

READING ON WOMEN ISSUES

MEK WOK BINTI MAHMUD

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Mek Wok Mahmud



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CHAPTER 4

MISYAR MARRIAGE BETWEEN SHARI‘AH TEXTS, REALITIES AND SCHOLARS’ FATAWA’: AN ANALYSIS

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ABSTRACT

Marriage is a sacred bond in Islam that ties a man and a woman into a lifelong relationship of love, compassion, mutual understanding, respect and security. It is a firm pledge that one makes in the name of Allah for one-another. ‘Misyar marriage’, ‘Convenience marriage’ or ‘Travelers’ marriage’ is a new form of marriage practiced widely in Saudi Arabia, Egypt and other gulf states. The ‘Misyar bride’ sacrifices some of her marital rights, such as expenses, fixed duration, and an abode. The scholars in Islam have different opinions about this form of marriage. Some of them supported it vehemently, as it could reduce the number of ladies without husbands; while yet others strongly oppose it, as it sounds like part-time wives, which has no roots in Islamic heritage.

The present study therefore aims to explore the real status of 'Misyar or convenience marriage' in the texts from the Qur'an, the Prophet's Sunnah, the practices of his rightly guided Companions and the Fatawa of the traditional and modern scholars. It will analyze them in the light of the current realities and situation prevailing in many countries of the Muslim world. The study adopts a critical yet objective approach in dealing with the issue. It is believed that the study will help the Muslim men and women to have clear insights on the issue based on the Shari'ah texts, scholars' Fatawa and present day realities.

Key words: Marriage, Misyar, shari'ah, fatawa, realities

1. INTRODUCTION

Misyar marriage, a convenience marriage or traveler's marriage, is widely practiced in Arabian states for more than a decade now. In such marriages, a man, who is usually married, comes into terms of other women to marry, where the woman would sacrifice her rights of *Nafaqah* (maintenance), abode, cohabitation, just distribution of days and nights among wives etc.¹ Though not pronounced during contract, this marriage mostly remains secret in nature and ends up in divorce shortly after.

To some scholars, it is an unthinkable act; yet to others, it is better than loneliness. The concept of *Misyar* appeared due to the huge number of unmarried women in Saudi Arabia, who have exceeded the customary age of marriage and have little hope of getting married.

It is reported that in Saudi Arabia alone, there are over 1.5 million unmarried women and even more divorcees and widows.² Many of these women are under social pressure of getting married to anyone,