

ISLAMIC CONCEPT OF MARITAL CONFLICT RESOLUTION

*Dr. Hafiza Shahida Parveen**

Islam is religion of peace and harmony and left no stone unturned to create happy atmosphere round the world. Family life is the foundation stone of society and Islam pays special interest to make this life calm and blissful. It gives significant position to marital bond by making it signs of Al-mighty Allah's greatness and assigns duties to spouses to smooth this relationship and emphasizes male spouse to be loving and patient to his counterpart and orders forgiveness to each other. Islam announces the best person is that who is best to his family. Islam also imposes the financial burden on the male shoulder to provide comfort in this beautiful boundary and assigns the domestic responsibilities to female hands. First of all, Islam designs the rights of each member to secure this life from conflict and enhances goodwill in this sphere and if conflict arise Islam settle downs it at once. If the spouses are not successful in releasing the discord, Islam allows fair and just members of both families to reconcile the conflict as they know their member well and can guess easily who is on fault. If family members could not restore peace and tranquility then Islam allows the court to interfere and resolve the tension and satisfy each spouse. Every member has the right to pursue higher authorities to help the distressed one and court can impose penalty to defaulter spouse and this right insure the hilarious and vivacious position of family orchard. If the problem persists long and members decide to break marital bond, at this very disturbing situation Islam imposes some conditions on male spouse who has the right to terminate this relationship and provide three chance to rethink his decision to safe this life from destruction, and also gives the right to female counterpart to brake this bond with few conditions. If this relationship is broken, at this very painful moment Islam does not forget to realize appeasement, good and soft behavior to distressed person.

Introduction

The formation of a family through which one can find security and peace of mind is very important in Islam. A person who is not married resembles a bird without a nest. Marriage serves as a shelter for anyone who feels lost in the wilderness of life; one can find a partner in the life who would share one's joy and sorrow, but conflicts make this life bitter and harsh, Islam forbids the believers to prolong these differences and follow these steps to avoid clashes. Conflict is part of organization of life, hence, conflict tends to occur through interactions as it (conflict) is innate in man's life. It connotes a situation in which people perceive threat (physical, emotional, power, status to their well being. Islam analyses the concept of conflict as part of organization of life which tends to occur if there

* Assistant Professor, Department of Islamic Studies, University of the Punjab, Lahore.

is a dispute, misunderstanding or argument among human being. It therefore provides certain mechanisms to curb the menace of discord in order not to escalate into violence, war or terrorism. These steps are mentioned below.

Significant position of marital bond

Islam takes marital life as a kindness, blessing and sign of Almighty Allah, with this beautiful relationship life get so many pleasures, satisfactions and happiness. Allah said in Qur'an

وَمِنَ الْآيَاتِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَعْقِلُونَ¹

“And it is among His signs that He has created for you wives from among yourselves, so that you may find tranquility in them, and He has created love and kindness between you. Surely in this there are signs for a people who reflect.

Majdi Muhammad Ash-Shahawi comments about this purpose and says “one of the main goals of marriage in Islam is to achieve a happy union between husband and wife. We have to understand what a happy marriage means, what a happy marriage entails, and what are the means to achieving a happy marriage. Certainly, a happy marriage, in the Islamic sense, is not achieved merely through sexual relations. True, a healthy sex life between husband and wife plays an important role in achieving a happy marriage, but there are other factors as well—such as both parties living a stable life, physically, mentally and even economically.”²

This very valuable position of marital bond creates a peaceful environment in family and partners care for this precious relationship and try to avoid conflict and this notion create harmony and tranquility in their day to day lives. They left no stone unturned to create fragrance in family orchard as they take it sign of Al-Mighty Allah and have very deep sense of responsibility to make it calm, soothing and pleasant. This system has not come about by chance, but the Creator has brought it about deliberately with the object that the man should find fulfillment of the demands of his nature with the woman and the woman with the man, and the two should find peace and satisfaction in association and attachment with each other. This same desire brought families and clans into being, and this same desire made social life possible for

man. In the development of social life man's mental capabilities have certainly been helpful, but they were not its real motives. The real motivating force was the same longing with which man and woman were endowed and which compelled them to establish the 'home'.

“If one ponders, it becomes evident that all the requirements of men from women end up in drawing peace of mind, tranquility and comfort. The Holy Qur'an has put all that in one word. The verse has thus indicated that the total outcome of married life is peace of mind and comfort; the couple that enjoys it is successful in the object of its creation, while the family that is deprived of peace of mind and tranquility is unsuccessful in its married life. The object of married life is tranquility for which mutual love and affection is the key. The present verse has declared that the object of married life of man and woman is peace of mind. This could be achieved only when there is a mutual recognition of each other's rights and a sincere effort to fulfill them. Otherwise the demand for meeting one's own rights only will lead to domestic brawls and shattering of peace.³

Care and love for counterpart

Islam wants very peaceful and comfortable marital life because without love and care it is very rough and tough relationship and family members feel lot of discomfort and it becomes difficult to bear pains and hardships in offering domestic responsibilities, so Islam urges the partners to be loving and kind to each other.

Allah says in Holy Qur'an

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُنَّ وَهِيَ كَرَاهِيَةٌ وَإِيَّاهُ اللَّهُ فِيهِ خَيْرٌ كَثِيرٌ ۗ

Live with them in the recognized manner. If you dislike them, then it is quite likely that you dislike something and Allah has placed a lot of good in it. Prophet Mohammad SWA also ordered the believers to take care of their spouse.

Mohammad SAW announces that best one is that who is best to his spouse and said

"وخييارهم خيارهم لئسائهم"

The best person amongst you is that who is best with his wives.⁵

Abu Hurairah narrated that the Prophet SAW said :(Follow my command) Treat women well and with kindness, for women was created from the rib, and the most crooked part of a rib is its upper part. And if you were to go to straighten it, you would break it; and

if you were to leave it ,it would remain crooked. So, treat women well and with kindness.”⁶

In his Farewell Sermon, the Prophet SAW said: “ Lo!(Follow my commands) Treat women well and with kindness, for they are indeed ‘Awan (a prisoner or one who has to submit or humble oneself)”⁷

Islam also advises the women to do good deeds and avoid to disturb their husbands.

The Prophet SAW said: “ If a women perform her (daily prayers), if she guards her private parts , and if she obeys her husband, she will enter from any of the gates of Paradise she wishes to enter from.”⁸

Division of responsibilities:

Sometimes conflict arises when nobody knows about his liabilities and this discord leads to contention, clash and war of words in family destroy the peaceful atmosphere of family, to insure the peace of family Islam assigns the duties to each spouse. It considers man as bread winner and he has to bear financial burdens and female delicate hands are responsible for internal role and assignments. Allah says in Qur'an

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا آتَوْنَهُنَّ مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّمَا حَفِظَ اللَّهُ⁸

Men are caretakers of women, since Allah has made some of them excel the others, and because of the wealth they have spent. So, the righteous women are obedient, (and) guard (the property and honor of their husbands) in (their) absence with the protection given by Allah.

At this point, a comment from Abu Hayyan in al-Bahr al-Muhit, is worth attention. He says, "These two reasons in support of the authority of men also prove that the right to authority does not get to be established simply by force. Rather, this right can be deserved on the basis of one's competence and capability."⁹

Islam bestows the responsibility of family welfare and betterment to male counterpart, so he gives him dominating position in family yet he is answerable before Creator, Prophet Mohammad SWA said “ والرجل راع على اهل بيته وهو مسوئل عنهم ” each person is responsible for his family members and he will have to answer for them.¹⁰

Woman has to safe guard all domestic assets whether they are tangible or intangible If a man finds his wife trustworthy of caring

for his money, if he is sure that his wife does not spend lavishly and if he is certain that his hard earned money is not wasted away he would then work harder and would not waste his money. On the other hand, if the woman spends the money on her clothes and adornment, or if she spends on unnecessary items and they would have to borrow in order to live, or if the family, like an infidel enemy, plunders his wealth, then the man will become disheartened. He would think it illogical to work and support the people who do not appreciate his efforts. It might shatter the foundations of the family, so Islam makes the women in charge of internal matters to take care of property, upbringing of children and their training and all household liabilities to female counterpart and in this way peace and calmness of family life is insured. The division of duties minimizes the chance of marital conflict and leads towards tranquil atmosphere.

Rights of each Partner

Family is institution where members of family works and establish the boundaries of this very important centre of appeasement if every spouse has the nominated rights it will help them to exhaust themselves in bearing every pain and struggle in the development of family. Islam allots each person his right without any distinction of gender, husband and wife enjoy entitled rights. Allah says in Holy Qur'an,

هُنَّ لِيَاسٌ لِّكَفٍّ وَأَنْتُمْ لِيَاسٌ لِّهِنَّ¹¹

They are as a garment to you and you are as a garment to them.

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ¹²

And women have rights similar to what they owe as recognized, though for men there is a step above them. And Allah is Mighty, Wise.

This verse contains a rule of Shari`ah concerning the mutual rights and duties enjoined upon men and women and explains the degree of their role. Important details are discussed here, at this point, is woman and her rights and duties. About this, the verse under reference states: As there are rights of men over women that must be given, so there are rights of women over men which must be given.¹³

Prophet Mohammad SWA entitled the rights of each spouse in his last sermon and said; "O' people! Verily you have got certain rights over your women and your women have certain rights over

you. It is your right upon them to honour their conjugal rights, and not to commit acts of impropriety, which if they do, you are authorized by Allah to separate them from your beds and chastise them, but not severely, and if they refrain, then clothe and feed them properly. Behold! It is not permissible for a woman to give anything from the wealth of her husband to anyone but with his consent. Treat the women kindly, since they are your helpers and not in a position to manage their affairs themselves. Fear Allah concerning women, for verily you have taken them on the security of Allah and have made their persons lawful unto you by words of Allah”¹⁴

Women shall have rights, due from their spouses, similar to those, rights, due from them, with justice, as stipulated by the Law, in the way of kind conjugality and not being harmed.¹⁵

Tolerant attitude

When persons live together, sometime they ignore mutual rights and obligations, this leads to conflict and homely atmosphere vanishes and tussle starts, Islam recognizes that it is very closest relationship and minor clashes are expected in everyday life, so it urges the spouses to ignore and resolve these issues with patience and forgiveness. Islam orders the husband to be soft and kind for his counterpart and wife to be obedient and loyal to her spouse, in this way minor and day to day dispute should be resolved urgently and peacefully.

Prophet Mohammad SAW ordered the husband to be kind and loving and avoid to be harsh and said

"لا يفر كالمومن موءمنة ان كره منها خلقا رضى منها آخر"¹⁶

do not dislike a believer to his spouse if he is annoyed by her one trait other will please him.

Reconciliation through family members

In spite of all efforts if conflict arises, and couple could not settle down their differences, Islam suggests the family members of both spouses to interfere and try to resolve the clash among them. Allah Almighty says in Quran

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِنْ أَهْلِهِمْ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدُوا إِصْلَاحًا يُوَفِّقُ اللَّهُ بَيْنَهُمَا إِنْ اللَّهُ كَانَ عَلَيْهِمْ خَيْرًا¹⁷

If you fear a split between them (the spouses), send one arbitrator from his people and one from her people. If they desire to set

things right, Allah shall bring about harmony between them. Surely, Allah is All-Knowing, All-Aware.

This is very sound and just decision that family members should intervene to negotiate the problem and dilute tension, being family members they know well about the shortcomings of each spouse and their nature, so they can identify the defaulter one easily and reach just and fair decision . A person out of family cannot easily guess the bone of contention as he is not aware of their characteristics and traits which help them to make a decision to satisfy both spouses. Family arbitration is more effective than a court and their solution will be more durable.

Abdul Majid Darya badi says that above mentioned verse indicates that this is the responsibility of Ummah to release the conflicts among their couples, as the peace of the whole society depends upon them. Marital life is very important so its differences should not be neglected and addressed very urgently.¹⁸

Allah almighty says in Qur'an;

وَأِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُخْضِرَتِ
الْأَنْفُسَ الشُّحْمَ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا¹⁹

If a woman fears either ill-treatment or aversion from her husband it is not wrong for the husband and wife to bring about reconciliation among themselves (by compromising on their rights), for settlement is better.

This is mutual displeasure and tension which, if allowed to prevail without being checked through proper control, does not only result in severe problems for the couple in their married lives but also, at times ,carries the evil effects to families and tribes involving them in all sorts of mutual confrontation and even fighting and killing.

Breakage of marital bond is considered bad

Severe and persistent conflict mostly causes harms to mutual relations and spouses prefer to break this bond, in this crucial situation Islam try to make both partners to think deliberately and not to end up this blissful relation by saying it is not favorable. Mohammad SAW said;

ابغض الحلال الى الله عز وجل الطلاق-20

among allowed things divorce is the worst thing.

This teaching leads the believers to reconcile their conflicts and continue this relation. If, the person takes divorce as a very bad act, he will try his best to avoid it.

Restrictions on divorce

Though in severe condition Islam allow divorce, yet it imposes many restrictions to minimize the number of divorce and suggests some steps.

1. Islam gives special instructions to male spouse to ignore mistake of female spouse as sometimes she gets irritate than male.
2. Islam authorizes divorce only in severe situations.
3. Divorce is not allowed in menstruation, because woman feel irritation in this period, if the cause of divorce is her attitude to husband, she will revise her behavior after this period and rift would be patch up.
4. Breach of family bond is right of male counterpart as the financial expenditure of marriage and family maintenance are born by him. If the female counterpart suffers problems she also can claim divorce called khulaa, if she claims without any justified reason she has to pay back dower (gift presented by husband at the time of marriage).
5. Allah confers the right of divorce to men and says

الَّذِي بِيَدِهِ عَقْدَةُ النِّكَاحِ²¹

He in whose hand is the wedding-knot.

Explaining the words of the verse الَّذِي بِيَدِهِ عَقْدَةُ النِّكَاحِ (whose hands lies the marriage tie), the Holy Prophet ﷺ has himself said: وَلِيُّ عَقْدَةِ النِّكَاحِ, that is, 'the husband is the guardian (wali) of the bond of marriage.' This hadith appears in Darqutni as narrated by `Amr ibn Shu'ayb from his father on the authority of his grandfather, and also from Sayyidna `Ali رَضِيَ اللهُ تَعَالَى عَنْهُ and Sayyidna ibn `Abbas رَضِيَ اللهُ تَعَالَى عَنْهُ.²²

This also proves that the authority to continue or terminate the bond of marriage rests with the husband. It is he who can pronounce talaq (divorce). If a woman fears ill treatment or aversion from her husband, then, there is no sin on them in entering into a compromise between them. Compromise is better. Avarice is made to be present in human souls. If you do good and fear Allah, then, Allah is All-Aware of what you do. ²³

Divorce is not at once it has three chances, man can revoke two times and third time is the last, this privilege has been given only to lessen the number of divorce.

Divorce may be pronounced twice; then either the wife be kept honorably or parted with gracefully.

According to the drift of Islamic teachings, the transaction and contract of nikah نكاح should be for the whole life-span. The point of departure where it has to be broken or terminated should never be reached because the discontinuation of this deal affects not only the parties involved but goes on to destroy children, and their children, and at times, it may even cause whole families and tribes to end up with disturbed relations, which in turn, badly infects the whole society. Therefore, the teachings of the Qur'an and Sunnah have taken all necessary steps to remove impediments that may cause the breaking of this deal. The focal drive of instructions given in the Qur'an and Sunnah are covering all problems and situations.

Divorce is twice; then either to retain in all fairness, or to release nicely. It is not lawful for you to take back anything from what you have given them, unless both apprehend that they would not be able to maintain the limits set by Allah. Now, if you apprehend that they would not maintain the limits set by Allah, then, there is no sin on them in what she gives up to secure her release. These are the limits set by Allah. Therefore, do not exceed them. Whosoever exceeds the limits set by Allah, then, those are the transgressors. ²⁴

In short, Peace occupies a central position among Islamic precepts, where it is closely linked to justice and human flourishing. Indeed, peace signifies an additional presence of human dignity, economic well-being and ecological balance. Peace in Islam begins with Allah; Allah is peace, for peace (*al-salam*) is one of the “most beautiful names” of Allah.

Actually Islam arranges the peace promoting atmosphere on permanent bases, in this way here are less chances of conflict, it would be ignored or resolved. Each partner should pay the right of counterpart and this will lead to tranquillity and peace in family. The Glorious Qur'an has come to introduce a system of family life for man and woman both, keeping in view the whole range of their feelings. This system when followed will definitely make a home a paradise. Love and harmony will replace whatever bitterness there may be in the family. Just in case, inevitable circumstances bring the couple to the limit of separation, it would still be desirable to see that the parting of ways is done smoothly and painlessly. After that, when the relation-ship breaks, it is also necessary to watch

that it leaves no emotional fallouts in the form of enmity, hostility, harm or hurt.

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