the husband of their choice if it is agreed between them in kindness” (Qur'an, 2:232).

From the above verse of Quran, it is clear that in the matter of marriage, Islam has given women the right to decide about her marriage. A woman also has intellect, wisdom and power of understanding things that is good for her. She is not dependent on anyone, and has the ability to decide any matter of her own settlement (Ahmed, 2006). Marriage is a social institution throughout the world. In South Asian societies,

it is not only an agreement of two individuals but also a union between two families that creates a new system of relationships (Grore, 1968). The process of mate selection is governed by various religious and cultural norms especially in the South Asian Muslim societies, due to the cultural barrier a woman's consent is not taken while solemnizing her marriage. Sometimes she is forced by her parents to obey their decisions which gives a wrong impression of the Islamic legal system to the society at large. In reality, Quran and Hadith provide the right to choose her husband according to her wish (Fatima, 2007). In South Asia, most marriages are arranged unions, during which force and pressure are quite exerted to obtain the girl's consent (Sharma & Sharma, 2006). According to UN (1988) cited in Sheela (2003), the process of mate selection is complex in traditional societies. This is because the process is conditioned by a range of cultural traits, norms and values, which are present in each society. These rules and regulations are followed as 'timing norms' and 'matching norms' in diverse groups.

Traditionally South Asian bride and groom will not have seen each other until the day of the wedding. Now a days while most marriages are still arranged, but social practices are changing and some families allow the bride and groom to meet and talk to each other before making a decision (Ratra, Kaur & Chhikara, 2006).

The above cited literature is lacking in perspective of knowing how far the women are aware about their rights of choice of marital partner and their experiences towards its social practices Considering this as a research gap, the current study explores women's perspective on their right of selecting a marital partner given by Islam and the social practices that affect them one way or another.

RESEARCH METHODOLOGY

Objectives

- To find out awareness among women about their rights of choice of marital partner given by Islam.
- To explore women's perspective about the social practices to exercise their rights of choice of marital partner.

Qualitative research method was used in this research. In-depth interview technique was adopted to explore the subject matter by using semi-structured and self-administered interview guideline. Through this method, it was easy to get the individual's perspective and experience about their awareness and observation.

Sample Size

The sample of the study comprised of fifteen unmarried women. The age range was 20 to 25 because women at this age are mature and it is considered the appropriate age of marriage according to the sociocultural norms of our society. The criteria of

education for the sample was graduate and post graduate. The purpose of taking educated females as sample for this research was to explore the extent of awareness about their right of choice of marital partner and how freely they can practice it. For this purpose, women were conveniently selected from Rawalpindi.

Area of research

The geographical area for this research was Dhamial Road, Rawalpindi which comes under the cantonment area of Rawalpindi. Dhamial is a village of Rawalpindi District in the Punjab province of Pakistan. It is located at 33°33'0N 73°1'0E with an altitude of 492 meters (1617 feet). The area was selected on the basis of the researcher's convenience as a small sample was required to conduct the in depth interviews of individual respondents so only one area of Rawalpindi was selected for data collection.

Instrument

The instrument of the study was semi-structured interview guideline which extracted in-depth information from the respondents about the topic. In the interview, 10 questions were designed for data collection.

Procedure

Informed consent was obtained from the respondents before conducting the interviews. Confidentiality of the information was ensured and the purpose and content of the study was explained to the respondents with interviews being conducted according to the respondent's personal will and availability of time.

RESULTS & DISCUSSION

The data collected from the interviews are presented in the form of thematic analysis under different themes:

Awareness about right of choice of marital partner

Awareness among women about their rights given by Islam is very important. Especially important is the freedom of mate selection or how much liberty women have to exercise their own will. Zaman (2012) states that a civil contract between two parties (husband and wife) is known as marriage. In Islamic traditional law, there is a code of conduct that emphasizes the duties and rights of each party. Mutual consent of spouses is the foundation of this contract known as *aijab o qabool* [asking and accepting]. Different women have different perspectives based on their experiences and observation. Thus, when the question was asked to check their level of awareness about the freedom of choosing their marital partner in Islam, the findings of the study revealed that the majority (90%) of the respondents were aware of the fact that Islam gives this freedom to women They are aware that women have the full right to choose their marital partner. Ahmed (2006) is also of the view that women enjoy the same

right of choice as men. There is no pressure or compulsion to marry a particular man or woman. Although Islam has given liberty to both men and women to choose their partner, there are some privileges that are reserved only for men such as the fact that a man is allowed to marry a non-Muslim but this is not allowed to a Muslim woman.

Respondents were aware of the fact that Islam gives full space to both men and women in selection of marital partners. Ahmed (2006) supported the argument that within prescribed limits, Islam gives priority to the opinion of the men and women who are going to be married in the matter of spouse selection. Thus, both have equal liberty to choose their life partner as quoted in Quran: *"Do not prevent them from marrying their husbands when they agree between themselves in a lawful manner"* (Qur'an 2:232).

Some of the respondents were of the view that Islam does give freedom in the sense that it allows men and women to talk with each other in the presence of *"Mahram"*¹. They were of the view that men and women who are going to get married can see and talk to each other and exchange ideas to understand each other. Some cultural practices have been so ingrained in our daily life that they are considered to be a part of Islamic teachings and they do not allow spouses to see and talk before marriage. Some of the respondents stated that men's approval is more important than that of women and that men have control on women because they spend on women whatever they earn and for this reason, their approval is given more value. Ali (1996) supported the argument that a woman as marital partner can specify her preferred situation in the same way as that of a man. *"And for women are rights over men, similar to those of men over women"* (Qur'an 2:228).

Two of the respondents said that even if the girl does not like the face of the person she can say 'No' to that person. For a small reason like an ugly physical appearance she can reject a possible candidate showing she has a lot of freedom to choose a mate for herself. This freedom is not limited to before marriage; it goes after marriage as well. These respondents said that we can find this kind of example in Islamic history where a woman rejected a man before and even after marriage if it is arranged without their consent. They were of the view that freedom is not limited before marriage; it's also given after marriage like if a girl gets married against her wish and she does not feel happy with that person, she can get *"Khula"* (divorce proposed by women) and get married to someone she desires. A study supported that love, care and harmony are the main pillars of marriage and they cannot be achieved if the

¹ As a general principle, it is worth remembering that a Mahram is one with whom marriage is permanently unlawful. This is the reason why *"Mahram"* is translated in English as unmarriageable kin..Mufti Muhammad ibn Adam. MAY 30, 2009.

woman has not willfully entered into the relationship. The rules and regulations of divorce and khula have been framed for this reason (Sharma & Sharma, 2006).

Two of the respondents were of the view that Islam gives superiority to men over women and as a result men enjoy greater freedom. Three of the respondents said Islam gives 100% freedom to a woman in the selection of her marital partner but Islam does not allow her to cross the limits that are imposed by Allah. On the other hand, one of the respondents said that Islam does not give a woman any kind of freedom in selecting a mate according to her wish. A woman has to listen to the commands of men and to obey the command that is given to her by her family and to marry a person chosen by her father or guardian. Two of the respondents said that freedom means parents' consent without which a girl cannot get married.

Women's consent for marriage

Consent of a girl in the matter of marriage plays vital role as it is necessary for a happy life, if the girl is not happy, life cannot move smoothly and both partners suffer. The study also examined the awareness of women about their consent for marriage. The findings illustrated that the majority (80%) of the respondents claimed that Islam gives priority to a woman's opinion and her consent is considered essential. Most of these respondents were of the view that parent's perspective and their consent should be valued because they have more experience and they always think better for their children's future. It is haraam (forbidden) for the Wali (guardian) to force a girl to marry someone she does not want and does not like, because the Prophet (blessings and peace of Allah be upon him) said: "The virgin should not be given in marriage until her permission has been sought." (Bukhaari, 6968; Muslim, 1419). Therefore, the parent's decision should be valued but it is necessary that the parents should take the consent of a girl before her marriage.

One of the respondents said:

Parents can only give suggestion on the basis of their experience, but they cannot force a girl to marry some particular person. They can just tell the positive side of that proposal but cannot impose their decision on a girl. In the end her consent matters more.

Two of the respondents answered with confusion since they were not sure that consent is considered important or if it was only a formality. As one of the respondents said: *Islam doesn't consider women consent important, only the consent of family particularly the father's decision is enough to select the partner.*

Two of the respondents stated that the girl's consent is considered important and they were of the view that consent doesn't mean that a girl says verbally "yes" rather consent also reflects her wholehearted agreement to her marriage. Consent of a

woman is valued in Islam and that was why she could reject a person on the basis of his looks. One of the respondents said that consent is taken but she is not asked if she likes someone. One of the respondents stated that: Islam gave value to her consent a lot as in Islam marriage will be void if a woman was forced to marry someone whom she does not want to marry. Different Hadiths prove how much Islam values a woman's consent in her marriage

Silence of girl at the time of Nikkah or in the decision of her marriage is another controversial issue that prevails in our society. On the one hand, during the time of her wedding ceremony or while the marriage decision is taking place, her silence shows her willingness for Nikkah /marriage. This silence is the result of social pressure since she wants to tag herself as a good/obedient girl to maintain social values. The existing practices of Vani, WattaSatta and marriage with Quran are encouraged not only as a family norm but that of a group of people in the society.

A few of the respondents were of the view that Islam does not allow any kind of pressure on the girl but a girl should prefer character and good moral values of the individual rather than physical appearance. It is also part of our faith that parents always decide well for their children. Some others were of the view that parents are only allowed to guide their children; they can only give suggestions to their daughter for her future. So, parents can just show positive and negative aspects, pros and cons but they cannot put pressure on a girl to marry someone without her wish.

With respect to parents' guidance and selection of mate for their daughters, one of the respondents mentioned:

If parents find some good and nice proposal girl should listen to her parents but parents cannot impose their will on her. Parents have rights and duties so children must listen to their parents and respect their decision, likewise parents also have to take the consent of their children especially girls.

In contrast to taking the girls' consent, two of the respondents said that diminutive pressure is allowed but taking the girl's consent has priority. Two of the respondents said that Islam allows pressurizing a girl and she should marry where her parents want her to marry. Parents think that a girl is not mature enough to take such a big decision, so it is better for her to leave this matter to her parents. Respondents were also aware that Islam does not allow putting pressure on a girl but it is a social practice of Muslims that women's consent is not considered, despite the fact that Islam does not encourage this kind of behavior. Ali (1996) has stated that marriage depends on a woman's approval being given under her own terms and conditions.

Regarding the source of information about their marital rights, majority (70%) of the respondents stated that they get such information by observing their surroundings. Some respondents said that they don't have any formal knowledge about this topic but others said that they have read some books and their parents have told them about Islamic practices. The majority of the respondents said that their mother had told them about Islam and the media helped them to get information on this matter.

This study also discovered women's liberty to send their proposal to someone whom they desire to marry under Islamic perspective and practices and its social acceptance. Some of the respondents said that Islam gives freedom to women to initiate a proposal as Islam considers her consent to be very important, therefore, Islam also gives value to her choice and allows her to send her proposal to whomever she wishes to marry.

The respondents quoted Islamic history where Hazrat Khadijah send her proposal to Hazrat Muhammad (S.A.A.W). As one of the respondents said:

Women's freedom of choosing a partner is allowed as we find an example in Islamic history and as we have faith that every incident of Prophet's Life (S.A.A.W) is a source of learning and teaching for us. Therefore, it is legal in the sight of Islam.

Sharma and Sharma (2006) also supported this argument that Islam gives right to every wise men and women to take decisions about their world matters. Some societal norms are built to confine women's choice of marriage and they are exercised in such a way that even educated women cannot disobey them. On the other hand, some of the respondents were of the view that Islam does not appreciate this kind of behavior from women, one respondent said that Islam is a decent religion which does not allow women to send her own proposal to anyone. A few of them replied that they have not heard that Islam opines in this matter. This clearly shows the objective of the study that lack of awareness about their right of choice of mate selection is prevailing in our society even though all the evidence regarding this matter are available in Islamic history.

Concerning the social acceptance of women initiating the proposal, all respondents were of the view that society does not allow a girl to offer any man to marry her. They pointed toward our socio-cultural practices and said that it is not socially accepted and not considered appropriate behavior by a girl. This act is considered rebellion and society would never appreciate it. That it is because these societal norms are so deeply entrenched in our daily life that we mix these societal patterns with religious teaching and we conclude that even Islam does not allow it so.

Most of the respondents were of the view that society does not allow a woman to send her proposal to the man she wishes to marry because in Pakistani society socialization is done in a way that a woman cannot even imagine to direct her proposal, as our societal norms have a strong influence on us. Woman in Pakistani society is considered a symbol of pride and honor of a family and her action can bring a bad name for the family. Therefore, some margins are drawn for her and she is not allowed to cross these bounds.

Three of the respondents were of the view that our society is male dominated and a woman is not allowed to show her will. But two of the respondent said that change is coming out and our society is getting flexible and the new generation is accepting the change that a woman can send her proposal to anyone she wishes to marry but the old generation still feels that it is an immoral act for a women.

Social practices of selecting marital partner by women

Although women are aware of the importance of their consent that should be considered by their parents while selecting spouses for them, but due to established practices of the society regarding this matter it is challenging for women to exercise their rights. As this study also inspects women's perspective about the social practices of taking consent from women before marriage the respondents replied that no consent is taken before arranging a marriage, the decision is taken by father or other male members of the family. They also mentioned that women are informed at the final stage about their marriage settlement by their elders. Another view by few respondents was that girl's consent is obtained, but it is just verbal consent means just a formality which has no true foundations, and beneath this formality, social pressure and manipulation are working. The respondents said that the caste system is given more value due to which male members of the family try to find someone who fits their criteria of caste. One of the respondents also said: *Caste is considered a factor of successful marriage and it is thought that the same caste helps in mutual understanding and compatibility.*

Such practices came into Pakistani society from the Subcontinent culture where inter-caste marriage is practiced due to family pressure. A study supported the argument that in Pakistan too, almost all marriages are arranged by the families (Karson, 1969). There is cultural pressure especially on female children in a matter of marriage and because of her socialization, she is unable to refuse any order given by her parents. But if a woman is going to raise her voice, different taboos and stigmas will be attached to her character and that will create more problems for her. The research highlighted another very important matter that is "psychological manipulation" which is done by parents and siblings who create the whole scene in such a way that the girl finds no way out and submits to her parent's wish.

Respondents were fully aware of the fact that Islam values the role and importance of family and that's why the guardian of a girl is given a considerable position in this decision. On the other hand Pakistani culture and social practices give the freedom of women in the hand of her family or male members of the family who decide the destiny of a girl and she accepts it. The findings of the present study were supported by another study of Saktanber (2002) that arranged marriage in South Asian society is a norm. Marriage is considered a divinely arranged coincidence by both sides. The family elder decides the fate of a young couple and the couple considered their marriage as a blessing bestowed upon them by God.

With respect to a woman's perspective on her freedom of expression, majority of the respondents said that our society does not allow a woman to talk about her own marriage even in front of her own family. Respondents were of the view that society considers it a bad act and associates taboos with that girl. Our societal norms do not allow us to do this and our elder practice their rules and regulation in a way that it seems that it is part of our religion and sometimes we mix it with our religion. Respondents stated that in our culture a girl is more comfortable to talk about her marriage issues with female siblings because we have the same emotions so they can understand our feelings but it gets difficult to talk in front of brothers and they cannot talk in front of their father because the image of father is strict, rude, dominating.

The argument that Pakistan is a male-dominated society where decision making is in the hands of males is supported by Karson (1969). Society has set some attributes for women like she has to be reserved in nature, shy and less talkative. In this manner her freedom of mate selection is controlled and she is not allowed to see and talk to her spouse before marriage. The majority of the respondents said that the mother plays a very important role in this matter because it is easy for a woman to express her ideas and feelings in front of her but still marriage gets fixed with negotiating with the girl. Sheela (2003) states that marriages are finalized by the parents or guardians without negotiating with the girl who is going to get married. Correspondingly Ratra, Khaur and Chhikara (2006) also support the view that in South Asia traditionally the bride and the groom do not see each other until the day of the wedding. Women do not have an independent status in communities where arranged marriages are the norm. Sometimes her consent is taken but it is just a formality and the decision is taken before informing the girl.

Cultural practices dominate our society rather than religious instruction in spite of the fact that Islam is a complete code of conduct. These cultural practices represent the religious instead of vice versa. Ahmed (2006) also supports this argument through his research findings that tradition rather than Divine Laws shapes the social fabric of society and governs people's attitudes towards women and marriage.

Despite the socio-cultural hindrances for women to choose their partner and parental practices toward taking consent of the girl about her marriage, our society is changing the mindset of people. The study also examines women's perspective on changing trends toward acceptance of women's right to choose the life partner. Only a few respondents were of the view that change is coming in our Pakistani tradition in a way that parents are accepting their daughter's consent and preference for mate selection. However, the majority of the respondents were of the view that a girl should raise her voice if her marriage is conducted without her consent because she has to spend her whole life and if she is not happy it's useless for her to get married.

Some of the respondents said that things are changing and people are accepting this change as well and are consulting Quran and Hadith in this matter as well. It is related from Abu Hurayra in Hadith that the Prophet (May Allah Bless Him and grant Him Peace) said: "A previously married woman should not be married until she has been consulted. A virgin is not married until she is asked for her permission." (Sahih Bukhari, 70; 4843).

CONCLUSION

Despite having awareness on the matter of mate selection by women as right of choice given by Islam, it is not practiced in our society. Due to rigid social-cultural norms and ancestral practices, society only adopts those teachings of Islam which are synchronized with societal norms. It was also found that to implement social practices rather than Islamic rules, women are being socialized so that they accept the decision of parents and society rather than thinking about what they desire in this regard.

Islam gives women the liberty to initiate a proposal but this practice is not accepted in society therefore even educated women cannot think about sending a proposal to anyone they desire to marry. Furthermore, it is also highlighted that the father's position is presented by society in such a way that women are frightened to demand their rights and cannot express their feelings. The concept of hegemony is seen in our societal practices, due to which decisions related to a girl's marriage are taken by the male members of the family especially by the father. Society has a strong influence on every matter of life, therefore, despite having awareness of their right to choose a marital partner, the women cannot practice it willingly. Societal practices of submitting will and showing conformity to social patterns are so much in power that it makes women bound to obey all orders even against her will.

Recommendations

Based on the above findings and conclusion, the study proposes the following recommendations:

- Women should get in-depth knowledge of Quran and Hadith to exercise their rights of choice of mate selection by giving relevant examples from Islamic history.
- Women should raise their voice if something goes against their will. They should also listen to their parents but women are the ones who have to decide how much they want to compromise.
- Parents should avoid psychological manipulation of their daughters in the matter of marriage.
- Society should encourage proposals initiated by women and this should be given equal consideration as that given to a man's proposal.
- Religion is a very important institution of society and its practices and teachings should not be mixed with socio-cultural practices.
- Future research can be conducted to explore men's perspective on the right of choice of selecting a marital partner.

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