

Marriage in Islam: An Analytical Study with a Special Focus on Non-Traditional Marriages in Pakistan

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Matrimonial is a permissible agreement between a male and a female in Islam. Own free will by the both gender is mandatory to enter in the Islamic marriage. A Female especially has all the rights to choose a husband for her and no one has the right to force her to marry against her will. However, studies indicate that the trend like exchange marriage, eloped marriages, cousin marriages, wali, court marriages, love marriages and forced marriage, etc. are growing day by day in Pakistani Public. We are discussing the prevailing scenario regarding the trends of now a day kinds of marriages in this research as well as the instruction of Islam, opinions of the jurisprudence along with the grounds and motives of such marriages, and perceive them in the view of Islamic teachings to recognize and classify them to be right or wrong.

Keyword: Islamic teachings, matrimonial, nontraditional marriages, *Wali*, society

"*Nikah*" is an Arabic word which is used for matrimonial and sexual intercourse (Roberts, 1982). It is explained in Muslim Law that, "*Nikah*" is a contract of union between two strangers of opposite sexes which legalizes their sexual intercourse and mutual co-existence and imposes certain duties on and confers certain rights upon the two partners" (Ashrafi, 1992). The real meaning of *Nikah* is "to connect in such a manner to absorb each other like the drops of rain on the ground, or dissolve like sleep dissolve in eyes" (Al-Zubaidi, 1976). Usually, in the Muslim globe, "love and sexual emotions between the sexes ought to acquire a lawful form, a fact which is echoed in Islamic law where legal sexual intercourse (*nikah*) could only be in the form of a contract ('*aqd*')": "Legal union according to the Law is the contract of marriage (*al-nikah fi'l shar' 'aqd al-tizwij*). Sexual intercourse without a contract, is illegal intercourse (*safah, laysa bi-nikah*)" (Arabi, 2001). There is a consensus of Muslim Jurist that marriage is legislated (Mustafa, 1995). However, there has always been a debate among Islamic schools and scholars as well that whether free will and choice is the right of person or it is the *wali* or guardian who has the only authority to decide and perform the marriage? Also, Pakistani community consider it a sin if someone perform the marriage by adopting non-traditional method i.e. love marriage, ¹eloped marriage or court marriage. This paper explains the non-traditional ways of *nikah* and its main reasons and discuss the Islamic teaching and current scenario prevails in the Society.

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Contribution of Authors:

1. Dr. Arshad Munir, conceived Idea, wrote research paper. Both Authors are agreed on the content of the paper.
2. Dr. Naseem Akhter, collection of raw material, writing and formatting of manuscript

Method

Qualitative and exploratory method has been used for conducting this research. Data has been collected from primary and secondary sources i.e. Journals, books, articles and websites. It is to mention that this research work has been presented in ICASIC 2017.

Literature Review

Sir Abdur Rahim observes that: The institution of marriage partakes both of the nature of *ibadat*, or devotional acts and dealing among men" (Mulla, 1907). Arranged matrimonial is an old tradition and custom in India. According to this custom, the groom and bride cannot see each other before the engaging in marriage contract. In arranged marriage, the parents choose a life partner for their daughter (s) or son (s) and the consultation of children are not considered important. The arranged marriage is common in many parts of Asia, Africa and Middle East, whereas, non-traditional marriages are common in the Western part of the globe (MM Mehndiratta, 2007). According to *Indraneel Dasgupta* "Parents in South Asia, especially in the rural areas, typically desire their married sons to live with them in a subordinate capacity. They expect sons, along with their wives, to submit to parental authority in domestic decision-making" (Etal, 2008). "Montse Estañol advocates that marriages based not on social or economic equality, but on intellectual and moral equality" (Estañol, 2012). The idea is love marriage is totally a new think of new generation, before the 1660, families had authority to tie their children in the contract of matrimonial, because the marriage was considered a way to establish a social and an economic exchange. However, the situation was changed during the 17th and the 18th centuries and the families became closer and the relation of affection increased among them gradually. It was a great change, which played a big role in society (Phegley, 2011). According to Coontz, this was due to the spread of market economy and the advent of the enlightenment (Coontz, 2006). Dr. Rana concludes that the *Wilaya* of parents and forced marriage is under rule considering the interest of the couple (Rana, 2007). *Ghazi Qasmi* (2013) says that Islam gives complete authority to man and women for liking and disliking and guardians are strictly forbidden to force in this regard. However, he has opinion that both male and female should take their guardians in confidence while taking any step in this context. Dr. Niaz Muhammad has the opinion that "Consultation and proper counseling with parents/guardians paves path for the long lasting durability of a relation. Therefore, they should seek consultation of their parents before going to enter this gorgeous decision because of their long experience and kindness towards their children" (Bibi, 2012). However, "Dr Hassan al-Turabi says that a Muslim Woman enjoys the same capacity and freedom enjoyed by a man. She too can propose to a man for marriage, orally or in writing, she can freely choose her spouse, reject a suitor she does not like or obtain divorce from an estranged husband against his will" (Turabi, 1973).

The Period of Ignorance

When we have a look at the history of Arab in the period of ignorance, it is exposed that women were used to behave like animals and was unable to get even the basic rights for her. She was deprived of from marital, economic, social, political and inheritor rights. It was her father and brother who used to take almost all decisions for her future. A widow was distributed like properties in inheritance. The Holy Quran says: "O you who have believed, it is not lawful for you to inherit women by compulsion" (Al-Quran, 4:19). Also, "Allah says in verse 23 of chapter, Al-Nisa, of the Holy Quran regarding the respect of relationship": "Prohibited for you (in marriage) are your mothers, your daughters, your sisters, the sisters of your fathers, the sisters of your mothers, the daughters of your brother, the daughters of your sister, your nursing mothers, the girls who nursed from the same woman as you, the mothers of your wives, the daughters of your wives with whom you have consummated the marriage, if the marriage has not been consummated, you may marry the daughter. Also prohibited for you are the women who were married to your genetic sons. Also, you

shall not be married to two sisters at the same time, but do not break up existing marriages. Allah is the Forgiver, Most Merciful" (Al-Quran, 4:23). In the days of ignorance, in Arab society, after the death of his father, a stepson had the right to have all types of relations including sex with his stepmother before the wedding that was really a wicked and an dishonest practice followed by the Arab society. God bestowed honour and regard to the relationship of a mother. "The Holy Quran says": "And marry not women whom your fathers married, except what has already passed. This surely is indecent and hateful; and it is an evil way" (Al-Quran,4:22). The "philosophers" of the black period had negative thoughts regarding women. The great philosopher Plato had the opinion that an awful male's fate would be rebirth as a female (Plato, 1929). "Aristotle" "had the view that women are mutilated men" (Aristotle, 1943). Shortly, the situation of a woman was very disgraceful and was treated like cattle in society. It was "The Holy Prophet's ﷺ social reforms that ceased such horrible, immoral practices" (Carmody, 1988).

Pre-Islamic Kinds of Marriages

The position of women was very bad in the pre-Islamic Arabian civilization. The most of the customary rules were against the women in those days. The women were treated as possessions instead of human beings. The single purpose of matrimony was the pleasure of sex and proliferation of children. Infinite polygamy prevailed and a man could have as many wives at a time as he liked. Numerous types of marriages were recognized that almost were the different forms of prostitution. A renowned historian Dr. Aurangzeb defined sixteen methods of weddings in Arabian culture (Azmi, 2016). The most common and familiar forms of wedding at that time was marriages by inheritance, marriages by purchase, marriages by agreement, marriages by capture and temporary marriages (Shah, 2006). Hazrat Ayesha (RA) narrated four kinds of marriages in the days of ignorance. The first kind is the one being practiced in contemporary Islamic World. The rest of the kinds were very dissipated. One type was called as "Al-Istibdaa" in which a wife was advised by her husband after menstruation to visit some one other to initiate sexual relation with him. The both spouse would not involve themselves in any type of sexual relation until the women became pregnant through the visited person with whom she had sexual interaction. The justification of this task was born an intelligent and stunning baby. Another practice of marriage was the one in which numerous persons would have sexual relations with a woman with her consent. Those were basically the prostitutes who used to put flags as a sign at their homes. She might call all the persons whom she had sexual relations after delivering a child. The Qaa'if (someone expert in recognizing the resemblance of the born baby to his father to them) was also called to decide about the father of that born baby. Sometime, she would call all of them herself and would declare or nominated someone as the father of her baby (Al-Bukhari, 1961).

Although the situation was so unproductive for a female, but there were some glimpses and indications in the early time period that the woman was consulted to choose her spouse.

When "Haris bin 'Awf" communicated his wish concerning wedding before a father one of his three daughters, the two elder ones denied his proposal, but the "Buhaysa" the youngest daughter became ready to get marry with "Awf" (Levy, 1957). Several cases are present in the past, as a well-known poetess "Al-Khansa's" father asked his daughter about her matrimony with "Durayd bin al-Simmah". Similarly, when "Abu Sufiyan" and "Suhayl ibne Amr" proposed to "Hind Binte Utba" for marriage, so her father gave a right to chose a life partner to his daughter between them, she chose "Abu Sufiyan" for marriage (Al-Hufi, 2008).

Out of tradition Marriages & Norms of Pakistani Society:

A human being has been granted a high rank by Allah. It is a master piece of His creations. Naturally he is social; so it is his desire to live together. He likes to manage his matters with other people in a social domain. In social life, he has to face a different kind of situation, that may be financial, economical, educational, political and social. This discussion has a direct relation to nontraditional weddings and marriages. Pakistani culture has different styles of marriages. There may be arranged marriage, child marriage, exchanged marriage, secret marriage and forced marriage. Although, the woman in Pakistan has the right to adopt a marriage contract without a *wali* as stated in the law "consent of wali is not required and a *sui juris* Muslim female can enter a valid *Nikah*/Marriage by her own free will"(PLD, 2004). Even then, normally, father is the head of the family. In the absence of father, other senior family member or a close relative may be considered as *wali*. They may be deciding the matter of marriage. They may ask and inquire the will and desire of the groom and the bride as well. This style of marriage is called traditional marriage. This style is accepted in the society. Different styles of marriage are being mentioned here.

Love Marriage

When parents show their agreement for their children's marriage, it is called an arranged marriage, such marriages and customs are generally practiced in indo-pak culture (Mullatti, 1995). The relation of liking is not accepted and appreciated in Pakistani society before a wedding. The desire for a love marriage usually creates an unpleasant environment and as well as, it makes a reason for the annoyance of the parent too (Grover, 2009). The new generation is frequently adopting the way of love marriage now a day mostly in urban areas. When two persons fall in love and they are satisfied with each other. They decide regarding getting married. But when they face the restrictions through family and society, then they take the step of love marriage. They do not involve their parents and relatives in their marriage.

Eloped Marriage

Eloped style of marriage is based on the free will of a girl and a boy. They make a plan for marriage. They leave their homes without the permission of the parents. Normally they arrange their marriage in a court. Sometimes they arrange *nikah khawn* for this purpose. Pakistani society considers it as disobedience. It is a rising practice in Pakistan. Sometimes, the result is honour killing.

Court Marriage

Although there is no concept of courtship or registered marriages in Islam as it is practiced in the west but surprisingly it is common and even increasing day by day in Pakistani society. It happens across the globe according to the marriage regulations and legal processes of that nation or region. The study shows that opting for a court marriage is a growing trend among the Pakistani community (Paratham, 2011). The Couples use to consider this option as a last choice after believing that the parents would never encourage fulfilling their plan. It also considers an opportunity by some people because it is very hard some time to pay a lot of money in a marriage ceremony. After all, said practice has never been recognized as correct because a society observes it as an immoral and notorious step.

Motives of Nontraditional Weddings

There are many causes behind to accept the nontraditional ways for marriages. Some relevant reasons are explained below:

- Love is playing a very important role to encourage such weddings
- Compelling the new generation to abide the implemented traditions and customs of society
- Not trying to know concerning the liking and disliking of a couple

- Media is playing a vital role in encouraging for such action
- Awareness regarding the uses of rights
- The feeling of deprivation and failure in life promote such circumstances in society
- To have high expectation with each other after falling in love

The Role and Status of the *Wali* (Guardian)

The meaning of *Wilaya* is an authority to contract a marriage for another (Aini, 1988). The *wali* is usually the father. The basic requirement which affects all jurisprudence on this matter is that of the *wali*. Some schools such as the *Shafii*, *Maliki*, and *Hanbali* interpreted this to mean that the guardian has the sole authority to contract a marriage for a woman (Law, 1996). Even if the woman has a certain man in mind that she would like to marry, if the *wali* does not agree with it, there is nothing that she can do. Therefore, in many of the Muslim countries, women have no right to contract their own marriage and needs a *wali* to contract the marriage on her behalf (Al-Hibri, 1997). The logic behind this is that Islam provides the young and inexperienced woman with an additional safeguard, namely, an automatic consultative mechanism by which she could solicit advice from her father (or one who has a similar relation) about a prospective husband (Al-Hibri, 2000). There are some sayings of the Holy Prophet ﷺ in favor of their opinion. Hazrat Abu Musa Ashari narrated that "the Holy Prophet ﷺ said that there is no marriage except with *Wali*" (Trimzi, 2007). Hazrat Aysa (May Allah Be Pleased with her) narrated that "the Messenger of Allah said that whichever woman marries without the permission of her *Wali*, her marriage is invalid, her marriage is invalid, her marriage is invalid" (Trimzi, 2007). However, this regulation is not supported by the Qur'anic prescription or the *Sunnah* of the prophet (Esposito, 1982). The role of the *wali* is advisory. There are several examples in different countries that show an exemption from this rule. Like in Morocco, the women are exempted from this rule if she is an adult and fatherless. The code/law removes the odious guardianship requirements and makes matrimonial guardianship exclusively the woman's decision. "Syrian code permits a pubescent woman who is over 17 years old to request a judge to perform the marriage". The Jordanian code permits a previously married woman who is rational and over 18 years old to contract her own marriage". "The Kuwaiti code permits a previously married woman or one who has reached". "The Algerian code goes furthest in underlining the importance of this requirement". In that jurisdiction, the *wali* can prohibit his daughter from entering into a marriage, if he deems the prohibition in her interest. The age of 25 is specified to make her own decision about marriage, without reference to the views of her *wali* (Pakeeza, 2014). "Hanafis and some others holding this point of view that since Islam gave women the right to contract in financial matters without interference or guardianship from anyone, women should be equally able to contract their own marriage without the need of a *wali*" (Al-Hibri, 1997).

Marriage and Islamic Teachings:

God created male and female as company for one another for taking the responsibility as parents to spend their lives peacefully according to the demands of God. Islam is a strong advocate of marriage. Thus there is no place for celibacy like the Roman Catholic priests and nuns. Islam considers the marriage beneficial for both man and women and regards it as a way to gain spiritual excellence. It makes an incomplete human being a complete one. Therefore, it is one of the most liked *Sunnah* in Islam as our beloved Prophet (SAW) married and also encouraged others. Bride and groom are the one whom Islam gives rights to choose their life partner with own free wills. "The Holy Prophet Mohammad ﷺ said that order must be obtained from the widow and the divorced lady for her marriage, and permission should be obtained from the virgin girl for her marriage" (Al-Bukhari, 1961). Similarly, "the Holy Prophet ﷺ, prohibits forcing a virgin in marriage without her permission, whether it be her father or someone else". Also, Hazrat Ayesha (RA) narrates that she queried from the Holy Prophet ﷺ " "In the case of a young girl whose parents marry her, should her permission be sought or

not?" "He replied", "Yes, she must give her permission." "She then said", "But a virgin will be shy", "O Allah's Messenger." "He answered": "Her silence is [considered as] her permission" (Al-Muslim, 2005). And "Abu Hurayrah (RA) states", "the messenger of Allah advised to people that" "The orphan girl's permission should be sought regarding proposals of marriage to her, her silence being as her acceptance, but if she refuses, it is not permissible to marry her" (Muhammad, 2008). It is also narrated by "Abu Hurayrah (RA) that the Prophet ﷺ said": "No previously-married woman should be married off without being consulted, and no virgin should be married off without asking her consent". "They said": "O Messenger of Allah, what is her consent?" "He said": "If she remains silent" (Al-Muslim, 2005). Similarly, "Hazrat Abdullah Ibn Abbas (RA) narrated that the Holy Prophet ﷺ directed that if a female who is already a divorced or a widow, wants to get married, her right of free consent and free choice is superior then the right of her guardian". "If she has not previously been married and this is her first marriage, even then her parents or other guardians cannot enforce their will on her. They are not allowed to force her to marry anyone against her free choice and free consent" (Al-Muslim, 2005). Likewise, "Abu Hurayrah (RA) narrated" that "the Prophet ﷺ said that we should consult from an orphan virgin girl about herself". "If she remains silent, it means she has no objection and is agree with the proposal, but if she refuses, the power of the guardian cannot be exercised against her will" (Dawud, 1999). Moreover, "Abdullah Ibn Abbas (May Allah be pleased with him) narrated that a virgin came to the Prophet ﷺ and stated that her father had married her against her will". "The Prophet ﷺ permitted her to use her option" (Dawud, 1999). It was stated by "Khansa Bint-e-Hizam Al- Ansariyah (May Allah be pleased with her) that her father married her off to someone compellingly whom she did not like". "She visited the Holy Prophet ﷺ and presented her case". "Upon listening to her"; "the Holy Prophet ﷺ rejected the marriage and declared the marriage as void" (Al-Bukhari, 1961). "Once a girl came to Bibi Ayesha (May All be pleased with her) and told that her father married her with his nephew while she disliked that person". Bibi Ayesha (RA) said her that she should wait for the Hazrat Muhammad ﷺ "When Hadrat Muhammad ﷺ came, she told him about her case". "Hazrat Muhammad ﷺ permitted her to decide the fate of her marriage". "The girl responded that she upheld the decision of her father, but she only wanted to see that fathers have fewer powers in marrying their daughters" (Al-Nassai 2004). "The Holy Prophet ﷺ told to the youth": "O' class of youth, who of you have potential (to carry the burden) of marriage", "he should marry" (Al-Bukhari, 1961). "Anas Ibn Malik (May Allah be pleased with him) states": "that one of the companions of the Prophet ﷺ said": "I will not marry." The other one said": "I will pray and I will not sleep." "Another said": "I will fast and I will not break my fast". "When the Prophet ﷺ was informed of this, he said"; "What is wrong with people that they say such and such"? "But I fast and I break my fast, I pray and I sleep and I marry women". "So whoever rejects my Sunnah is not from me" (Al-Muslim, 2005). It proves that the marriage is a Sunnah of the Prophet ﷺ and a legal way to safe our lives from sins and evil acts. It is even a great blessing of God as "Allah says in the Holy Quran": "And those who say", "Our Lord, grant us from among our wives and offspring comfort to our eyes and make us an example of the righteous." "Those will be awarded the chamber for what they patiently endured, and they will be received therein with greetings and [words of] peace." "Abiding eternally therein. Allah is the settlement and residence" (Al-Quran, 25: 62-77).

Moreover "Allah says in the verse 32 of chapter, Al-Noor of the Holy Quran": "And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and knowing" (Al-Quran, 24:32). "The Holy Prophet ﷺ says to people": "When one of you seeks a woman in marriage, and then if he is able to have a look at whom he wishes to marry, let him do so"(Dawud, 1999).

Marriage serves as a means to emotional and sexual satisfaction and as a means of tension reduction. It becomes even *Ibadah* as it is obeying God and the Prophet. It the only probable method for the sexes to unite. one is displaying compliance to God by choosing marriage instead of involving him/herself in sin. Marriage is in fact a solemn covenant and is not a matter which can be taken casually. It should be entered into with total obligation and full knowledge of what it involves. Your partner should be your choice for life. One should be mature enough to understand the demands of marriage so that the union can be a lasting one.

Formal Requirements of Matrimony

There are some essential requirements for a legal matrimonial, if any of them will not be completed , then a matrimony will be considered irregular, these essentials are as follows:

1. Proposal and Acceptance
2. Presence
3. One Meeting
4. Competent Parties
5. Witnesses
6. No Legal Disability

Proposal and Acceptance

Matrimonial is like another contract, which accomplishes by the acceptance and the declaration, the Arabic word is used for this purpose "*ijab-o-kabul*". First of all, one party offers a proposal to another party for marriage. After the acceptance of this proposal by another party, the ceremony of a marriage becomes complete. This marriage is considered a civil marriage because many people become a part of this marriage, for instance, family members, friends and relatives. A couple (bride and groom) pays the words of *ijab-o-kabul* and then they do signatures on the form of a marriage contract in front of witnesses. Every process related to marriage ceremony has become complete in one meeting.

Presence

The presence of a couple (bride and groom) is considered very important in conducting the ceremony of marriage. Because, they express the words of "*ijab-o-kabul*" by their own selves before the witnesses of marriage, who are called "*vakils*". Shortly, they presence of both (bride and groom) are considered necessity to uttering the words of acceptance for their marriage.

One Meeting

The third requirement of a legal matrimony is it that the contract must be accomplished in one gathering so that if, for example, after the proposal has been made by one party, the party leave the room, or engages himself in other business before communicating his or her acceptance, a subsequent acceptance will not have the effect of completing the contract.

Competent Parties or Capacity to Marry

The parties to a marriage must have the capacity of entering into a contract. In other words, they must be competent to marry. This capacity to enter into a marriage contract depends on three factors:

- I. Understanding
- II. Puberty
- III. Free will and Consent

Understanding or Discretion

Marriage is a very significance contract. Therefore, the awareness of the nature concerning this act is necessity. The marriage of lunatic (*majnoon*) person is not considered valid. Because the lives of two persons are depended on this tie.

Puberty

The parties to a marriage must be an adult, i.e., they must have attained the age of 15 years. This is the general rule. There is one exception to this rule and that is where marriage is contracted by a guardian on behalf of a minor below the age of majority (15 years). But even in this case he must not be under the age of seven. Thus, it may be seen that the marriage of a person below the age of seven is void in all cases, while that of one between the age of seven and fifteen is valid only when it is contracted by a guardian.

Free Will and Consent

The parties contracting a marriage must be acting under their free will and consent. The consent should be without fear, or undue influence, or fraud. If it is free to consent, it must be ratified afterwards. In the case of a boy or a girl, who has not attained, the age of puberty, the marriage is not valid unless the legal guardian consent to it.

Witnesses

The presence of witnesses are required for acceptance and proposal under the "Sunni Law". The witnesses can be two males or one male and two females at the time of marriage (*Nikah*).

No Legal Disability or Prohibited Degrees

Besides puberty, discretion and freedom the capacity to marry requires that there should be no legal disability or bar to the union. By legal disability is meant that the parties must not be within the prohibited degrees or so related to each other to make the union unlawful. These prohibitions have been classified into four classes as follows:

- I. Prohibition & Absolute incapacity.
- II. Prohibition & Relative incapacity.
- III. Prohibition & Prohibitory incapacity.
- IV. Prohibition & Directory incapacity .

Absolute incapacity or prohibition

Absolute incapacity to marry arises from:

- (a). Consanguinity, (b). Affinity or, (c). Fosterage

(a). Consanguinity

Consanguinity is meant blood relationship. There are certain persons who are prohibited to be taken into marriage on the ground of consanguinity, e.g., a man cannot marry the following:

- i). His mother or grandmother how high so ever;
- ii). His daughter or granddaughter how low so ever;
- iii). His sister whether full, consanguine or uterine;
- iv). His niece or great-niece how low so ever;
- v). His aunt or great-aunt how high so ever; whether paternal or maternal.

A marriage with a woman prohibited by reason of consanguinity is void.

(b). Affinity

Affinity does not arise from blood relationship, but otherwise, e.g., the mother of a wife, though not a blood relation yet is prohibited to be taken into marriage on grounds of affinity. The following come under this head:

- 1). The mother of wife or grandmother how high so ever.
- 2). The daughter of wife or granddaughter how low so ever.
- 3). The father of wife or paternal grandfather how low so ever.
- 4). The son of wife or daughter's son how low so ever.

These are the reasons due to which the marriage with a woman will be cancelled in "*Sunni Law*".

In case, marriage with the wife's daughter or granddaughter is prohibited only if the marriage with the wife was consummated.

(c). Fosterage

Fosterage or foster relationship arises between two persons so connected through some act of sucking that if it had been instead an act of procreation the marriage between them would have been void. In simple words foster relations are those who have been fed at the breast of one woman. These foster relations, though not born of the same woman, are taken to be blood-relations for the purpose of marriage. Whoever is prohibited by reason of consanguinity or affinity is also prohibited by reason of fosterage. For instance a man is not only prohibited to marry his consanguine sister, but also his foster sister. However, there are few exceptions to the general rule of prohibition, and void marriage may be contracted with them:

1. Foster mother & sister,
2. Mother & foster sister,
3. Foster son's sister
4. Foster brother's sister
5. Foster sister's foster-mother,
6. Foster brother's mother,
7. The mother of a paternal or maternal uncle or aunt by fosterage,
8. Nephew's mother by fosterage, etc.
9. Foster child's grandmother,
10. Mother of son's sister by fosterage,
11. Mother of son's sister by fosterage, and
12. Foster children's aunt.

The *Shia* jurists place fosterage and consanguinity on the same footing and refuse to recognize the exception permitted by the *Sunnis*. The above mentioned prohibitions on account of consanguinity; affinity, or foster are absolute and the marriage contracted in contravention of these rules are void. The doctrine of factor valet does not validate a marriage of a man with his foster-in-sister, as the prohibition on the ground of fosterage is absolute" (Mulla, 1907).

Conclusion

Matrimonial is a sensitive and serious issue of our society. It is a relation which ties two people in a knot for life and both have to deal with this knot till death. Consequently, Islam permits a man and woman to decide about their selection regarding life partner. "The Holy Prophet ﷺ says": "A man marries a woman for four reasons, for her wealth, for her beauty, for her family status and for her religious status, so you should prefer the last one (religious status)" (Al-Bukhari, 1961). There is no dating or living in defect relationship or trying each other out before they commit to each other seriously. However, they should select their life partner on the base of virtue (*Taqwa*). "Human beings are advised in chapter 04 of the Holy Quran as follows": "And if you fear that you shall not be able to deal justly with the orphan girls then marry (other) women of your choice, two or three, or

four, but if you fear that you shall not be able to deal justly (with them), then only one or (the captives and the slaves) that your right hands possess. That is nearer to prevent you from doing injustice" (Al-Quran, 4:3). "Allah says in the Holy Quran": "They are *Leebas* (i.e. body cover, or screen, or *Sakan*, (i.e. you enjoy the pleasure of living with her), for you and you are the same the same for them" (Al-Quran, 2:187). It is cleared that Islam offers equal rights especially related to marriage. They have the free choice to select the spouse. However, they should also take care of the prevailing culture and norms of the society. They should also take care of the will & advice of the parents as they are the most honest and sincere people in the world. Also, fewer experiences of life and emotional feelings of young age recommend that both parties should pay heed to the advice of their parents/guardians to avoid any critical condition in future. They can enter into the marriage, according to the prevailing customs of the family/ society. They should tell the parents/ guardians in a good manner about their love and convince them on it by adopting a wise and respectable method. Similarly, the parents/ guardians should also pay heed to the choice of their children. They should either convince their children or be convinced. They should play their true role to solve the matters and to avoid any inconvenience. They should never force their decision and will on the children especially on daughters. The parents should understand even the feelings and expressions of their children. If father asks about the choice of marriage and the adult girl cries or laughs in an offensive manner or remained silent but her face reddened due to anger and disagreeableness, then it would be equal to "Refusal" (Usmani, 2003). In short, the Children have the right to adopt a nontraditional way, if feel no flexibility in the decision of the parents.

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