

Family Parity (*Kufū*) in Marriage♦

The matter of *Kufū* (Family Parity) acquires central importance for marriage according to the Islamic teachings. In the Eleventh Seminar of Islamic Fiqh Academy held in Bangalore the following understanding was developed as regards *Kufū* especially in the context of Indian Muslim society.

- 4.1 Islam looks at the entire mankind with equal respect. It never differentiates between a man and a man. It gives equal preference and respect to all human beings.

The Almighty Allah says:

"يا أيها الناس إنا خلقناكم من ذكر وأنثى وجعلناكم شعوباً وقبائل لتعارفوا إن أكرمكم عند الله أتقاكم"

O mankind! We created you from a single (pair) of a male and female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. (Hujrat: 13)

Therefore, from the Islamic point of view, it is impermissible and disgraceful to divide human beings on the basis of caste, creed, race and colour and to categorise them as superior and inferior ones.

- Allah says:

"ولقد كرّمنا بني آدم"

We have honoured the sons of Adam. (Al-Isra: 70)

- 4.2 Islam projects the concept of Islamic brotherhood in very clear terms.

Allah says:

"إنما المؤمنون إخوة"

The believers are but a single brotherhood. (Hujrat: 10)

♦ 11th Fiqhi Seminar (Patna –Bihar) 17-19 April 1999.

Prophet Muhammad (peace be upon him) said:

"المؤمن للمؤمن كالبنيان يشد بعضه بعضاً"

A believer for another believers is like a cemented building in which every part strengthens the other one.

He further said in another Hadith:

"مثل المؤمنين في توادهم وتراحمهم وتعاطفهم كمثل الجسد الواحد إذا اشتكى منه عضو تداعى له سائر الجسد بالسهر والحمى"

The believers in their love, mercy and sympathy towards each other are like a single body, if any part of it being subjected to any problems the whole body screams for it by awakening and fever.

Hence, every Muslim is a brother of other fellow Muslims. And to underestimate anybody or exhibit superiority against anybody on the ground of caste and creed or to feel pride over hereditical lineage, race and language is nothing but a clear and apparent violation of Islamic teachings.

Prophet Muhammad (peace be upon him) further said:

"لا يحل لمسلم أن يهقر أخاه المسلم، كل المسلم على المسلم حرام دمه وماله وعرضه"

It is not permissible for a Muslim to hate his Muslim brother and encroaching upon his blood, property and dignity is prohibited for him.

- 4.3 By means of *Nikāh*, two strangers, a man and a woman vow life-long companionship and become faithful, trustworthy companions and a source of comfort for each other.

Allah says:

"هن لباس لكم وأنتم لباس لهن"

They are your garments and you are their garments.

(Baqarah/187)

He further says:

"ومن آياته أن خلق لكم من أنفسكم أزواجاً لتسكنوا إليها وجعل بينكم مودة ورحمة"

And among His signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your hearts.

(Rūm/21)

In fact, Islam aims at making lasting and strong bonds. That is why, it enjoins such instructions and guidelines so that *Nikāh* can achieve its objective thoroughly and spouses may share a blissful life up to their last breath.

- 4.4 Family Parity is in fact similarity and likeness. The parity or proximity between the spouses in their mental wavelength, social status, life styles, religiosity and other such parameters ensure to a large extent, a happy marital life and a firm nuptial ties. On the other hand, unequal or unmatched marriages are found to be unsuccessful, in general. Moreover, the disastrous effect of a failed marriage affect the couple seriously, further permeating down to their respective families and clans. That is why; the Shariah has objectively taken into account the Family Parity in the matters of *Nikāh* in particular.
- 4.5 A *Nikāh* performed with the mutual consent of a major Muslim sane boy and a girl would be valid in the eyes of Shariah. Family Parity is effective only in selecting the other spouse. It has nothing to do with the validity or the establishment of *Nikāh*.
- 4.6 Any non-Muslim who embraces Islam becomes a respectable member of the Muslim society. As a matter of fact, he holds equal rights and privileges due for those who have been Muslims through generation's altogether. If Muslim girls were married off with neo-Muslim youths, it would not only be permissible, rather accounted as a righteous deed as well.
- 4.7 As far as the Family Parity is concerned, the husband ought to be at par with the wife, no matter the wife is at par with the husband or not. In other words, it is necessary for the man to have equal or higher status than that of a woman. If a sane major boy marries an equal or unequal girl, *Nikāh* would be certainly valid and binding in the eyes of Shariah. The family of the boy has no right, whatsoever, to raise any objection on it.
- 4.8 If a major sane girl weds an unequal boy without the consent of her guardian; the *Nikāh* would be valid as per Shariah. However, the guardian does have the right to approach the *Qāzi* (judge) for separation.
- 4.9 In case a boy or the members of his family lineage, clan, social and economics status, and these baseless facts come to limelight later on revealing that the boy has lied and deceived, The *Nikāh* shall remain valid in such a situation, although the girl or her family reserved the right to approach the *Qāzi* (judge) for separation.

4.10 Religiosity is a very important factor of Family Parity. Apart from it other factors like traditions, local customs and social conditions too play an important role in this respect. They vary from place to place across the globe. The Family Parity cannot be the same throughout the world. Thus, the *'Ulemā* and jurists belonging to different parts of the world shall decide their own respective standards and norms keeping in mind the social interface, traditions, customs and the like. The Family Parity should not be associated with grace or disgrace and honour or dishonour.