

## ***The Psychological Aspects of Forced Nikah (Marriage) and the Principles of Its Preventions in Islam***

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### ***Abstract***

*Islam is the religion of nature and it guides its followers in the human natural affairs in the best way. One of these affairs is the marital life, which is the biological requirement of human nature and a good source from Allah Almighty for the continuation of human generation. Nikah is the everlasting relationship between husband and wife for the whole life. Therefore in Islam according to Shariha Principles the mutual consent of both (husband and wife) is necessary. And the guardian is bound to know the consent of woman about her Nikah. Since the dark age and even now in this modern time the Nikah of a woman is done with a person about whom she has no knowledge or she is forced to do so, which is not only repugnant to Shariha and natural requirements but also causes different problems in marital life. This has adverse effects on family and on whole society. In this article it has been substantiated that Islamic teachings have forbidden the forced Nikah of a woman and has emphasized to know the consent of a woman so that the marital life may be pleasant. And if any Nikah is been done without a woman's consent, she has the right to abolish it.*

***Key words:*** Islam and forced nikah, forced marriage Islamic aspects, Abad-ur-Rahman.

### ***Introduction***

In some families the women are forced in Nikah without their will which causes terrible consequences. These consequences are physical, psychological and even affect the whole family and generation. Islam is the religion of nature and gives a very nice guidance in natural affairs. One of these affairs is the marital relationship which is the requirement of human nature and a good source from Allah Almighty for the continuation of Human generation. Islamic Shariha has emphasized marriage in adolescent. As in hadith “O, Youngmen! Which one of you has the capability of marriage do it and who does not have this capability he should observe fasts

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to suppress the sexual desire<sup>1</sup>. And regarding women in hadith when you receive the offer of Nikah from a man who's religion and character you like, so you give him your daughter in Nikah, otherwise it will cause great catastrophe on the earth<sup>2</sup>. And furthermore in hadith "Don't delay in three affairs one of which is the marriage of virgin when there is suitable spouse for her<sup>3</sup>. Nikah is such an act in which the two persons are lifelong tied in a relationship with each other, therefore it is so arranged in Islamic teachings as to make it everlasting and it is possible only when the husband and wife have the same temperament. On the other hand if the Nikah is not done with mutual consent, it will create problems for husband, wife, their children and even for the whole society as under.

- I.I. The life of husband and wife is full of problems.
- I.II. There are quarrels in the home.
- I.III. The time of related families is spent on solving these problems. Complications develop in the related families which further causes hostility.
- I.IV. The woman becomes a psychological patient.
- I.V. The quarrels between the parents have effects on children personality.
- I.V. The education and training of the children cannot be focused upon.

## ***II. Causes of Forced Nikah of a Women***

- II.I. There is a common conception that marriage must be done within the family.
- II.II. The greed of wealth and glamour.
- II.III. The inclination of one of the parents to his/her family.
- II.IV. Unattachment with religion.
- II.V. Too much attention for social traditions.
- II.VI. The fear of perversion (because of lack of training)
- II.VII. To gain materialistic benefits.

## ***Details***

- II.I Marriage within the Family: Islamic Shariha considers it something whether the Nikah is done within the family or beyond. And even it is considered reasonable to marry beyond the close relatives.
- II.II The Greed of Wealth and Glamour: In Hadth: the Nikah of a woman is done on the basis of four reasons: i) wealth ii) glamour iii) family nobility and iv) religious

tendency<sup>4</sup>. In hadith the emphasis has been given on religious tendency.

- II.III. The Inclination of one of the parents to his/her/family: One of the parents wants to do the Nikah of his/her daughter with one of his/her family member. To do that he/she does not care for the daughter's consent. In this situation Shariha gives the right to woman and she can nullify the Nikah.
- II.IV. Unattachment with Religion: Because of unattachment of the parents with the religion, they are unaware of the Islamic teachings and the rights of their children and because of their stubbornness put their children lives full of problems.
- II.V. Too much attention for social traditions: sometimes the parents pay so much attention to social traditions that they do their daughter Nikah without her consent.
- II.VI. Fear of perversion: Because of lack of training the parents fear perversion on the part of their daughter, therefore they give their daughter in Nikah as soon as possible without her consent.
- II.VII. To gain materialistic benefits: The father or the guardian gives her daughter in Nikah without her consent just to gain materialistic benefits.

### **III. PSYCHOLOGICAL PROBLEMS REGARDING FORCED MARRIAGE**

Freud introduced the term conversion in which physical symptoms arise due to psychological stress. Conversion disorder is characterized by symptoms of some physical malfunctions or loss of control appears without an underlying organic pathology, originally called hysteria<sup>5</sup>.

There is considerable body of research literature indicating psycho social stressors leading to conversion disorder. Maqsood, Ali and Akram (2010) conducted a study regarding Psycho-social stressors and conversion disorder and found that among patients with conversion disorder, there were (24%) In-laws problems, (23%) Love problems, (21%) Relationship problems with family, (20%) exam/study stress, (15%) marriage against will, (13%) demanding and pampered child, (11%) Issue less, (10%) sexual abuse, (8%) demand of marriage, (6%) overage in wait of marriage, (4%) death of

partner, (3%) husband abroad and (3%) patient's engagement break<sup>6</sup>.

**III.I. Islam and Woman rights:**

Islam supports the helpless and the oppressed. Islam does not tolerate cruelty to be practiced upon anyone. Regarding "Nikah", where people, quite unknown to each other, meet, Islam takes care of both parties' rights, and has fixed some principles for both, so that their immanent and psychological circumstances may be considered fully.

**III.II. The right of women in choosing their spouse:**

Islam provides women with the right to choose their spouse and for this their guardians have been emphasized to look to the Women's consent at the time of "Nikah".

"When you divorce your women and they reach their waiting period, you do not prevent them from remarrying their former husbands if they agree among themselves on acceptable basis<sup>7</sup>".

In the above quoted verse the guardians are ordered not to forbid women from marrying men of their consent after completion of waiting period.

**III.III. The guardians' right of giving counsels:**

Girls and boys are free to choose their spouses when they reach the age of puberty just like their other personal matters. Their parents and guardians may advance counsels based upon their experiences but they cannot force their children.

**III.IV. Father does not have the right to force his daughter for Nikah:**

Father does not have the right to force his daughter for Nikah and if such thing occurs woman has the right to dismiss it according to the Sharia.

Abdur Rahman the son of Yazeed reported that a man Khuzam pushed her daughter into Nikah without her consent. She complained to the Holy Prophet (S.A) and He dismissed her Nikah. Then that woman got Married to Abulubaba the son of Abdul Munzir<sup>8</sup>.

**III.V. The right of woman in cancelling her "Nikah" by her father in the time of the Holy Prophet:**

Barida reports from her father that a young woman came to the Holy Prophet (S.A) and said "My father pushed me into Nikah

with nephew so that he could gain honour. The Prophet (S.A) gave her the options to maintain the Nikah or dismiss it. The Woman said I want to keep the decision of my father. I just wanted to show the women folk that parent have no authority (to force) in their Nikah<sup>9</sup>.

It is evident from the above quotes of the Holy Prophet (S.A) that a girl who has reached the age of puberty has the right of her own “Nikah”. Parents and guardians can give counsel in this regard. Islam intends that the matter of “Nikah” should take place in an environment of mutual counseling of parents and girl, keeping the well of the girl the foremost.

The right of woman in her Nikah is stronger than her guardian. Alama Nawawi says that a guardian does have a right of the Nikah of the girl under him but the right of the girl is stronger than his one. If the guardian wants to get her married without her consent so she may not be forced to do so. But if she wants to get married to a man of equal status and the guardian does not agree to it, the guardian shall be forced to do so. And if he resists “Qazi” shall arrange for her marriage<sup>10</sup>.

Shariah has strictly ordered to know the consent of a woman regarding her Nikah. As in Hadith, the Nikah of woman without a husband (or divorced or a widow) women should not be done without their will. And the Nikah of a virgin woman should not be done without her permission<sup>11</sup>.

In another Hadith, the woman without husband has more authority about herself rather than her guardian. And the virgin should be given permission to decide about herself<sup>12</sup>.

The Prophet of Islam Hazrat Muhammad (S.A) had abolished those Nikahs which were done without the consent of the women. Hinsa bint Khuzzam says “my father did my Nikah in a place which I did not like, I made complaint to Muhammad (S.A), he abolished the Nikah Abdullah Ibn Abbas (R.A) says a girl made complaint to Muhammad (S.A) that her father has done her Nikah in a place which she did not like, The Prophet (S.A) gave her the right to abolish it<sup>13</sup>.

In the light of these Ahadith it is concluded that that the woman should be married with her consent, and if any woman was married forcibly, so the court has the authority to nullify that marriage (Nikah) on the complaint of that particular woman.

### **Conclusion**

So, we can conclude that nikah is a permanent relation, and could be pleasant when it is done with mutual consent without any pressure. In this article it has been clarified in the light of Islamic teachings that if nikah is done forcibly, this is

not only violation of human rights but also against the Islamic teachings. And in such case the woman has been given the authority by Islamic Shariya to undo this.

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