

THE CONCEPT AND STATUS OF SEXUALITY, REPRODUCTION & PARENTS-CHILDREN RELATIONSHIP UNDER ISLAMIC LAW.*

1.1 INTRODUCTION

Islamic Law has its own unique and balanced approach towards the problems of the rights and responsibilities of human beings. On one side, it grants rights to the people, ensuring that these rights do not encroach on the rights of others and, on the other side, it assigns duties and responsibilities to the people, considering that these duties do not clash with the duties of others. In such a framework of rights and duties, all enjoy the rights along with their corresponding duties without any clash and encroachment.

Furthermore, such a balanced framework of rights and duties under Islamic Law forms an indispensable and undisputable part of all the institutions in Islam, from the familiar level to the state and global level. Presently, we shall focus on the set of the rights and duties at the family level.

The institutions of marriage and family under Islamic Law are reckoned as the ways of the Prophets (S.A.W). The Qur'an says: -

We indeed sent messengers before you (O Muhammad) and we assigned them wives and children.¹

Therefore, these institutions are ordained and established by Allah (S.W.T.) for mankind. Marriage is regarded as the 'sign' of Allah and the family His important blessing. Neither marriage is reduced to a mere sexual relationship, nor family to a mere product of human experimentation. About one third of the legal injunctions of the Holy Qur'an are related to the family.

Sexuality and reproduction in Islam do not fall outside spirituality and civilizational role of the muslim community.

The Qur'an says:

O mankind, be conscious of your duty to your Lord, who created you from a single soul, created of like nature, his mate, and from the two created and spread many men and women.²

Thus, in the whole process of procreation and reproduction, man is enjoined to be conscious of his duties and obligations to Allah. It is for this reason that Islam emphasizes the significance and importance of family to regulate reproduction mechanism. Sex and reproduction outside marriage and family are totally forbidden and completely condemned under Islamic Law. All types of pre-marital and extra-marital sexual relationships, fornication, and adultery, illicit carnality have no place under Islamic Law. The Holy Qur'an says:

Nor come night to adultery:
For it is a shameful (deed) and an evil opening
the road (to other evils).³

Family not only regulates and disciplines sexual urge within man, but also his sexual and spiritual instinct through a network of relationships. Khurshid Ahmed observes:

It is a spiritual relationship and sustains and generates love, kindness, mercy, compassion, mutual confidence, self-sacrifice, solace and succor. The best in human nature expresses itself in the flowering of these relationships.⁴ In another words, family in Islam is considered as a basic and fundamental institution for the development and manifestation of virtue in man and his spiritual potentiality. The institution of family is also considered as an important part of the Islamic system of socio-economic security. The rights enjoyed in the family are not related to merely moral, cultural, and ideological aspects..., but also the economic and social aspects.⁵

Family is, therefore, not a stumbling block to development of man/woman/ children, but a necessary and incumbent institution for a comprehensive development of all aspects – moral, spiritual, social and economic. Hence, it is unlike the concepts of the radical feminists on marriage and family as institutions of women's oppression and women's enslavement. Islamic law regards both these institutions as pre-requisites for the overall healthy development of the society.

It is for this and other reasons that Islamic law has its own reservations for abortion. It does not allow abortion under every lame excuse except in the rare cases of dangers to the mother's life. The Holy Qur'an says:

Kill not your children for fear of want: we shall provide sustenance for them as well as for you. Verily the killing of them is a great sin.⁶

Therefore Islamic Law fully protects the basic right of children to life and disallow and discourages women from going for abortion for every minor reason. Islamic Law looks at the current trends towards abortion as killing the infants, who are yet in mothers' wombs.

Furthermore, reproduction process in Islamic Law is not for its own sake but with a responsibility towards children. The Holy Qur'an says:

...and be mindful of your duty to God in whose name you appeal to one another and to the ties of the womb.⁷

The responsibility towards a child begins from the very beginning – as soon as

the mother conceives it in her womb. Her responsibility lies not only in physically bearing the child during this period of nine long months but instilling in the child the best qualities possible so that he/she should get the required characteristics to develop as an integrated personality. It has been scientifically proved that the proper development of the child begins from the mother's womb itself.

It seems also pertinent to point out here, that the role of the father is important as well from the very beginning of the child's development. But since the father does not participate physically in bearing the child, his responsibility during this period is sometimes ignored or neglected completely.

It is very important that the prospecting father should psychologically and morally support his wife (the prospective mother) showing more love and concern to her, especially during her pregnancy. For a physically, mentally and psychologically healthier prospective mother, peaceful and healthier relation between prospective mother and prospective father seems essential and extremely important. Therefore, the relationship between the parents should not be conflict-ridden, because it would adversely affect the mental and physical health of the mother and eventually the child. So, towards the responsibility of the ties of the womb, both mother and father should play an important role from the very beginning.

However, since a mother's role during the period of childbearing, child-birth and weaning is more crucial and important Islamic Law has assigned a very unique position to her. The Holy Qur'an enjoins man to be obliging to both his parents but the role of the mother is more specifically elaborated. The Holy Qur'an says:

And we have enjoined on man (to be good) to his parents:
in travail upon travail did his mother bear him, and in years
twain was his weaning: show gratitude to Me and to the
parents; to Me is thy final goal.⁸

Similarly, there are various Prophetic traditions which illustrate the fact that Islam greatly honours the institution of motherhood. The Prophet Mohammad (peace be on him) is reported to have said:

I saw the vision of heaven in my dream where I heard
somebody reciting the Qur'an. I asked whose voice was
that. It was said that it was the voice of Haritha bin Noman.
Then the Prophet said that it was in reward of fair treatment
to mother; it was the reward of the fair treatment to mother.⁹

It explicitly reveals that the special contribution of the mother is dually recognized in the Holy Qur'an and Hadith. Her special role is rewarded with the special status and honour. All the inferior and perplexed images attributed to 'motherhood' in the feminist philosophy as a 'cause of oppression and suppression', 'women enslavement', 'political

'institution' etc fall flat before the honour and dignity the Holy Qur'an and Hadith accord to woman in Islam. Thus, contrary to the West, marriage reproduction of children, family and home are considered in Islam as pre-requisites for the development of good personality. Khurshid Ahmed observes:

With children in the family, the values of fellow-feeling of love and composition, of sacrifice for others, of tolerance and kindness are translated into reality and implanted in character. It is the family that provides the most congenial climate of human personality. That is why the Prophet (peace be on him) has said that home is the best place in the world.¹⁰

To be frank and sincere, wives and children are referred to in the Holy Qur'an as the 'comforts of the eyes' and the man is enjoined to take care of them, protect them from fire:

O you, who believe, strive to protect yourselves and your wives and children from the FIRE.¹¹

Our Lord' grant us in our spouses and our offsprings the comfort of our eyes and make us a model for the needful.¹²

Obviously, to protect the children from Fire, adequate education, proper training and the overall Islamic orientation is necessary and indispensable. This is quite explicit in the Holy Qur'anic verse quoted below in the form of prayer:

My Lord 'make me keep up prayer and (also) let my offsprings (do so). Our Lord accept my appeal'. Our Lord, forgive me and my parents.¹³

The prophet (peace be on him) is reported to have said

Of all a father can give to his children the best is their good education and training.¹⁴

There is a reciprocity of rights and duties in Islam. While parents are enjoined to be mindful of their children from the very beginning while they are in mother's wombs and later of their education and training, children are also asked to be dutiful and kind to their parents. The Holy Qur'an says:

We have enjoined on man kindness to his parents.¹⁵

The Prophet (peace be on him) has said:

I admonish man about his mother
I admonish man about his mother
I admonish man about his mother
I admonish man about his mother
I admonish man about his father.¹⁶

In some of the traditions, disobedience to parents is included in the great sins (Kabair) whereas in one Hadith, disobedience to parents is considered as one of the signs of the approaching Doomsday.¹⁷

All this clearly reveals that both parents and children have rights and corresponding duties towards each other, neither the rights assigned to the parents are fatal for the children nor the rights offered to children are disastrous for parents. Obviously, such an arrangement of rights are due to the corresponding duties and obligations that are also assigned to both parents and children. More than anything else, it is the Tawhid paradigm on which the whole sheet-mother of Islam rests, that guards the whole mechanism of the rights and duties of its believers.

It is from Tawhid, a Muslim comprehend and realizes the unity of Allah, unity of the creation, unity of mankind, unity of education, unity of the purpose of the creation and other unities. Hence, the rights enjoyed by the parents and children are therefore not for their own sake, but are derived from this comprehensive set of unities (Tawhid). For instance, the rights given to parents over children are not to dominate them, rather to school and discipline them to make them best specimen as vicegerents of Allah.

Similarly, children are enjoined to be dutiful to their parents as long as their obedience to parents do not contradict their obedience to Allah. This is very explicit in the Qur'anic verse

show gratitude to me and to thy parents:
To me is thy final goal.¹⁸

There cannot be a better 'check and balance' of rights and duties among human beings-checking the encroachment from both sides through a balance unity of obedience to Allah.

Obviously, the institutions of marriage and family establish and regulate relationship between husband and wife and between parents and children in order to make the family better and stabler. Furthermore, better and stabler families give rise to better and stable society and civilization. Khurshid Ahmed observes further;

It (family) is the cradle of civilization and a bridge that enables the new generations to move into society... It is, on one hand, the means adopted for regulating relations between the sexes and providing the mechanism by which

the relation of a child to the community is determined and on the other, it is the basic unity society integrating its members within and enabling them to play their ideological and cultural role in the world (both now and in the future). This is the all embracing significance of the institution of the family. If this institution is weakened or destroyed, the future of the entire culture and civilization will be threatened.¹⁹

2.2 CONCLUSION

Our contemporary age in its aspect of human relationship can be characterized schizophrenic, where man is reduced into bits and pieces with no trustworthy and healthy relationship around him. There is betrayal everywhere. Parents betray children, women betray women, men betray men, husbands betray wives, wives betray husbands and what is left? All this is due to man's betrayal to God. A man who could not be trustworthy to his God, how could he be trustworthy to his relations around him?

Hence, it seems necessary for the contemporary societies to set right their relationships with God and fellow human beings appropriately to re-construct the human civilization in which all children, women and men enjoy legitimate rights.

END NOTES AND REFERENCES

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