

Importance Of The Law Of Compatibility (Kufu) In Islamic Marriage

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Abstract

This article has two parts, first part of the article deals with the importance of marriage in Islam in the light of Quran and Hadith. This part of article also elaborates the social importance of marriage for Muslim man and woman. The second part of this article deals with the law of compatibility (Kufu), its importance and the role it plays in the success of marriage. The law of compatibility emphasizes that before arranging marriage of girl compatibility between the boy and girl should be checked on the following terms: (1) Lineage (2) Islam (3) Religiosity (4) Wealth (5) profession. The basic objective of this law is to ensure equality in social status for the purpose of successful marriage and psychological balance. Therefore, this law has great role in the success of marriage if it is practiced, it may reduce the cases of divorce. The second part of this article also deals some other important points like, validity of marriage without the consideration of law of compatibility, misconception regarding the law of compatibility in Muslim society.

تلخیص مقالہ

یہ مضمون اسلامی فقہ کے ایک اہم اصول جسے فقہاء کی اصطلاح میں کفو کہا جاتا ہے کی تفصیل و وضاحت پر مشتمل ہے۔ اصطلاح کفو کی معنی ہیں شادی شادی سے پہلے لڑکے اور لڑکی کے درمیان مختلف امور میں برابری پر غور کرنا۔ کفو کا خیال رکھنے سے زوجین میں معاشرتی و نفسیاتی ہم آہنگی پیدا ہوتی ہے جو خوشگوار عائلی زندگی کیلئے انتہائی اہم ہے۔ یہ مضمون دو حصوں پر مشتمل ہے، پہلا حصہ قرآن و سنت کی روشنی میں شادی کی اہمیت و فضیلت سے بحث کرتا ہے۔ مضمون کا دوسرا حصہ شادی میں کفو کی اعتبار کی تفصیل اور اہمیت پر مشتمل ہے، کفو کے اصول کے مطابق ولی کو اپنے لڑکے یا لڑکی کی شادی کرانے سے پہلے درج ذیل امور میں زوجین کے درمیان برابری پر غور کرنا ضروری ہے۔ (۱) نسب (۲) اسلام (۳) دینداری (۴) دولت (۵) پیشہ۔ اس اصول کا مقصد معاشرتی مطابقت پیدا کرنا ہے تاکہ کامیاب شادی اور نفسیاتی ہم آہنگی کا باعث بنے اور طلاق کی شرح کم ہو سکے اس مقالے کا دوسرا حصہ شادی کی قانونی حیثیت اور اصل کفو کے متعلق لوگوں کی غلط فہمیوں کو بھی اجاگر کرتا ہے۔

Importance of Marriage in Islam

Before elaborating our main topic it is important to mention briefly the importance of marriage in Islam. Marriage has an important role in the life of Muslim man and woman. It is source of chastity, procreation, organization of family, protection for the married

couple. These all are necessary elements for the building of righteous society. Therefore, Islam considers it a religious duty and made it obligatory on every Muslim male and female to lead a marital life, unless he or she is prevented by a valid reason like impotency or financial instability. On the other hand Islam strictly discourages celibacy. The reason behind the importance of marriage in Islam is that marriage is source of chastity, procreation of children and survival of human race.

The Quran declares the objectives of marriage in the following verse:

“God has provided mates for you of your own kind, and has bestowed on you sons and daughters from your mates....” (Al Quran, 16:72) (Ali, 1995, p: 234)

In another verse the Quran describes the relation of wife and husband in the following words:

“They are your dress as you are theirs” (Al Quran, 2:187) (Ali, 1995, p: 34)

This verse clearly teaches us that marriage is source of protection, mutual care for the spouses. As the dress covers inner defects and nakedness likewise Spouses covers the blemishes of each other and provide protection and comport to each other in response to the difficulties of daily life.

So, Allah created male and female and put down in their nature attraction and love for each other. The Quran says:

“Another of his sign is that he created mates of your own kind of yourselves so that you may get peace of mind from them and has put love and compassion between you.” (Al Quran, 30:21) (Ali, 1995, p: 344)

This verse clearly shows that marriage is source of love, peace of mind and a happy life is impossible without marriage.

Mufti Muhammad Shafi says in the commentary of this verse:

“The very foundation of a successful married life rests on a lawful marriage. if one probes into the societies that developed illicit ways of living together without the bond of marriage ,he will certainly discover that the life of such people is devoid of peace of tranquility. Living like animals to fulfill lust may provide temporary pleasure, but not the lasting peace of mind and comport one draws from a proper married life. (Shafi, 2005)

Let us mention traditions of the Prophet Muhammad (Allah’s peace and blessing be upon him) to highlight the importance of marriage. Hazrat Anas, (May Allah be pleased with him) reported that he said “when a servant (of God) marries, he perfects half (his) religion, and let him fear in regard the remaining half.” Hazrat Abu Hurairah (May Allah be pleased with him) reported that Prophet Muhammad (Allah’s peace and blessing be

upon him) said “when he whose religion and character please you offer a proposal of marriage then marry her, If ye do it not there will be mischief making in the earth and a grand corruption” (Mirza, 1985)

In another tradition Prophet Muhammad (Allah’s peace and blessing be upon him) said:

“The world is an ephemeral thing, of which one takes temporary advantages, among the world things nothing is better than a good (pious) wife” (Hamid Ullah)

The above mentioned Prophetic traditions stress the importance of marriage for Muslim individual and society. In another tradition reported by Imam Bukhari and Muslim, Prophet Muhammad (Allah’s peace and blessing be upon him) declared that marriage is one of his sacred practices and further explained that whoever dislike my way of life is not amongst us.

Importance of the Law of Compatibility (Kufu) in Islamic Law of Marriage

Islam is complete way of life. It regulates and provides guidance in all domains of life. As we mentioned earlier that marital life is an important part of Muslim man and woman. so, Islam provides complete guidance to the Muslims in their marital life.

Islamic family laws are based on equality, justice and accomplishment of the conjugal rights of the partner. Marriage in Islam is a contract between spouses expected to last for the life time. So, good and harmonious relationship between husband and wife is important in Islamic marriage. This is only possible when they have same cultural background and similarity in their social status to some extent. In the case of absence of these similarities it is difficult to pursue a cheerful marital life. For the purpose of psychological balance and harmony between the husband and wife we found in Islamic law of marriage a unique law of compatibility (kufu). Details of this law are given below:

Islam emphasizes before arranging marriage of boy and girl to check compatibility between them. Here the term compatibility means to observe equality in certain things between boy and girl and their families for example their financial and social status for the purpose of successful marriage and to ensure psychological balance between the spouses. so, the law of compatibility (kufu) is an important rule and if practiced it contribute greatly in the success of marriage. On the other hand if this law is not observed, sometimes lack of compatibility leads towards separation and divorce, which is although lawful in necessity but disliked by Almighty Allah. The Prophet Muhammad (Allah’s peace and blessing be upon him) is reported that he said “God has not created anything on earth which he like better than emancipation of slaves nor he has created anything which he dislikes more than divorce (Afridi & Khan, 2007). For the purpose of successful marriage Islamic scholars emphasized that Nikah of a girl should be performed to a boy who has equal social and financial status. They considered compatibility between them in the following matters:

(1) Lineage (2) Islam (3) Religiosity (4) Wealth (5) profession, Let us briefly mention these points in detail.

Lineage

According to the Islamic law of compatibility equality between boy and girl should be considered in lineage, for example, Islamic jurists (Fuqaha) clarified that Syed's (decedents of the prophet Muhammad) of all types like, Siddiqui, Farooqi, Usmani, Alavi etcetera, are equal to each other. Other ethnicities for example, Mughal and Pathans are lower than Syed's but both Mughal and Pathans are equal in lineage among themselves. All jurists of Islamic law consider lineage in the law of compatibility except Imam Malik. So, he permits marriage between Arabs and Non Arabs. The argument of Imam Malik is based on the following verse:

“Lo the noblest of you, in the sight of Allah, is the best in conduct (Al Quran, 49:13).

The reason behind the disagreement of jurist (Fuqaha) over above mentioned issue is their dispute over meaning of following tradition of the Prophet Muhammad (peace be upon him) “A women is married by four qualification: for her piety (religion), her beauty, her wealth, and her noble decent, but take hold of piety, and you will be satisfied with what you have” (Ibn Rushd).

Islam

It is the second thing to be considered in the law of compatibility. The basic purpose of this rule is to check both boy and girl are Muslims. The Jurists (Fuqaha) further elaborated this rule that a newly converted Muslim whose father is not converted to Islam is not equal to a woman who is Muslim and her parents are Muslims as well.

Religiosity

Equality in religiosity means that a person who is not following the laws of sharia or he is morally corrupt is not compatible to a religious woman for marriage. Famous Muslim jurists Ibn Rushd further elaborated that if a father give his virgin daughter in marriage to a man who is corrupt or alcoholic, in this case the girl has the right to refuse marital relation with him. According to Islamic law judge has the authority after investigation to break off such marriage. (Ibn Rushd)

Wealth

Compatibility in wealth means that a person who is financially weak cannot be considered equal to a girl which is wealthy or belong to financially prosperous family. In case if a man is not very poor and capable to pay Mahr (Dower) and other maintenance

charges, Islamic scholars consider him compatible for marriage. Scholars further elaborated that it is not obligatory for a man in the law of compatibility to be exactly in same economical position as of the woman.

Profession

Islamic scholars also consider equality in profession an important element between the family of man and woman. For example a man who belongs to a weaver family is not considered equal to a woman who belongs to a family which has established business. Like wise, mentally ill or uneducated person is not equal to an intelligent educated woman. It is important to mention here that in Islam respect is not attached with profession or wealth but for the psychological balance and success in marriage.

Validity of Marriage without Consideration of the Law of Compatibility

An important issue is that if law of compatibility is a necessary condition for marriage? In other words marriage without consideration of the law of compatibility is valid or not.

According to Islamic law consideration of law of compatibility in the matter of marriage is the right of girl and her guardian, this law intends to safeguard the rights of girl and her guardian because if she is married to a male of lower status, she and her guardian may feel the shame of marriage with an incompatible man, furthermore in the case of disagreement with her husband or in the case divorce she and her guardian may suffer. Therefore, Prophet Muhammad (Allah's peace and blessing be upon him) advised the guardians of a female to think for her benefits from all aspects before performing her marriage. The rule of compatibility, therefore, is an important Islamic rule. The guardian should observe this rule to the best of his or her ability before the marriage of their daughter.

Here it is important to note that there are some misconception regarding the law of compatibility. For example, in some cases parents fail to find a compatible proposal for their daughter and they do not agree to other options. It becomes a reason of not marrying off their daughters to a suitable proposal not fulfilling the law of compatibility. As mentioned, Islamic law encourages observing the law of compatibility but it is a misconception that Nikah becomes invalid if this law is not observed. Islamic scholar Mufti Muhammad Taqi Usmani state if family does not find compatible boy for the girl they have to marry her to any suitable boy, in this case he further advised to proceed this marriage with the willingness of guardian of the girl. The guardian should not be very strict in this regard, As Prophet Muhammad (Allah's peace and blessing be upon him) said "When one whose religiosity and character are agreeable to you comes with a proposal, then solemnize the Nikah with him, if you fail to do that, corruption and strife will prevail the world" (Usmaini, 2008).

In conclusion despite the importance of this rule there is no general prohibition in marriage among incompatible boy and girl. The basic purpose of this rule is to safeguard the right of girl and success of marriage based on psychological balance between the spouses and their families.

Prophet Muhammad (Allah's peace and blessing be upon him) has provided an important advice in this regard in the following tradition reported by Ibn Majah:

“Do not marry only for the sake of beauty, may be the beauty becomes the cause of moral degradation. Do not marry even for the sake of wealth, maybe the wealth becomes reason of subordination. Marry rather on the ground of religious devotion” (Hamid Ullah, 1983).

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