

CHAPTER II

OVERVIEW OF THE THEME

First thing to do in order to understand Hadith using thematic method is to determine the boundary of topics that are included in the theme.¹ In accordance with the problems described in the previous chapter that are related to phenomenon that occurs in society, then the theme that was chosen to be searched of its existence in Hadith is a topical theme in the form of process namely procreation.

A. Definition of procreation

Etymologically, Procreation is a noun which is derived from procreate. According to Webster's College Dictionary, procreate (pro'kre'at) is a transitive verb which means to beget or generate offspring; to produce; bring into being, or intransitive verb which means to beget offspring. Procreation and procreator is a noun form of to procreate, while the procreative is an adjective form from the verb. It was also found a word procreant which is an adjective which means procreating or generating, or Pertaining to Procreation.

In Oxford Thesaurus Dictionary, procreate is a synonym of reproduce which the meaning is close to duplicate, copy, replicate, match, recreate, repeat, imitate, and simulate. These words mean to a product. Synonyms of reproduce that are close to procreate meaning having children are; breed, multiply, propagate, procreate, spawn, produce or beget or bring forth

¹Basically, thematic method of hadith is an adaptation of thematic interpretation of Quranic verses methodology (*tafsīr mauḍū'ī*). It is an interpretation that refers to the themes that emerge in everyday life. In collecting the verses, thematization is conducted in accordance with the problems of people that need to be resolved. Thing to be appointed first into discussion is a problem that appears in the middle of society, then commentators find several verses that have relevance to the problem. Inventory of the problems, both to the problem of theological, cultural and structural problems is necessary. See: Zuhairi Misrawi, *Al-Quran Kitab Toleransi*, Jakarta, Grasindo, 2010, p. 155

young.²

According to Biology, reproduction is one of its most important concepts. It means making a copy or a likeness. From its lowest level, reproduction is a chemical replication. Although reproduction is often considered solely in terms of the production of offspring in animal and plants, the more general meaning has far greater significance to living organisms.

Human reproduction is a sexual reproduction. This kind of creature belongs to that group of mammals characterized by the bearing of live offspring that have attained a considerable development within the uterus, or womb. The essential features of human reproduction are: (1) liberation of an egg from the ovary at the right time in the reproductive cycle, (2) internal fertilization by spermatozoa (sperm, or male sex cells) of the ovum in the uterine tube, (3) transport of the fertilized ovum along the uterine tube to the uterus, (4) implantation of the blastocyst, the early embryo that develops from the fertilized ovum, in the wall of the uterus, (5) formation of placenta and maintenance of the intra-uterine existence of the Unborn Child (6) birth of the child and expulsion of the placenta, and (7) the suckling and care of the child, with an eventual return of the maternal organs virtually to their original state.³

According to Christian theology, to procreate means to be in favor of bringing a new life according to God's plan. So, procreation may be defined as the cooperation in God's plan for the coming-to-be of new life. However, some usages of term tend to equate reproduction with procreation. Since people turn their attention to the issue of assisted reproduction technology

²Word reproduction is derived from "to reproduce". It is a transitive verb which means to make a copy or close imitation of; duplicate, to produce again or anew by natural process, to produce one or more other individuals of (a given kind of organism) by some process or of generation or propagation, sexual or asexual. Meanwhile, the meaning of reproduction is the act or process of reproducing, a copy or duplicate of an original, and the process among organism by which new individuals of same kind are generated. Reproductive is an adjective means serving to reproduce or concerned with or pertaining to reproduction, reproductive organs or the reproductive process. The Editors of the Webster's New World Dictionaries, *Webster College Dictionary*, 4th Edition, Cleveland, Webster's New World, 2004

³Encyclopedia Britannica Inc. *Encyclopedia Britannica, Reproduction*, 1985, vol. 15 p. -

(ART), the usage of procreation as a term for having babies was shifting. Now textbooks are consistently using the term reproduction instead of procreation. Theologian and Bioethics experts from Christianity and Catholics consider this acceptance of language as misuse of the term.

Leon Kass drew the subtle but significant change in perspective when the language for having children shifted from procreation to reproduction. It has an undesirable implication. According to Kass, reproduction is a metaphor associated with a factory that the acceptance of the language is accompanied by related concepts: the image of commodities, the production line, quality control, and the rejection of inferior products. Such technologies enable the clinician to examine what they now call 'the product of conception.'⁴

Theologians make clear the difference between procreation and reproduction. For them, procreation means a new human life, arising from the love between a man and woman, and reproduction is a technical process of sperm fertilizing the ovum to create a baby. Christian ethicist, Gilbert Meilaender describes the difference:

...that the sexual union of a man and a woman is naturally ordered toward the birth of children is, in itself, simple biological fact, but we may see in that fact a lesson to be learned. A child who is thus begotten, not made, embodies the union of his father and mother. They have not simply reproduced themselves, nor are they merely cause of which she is the effect. Rather, the power of their mutual love has given rise to another who, though different from them and equal dignity to them, manifest in her person the love that unites them. Their love-giving has been life-giving; it is truly procreation.⁵

Christian theologians believe that a new life brought is truly God's creation, not the rational will of the parents. Reproduction, as in the case of plant and mammals, does not require any bond between persons. On the other hand, procreation is the proper term for human generation as it refers

⁴Roland Chia, *Biomedical ethics and The Church*, Singapore, Armour Publishing, 2009, p. 83

⁵Gilbert Meilaender, *Bioethics: A Primer for Christians*, Michigan, Wm. B. Eerdmans Publishing Company, 2004, p. 14

to a loving act between spouses which prepares for a possible creation by God of a new person.⁶

Procreation is a non-Arabic term which its usage is commonly found within discussions of Christian theology and Catholic. Using a non-Arabic term is actually a problem of thematic interpretation of the Quran and Hadith. Since the word is not a vocabulary from the language which is used in the Quran and Hadith, therefore the interpreter needs to look for its proper equivalent terms in Arabic so the Hadith searching according to theme which is based on keywords become easier as well as reliable.

Procreation contains more than one meaning and essences and more than just reproduction. Referring to terminology by Meilaender, procreation in the sense of Arabic has its equivalents words as follows:

- (a) "...the union of father and mother..." This union relationship in the vocabulary of Arabic is known as *al-waṭ'ur*, *al-nikāh*; *tazawwuj*; *zawāj*; and *tazwīj*.
- (b) "...a child who is thus begotten..." meaning child; children; offspring; lineage, is known in Arabic vocabulary as *ibn*; *Ṭifl*; *'aqīb*; *'itrāt*; *walad*; and *nasl*.
- (c) "...the power of their mutual love..." *hubb*; *wulū'*; *maḥabah*; *wudd*; and *ta'assuq*.⁷ The closest meaning to mutual love is *al-wudd*, as well as *al-wadūd* which is one of the God's *Asmā al-Husnā*, meaning He loves His slaves, and His slaves loves Him (*al-maḥbūb fī qulūbi auliyāihi*).

B. Marriage and procreation according to Islam

One of the distinguishing characteristics of Islam compared to all other religions is *syumūl*. Islam is a divine religion that touches all aspects

⁶ John F. Kilner, *Human Cloning: Reproduction or Procreation?*, retrieved on 14 September 2013 from <http://cbhd.org/content/human-cloning-reproduction-or-procreation>

⁷ The equivalents are according to VerbAce-Pro Translation Software. v.0.9.2 (pronunciation data is based on *The Carnegie Mellon Pronouncing Dictionary*), Verbace Research, www.VerbAce.com, 2009

of life. Its comprehensive characteristic of teachings makes no smallest aspect of life that cannot be touched by Islamic values. *Its syumūl* characteristic demands faithful followers to always abide in every practice according to the law it set, both within God-human relationship, as well as worldly relationship among human.

Islamic teaching emphasizes that all matters and actions have legal charge in form of Syariat law.⁸ Therefore, anything related to procreation is also included in the territory of Syariat. It is necessary before discussing further about marriage and Procreation according to Islam to discuss firstly the foundations that Syariat law is built upon them.

There are three *furū' syarī* (*syarī* branches) as foundations or principles which then built upon them a wide range of Syariat laws. *The first* is the principle of ease (*al-yusr*) and tolerance (*al-tasāmuḥ*), which then on top of it the obligations of worship practice (*al-'ibādah al-maḥḍah*) is built. *The second* is the principle of godliness (*wara'*) and prudence (*al-iḥtiyāṭ*) which then on top of it the prohibitions (*maḥḍūrāt*) is built. *The third* is the principle of good and happiness (*maṣlahatal-'ibād wa sa'ādatuhum*) as well as principle of damage prevention (*dar'u al-mafsadah*) of human being as slaves of God. This third foundation built upon it Syariat law related to worldly business (*al-muāmalāt al-madani*) including the law of marriage (*munākahat*) which is directly related to procreation matter.⁹

Maṣlahat etymologically means taking benefits or preventing harm or

⁸ Matter is something that is used by humans to perform an action. While action is performed by human activity to meet their own needs, either *fi'liyah* or *qauliyah*. Actions are usually associated with the matters. As well as actions, matters have law. However, *naṣ* that explain the law of matters is different with texts that explain the law of actions. According Abū al-Rasyṭah Aṭa, *Syara'* only gives attributes to matters with *ḥalāl* and *ḥarām* only. This means the choice of law for these matters are just *ḥalāl* or *ḥarām*. *Ḥalāl* means may be used or exploited, and *ḥarām* is prohibited to use or exploited.

Human actions is originally bound with the law of Syariat, namely law that are related to human actions that are understood from the *amr al-Syarī*, either in the form of demands and the provision of choice. These laws can be understood from *al-ṣīgat al-ṭalab* (form of demand), whether sure demand (*al-iqtīdā*) or granting options (*al-takhyīr*) One which determines the type of *ṭalab* is any indication (*qarīnah*), both *qarīnah* are included in the texts themselves, or in other texts. See more: Abu Furqan, *Hukum-hukum atas perbuatan manusia*. Retrieved on 07 October 2013 from <https://abufurqan.wordpress.com/2011/01/12/hukum-hukum-atas-perbuatan-manusia/>

⁹Wahbah Zuhaili, *al-Fiqh al-Islāmī wa Adillatuh*, Beirut, Dār al-Fikr, 2007, vol. 1 p. 93

hurt things. But it not what is meant to be *maṣlahat*, because taking something beneficial and avoid harm is a human nature. According to Syariat, it is a protection value (*al-hifẓ*) of Islamic law purpose (*al-maqāshid al-syarī*). The purpose of Syariat law covers one or whole five basic law protections (*al-kulliyāt al-khamsah*), those are: protection towards religion (*hifẓ al-dīn*), protection towards life (*hifẓ al-nafs*), protection towards mind or intellectual (*hifẓ al-'aql*), protection towards lineage (*hifẓ al-nasl*), and protection towards property (*hifẓ al-māl*), as well as all constructions of the intended purposes mentioned in the Quran or Sunnah, or according to the consensus of the scholars (*ijmā*).¹⁰

Scholars are using terms; reason (*'illat*) and wisdom (*hikmah*) to understand *naṣ* instructions which contain forms of orders and prohibitions. From these *illat* and *hikmah*, the legal law of *naṣ* can be determined. '*Illat* and *hikmah* are specific terms refers to a portion of *naṣ* which its words or whole meaning indicates towards *maṣlahat*. Both are similar, but differ from their meaning characteristic, '*illat* always comes in form of clear reason showing literally the purpose of Syariat, whereas *hikmah* sometimes comes as something cryptic. Some *uṣul* scholars allow the use of *hikmah* as reason within law determination, some others forbid absolutely.¹¹

Since the purpose of Syariat is always to bring *maṣlahat* and prevent *mafsadat/maḍarrat* involving many people, it needs to be underlined that consideration of *maṣlahat* in *Maqāshid al-Syarī* is thorough, such as in *mu'āmalat*, punishment, wealth distribution, and the relationship of husband and wife. The purpose is not intended to the beneficiaries of partial importance, and the consideration not to waste beneficiaries and avoid damage is more important than any other considerations of worldly affairs.¹²

Marriage as a part of the third branch of Syariat based on the principles of goodness and happiness of the people has its basic value which

¹⁰*Ibid.*, p. 92

¹¹Al-Sa'dī, As'ad 'Abd al-Hakim, *Mabahīṣ Al-Illat fi Al-Qiyās*, Alexandria, Dar al-Nasyr al-Islāmiyyah, 2000, p. 105

¹²Wahbah Zuhailī, *op. cit.*, p. 93

is related to the creation of mankind. Since the beginning, God created a prototype of human species from one man and one woman. The Quran says:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ

O mankind, We have created you from a male and a female.¹³

After that, the first man and the first woman were bringing forth many men and women. The Quran says:

الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً

...(God) Who created you from a single self, and of him He created his wife, and of both scattered a lot men and women.¹⁴

Since one's interdependence to one another is a law that applies to all existence and world events, life and formation of civilization on earth will not be sustainable, and the existence of human species will not be multiplied except because of sexual convergence between male and female, the helping between them, and their complementary to one another.

The multiplication of human species comes as result of convergence, and the convergence happens because of the interdependence between man and woman. The interdependence causing the multiplication exists because God has created physical attraction. However, the attraction itself is not the purpose of creation. Lust was created as a natural intermediary to what are actually prescribed by God; bringing their offspring. In order to maintain the attraction of his creation so it will not harm the existence, God through His divine religion provides the only path which within this path men and women can go along. This path is called marriage (*al-nikāh*). God encourages and promises rewards for men and women to practice marriage. The Quran says:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْزِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ

¹³QS: 49:13

¹⁴QS: 4:1

Marry off the single among you and among the righteous of your male and female slaves. If they are poor then Allah will supply their needs from His generosity. And Allah is expansive, all-knowing.¹⁵

The Prophet said:

يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَغْضُ لِلْبَصْرِ وَأَحْصَنُ لِلْفَرْجِ وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءٌ

O young men! Those of you who can support a wife and household should marry. For, marriage keeps you from looking with lust at women and preserves you from promiscuity. But who cannot, he should take to fasting which is means of tampering sexual desires¹⁶

Al-Ghazālī describes the physical attraction as a natural characteristic of human being and marriage comes as Syariat rule for the protection in his masterpiece, *Ihyā' Ulūm al-Dīn* as following:

وَمِنْ بَدَائِعِ أَلطَافِهِ أَنْ خَلَقَ مِنَ الْمَاءِ بَشَرًا، فَجَعَلَهُ نَسَبًا وَصَهْرًا، وَسَلَطَ عَلَى الْخَلْقِ شَهْوَةً اضْطَرَّ لَهُمْ بِهَا إِلَى الْحِرَاثَةِ جَبْرًا، وَاسْتَبَقَى بِهَا نَسْلَهُمْ إِفْهَارًا وَقَسْرًا، ثُمَّ عَظَّمَ أَمْرَ الْأَنْسَابِ وَجَعَلَ لَهَا قَدْرًا، فَحَرَّمَ بِسَبَبِهَا السَّفَاخَ وَبَالَغَ فِي تَقْيِيحِهِ رَدْعًا وَزَجْرًا، وَجَعَلَ إِقْتِحَامَهُ جَرِيمَةً فَاحِشَةً وَ أَمْرًا نُكْرًا، وَنَدَبَ إِلَى النِّكَاحِ وَحَثَّ عَلَيْهِ اسْتِحْبَابًا وَأَمْرًا... فَإِنَّ النِّكَاحَ مُعِينٌ عَلَى الدِّينِ، وَمُهَيِّئٌ لِلشَّيْطَانِ، وَحَصَنٌ دُونَ عَدُوِّ اللَّهِ حَصِينٌ وَسَبَبٌ لِلتَّكْثِيرِ الَّذِي بِهِ مُبَاهَاةُ سَيِّدِ الْمُرْسَلِينَ لِسَائِرِ النَّبِيِّينَ.

From the uniqueness of His kindness, God has created the human species from water (semen), then He makes it to be a part of lineage and brother in law. He overcomes lust upon them whereby he forced them to "cultivate" with real force, and maintain lineages of them with the lust by force. Then the lineage things become great, and He makes it precious. Therefore, murder becomes prohibition, and He judges it very damned and forbidden deeds. Then He guides His creatures towards marriage and encourages to it, promising to reward with actual command ...because truly, marriage is help towards religion and insult to devil, fort of everyone excepts the enemy of

¹⁵ QS. 24:32

¹⁶ Al-Bukhari, *Ṣaḥīḥ Bukhārī*, No.4677, *Mauṣū'at al-Ḥadīṣ al-Sya'rif al-Kutub al-Tis'ah*, Global Islamic Software Company, 2000

God, and cause of multiplication of mankind that makes the leader of the apostles (pbuh) proud more than the other apostles.¹⁷

Human tendency with their lust (*syahwat*) leads them to multiply their offspring, and marriage with its regulation is to preserve descent. Hence, the killings of offspring that can break *nasl* become very damned deed. What to be understood from *nasl* and explanations above is that the most fundamental purpose of biological relationship prescribed by Islamic law in form of marriage is *hifz al-nasl* (maintaining lineage of human species).

According to Zuhāilī, marriage contract (*al-‘aqd*) is important because marriage and things that follow it such as the fulfillment of the rights of wives and children is to protect the goodness of both married couples and their children. The contract is useful as the umbrella protecting the law to keep the bond intact of marital relationship and create a good life in that relationship. The basic of this importance is spoken by the Quran in the verse "*faim̄sākun bima'rūf au tasrīḥun biiḥsān*". In addition to the verse, the original law (*al-ḥukm al-aṣl*) of the cut (abandoning wife and children) is prohibited because it harms the rights of women and children.¹⁸

Marriage as a Syariat law is a part of *Mu‘āmalāt Madani* based on considerations of *maṣlaḥat*, and situation of *maṣlaḥat* can change in accordance with time, customary, development of civilization and prosperity changing.¹⁹ Therefore, the law of marriage would also change due to many causes. Flexibility of marriage's law has been shown by verses in al-Quran and Hadith contain orders to it. Some verses and Hadiths includes certain terms as requirement based on certain *maṣlaḥat*. One of the examples is the following verse:

فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً

It is previously said: "*Marry the woman you love, two, three, or four.*" Order of marriage in this verse is depend on "*if you fear to be injustice*" which the

¹⁷ Abu ḥāmid Al-Ghazālī, *Ihyā Ulūm Al-Dīn*, Beirut, Dar al-Ma'rifah, 1991, vol. 2 p. 21

¹⁸ Wahbah Zuhāilī, *op.cit.*, p. 93

¹⁹ *Ibid.*

justice becomes requirement. If a man can be just, he therefore will be allowed to marry more than one woman.

An order to marriage with certain requirement is also exemplified in the Prophet saying:

مَنْ اسْتَطَاعَ مِنْكُمْ الْبَاءَةَ فَلْيَتَزَوَّجْ

The word *al-Bā'ah* derived from *al-Mubā'ah*. It means home or residence.²⁰ A requirement In the Prophet's saying above is an ability to afford the marriage. If he is unable fulfill the requirement, it is not advisable for him to get marry.

There are various considerations of *maṣlahat* on marriage. One side of considerations is affected by male factor related to whether he is decent man to marry so he can fulfill the purpose of Syariat, or otherwise not. On the other hand, women's criteria as a potential life partner also become consideration. On man's side, godliness is serious consideration, the Prophet (pbuh) says:

إِذَا جَاءَكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَخُلُقَهُ فَأَنْكِحُوهُ، إِلَّا تَفْعَلُوا تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَفَسَادٌ

If someone with whose godliness and moral character that you are satisfied comes to you as suitor, give him the girl under your care. If you do not do so, there will be trouble and corruption in the land.²¹

Fatwa for men related to the purpose of maintain *al-nasl* was stated by 'Iyād: Marriage is recommended for every man who expects to get descent from marriage, even though he had no lust in the sexual intercourse at all; because the Prophet says "*fā innī mukāshirun bikum*" and because there are clear encouragements and orders to marriage. It was also said by others, marriage is recommended because the generality of prophet saying "*Lā raḥbāniyata fī al-Islām*". For a man who do not want to have children as well as a man who do not have passion to women and sexual intercourse,

²⁰Aḥmad ibn 'Alī ibn Hajar, *Fath al-Bari fī Syarhi Ṣaḥīh Bukhārī*, Beirut, Dar al-Fikr, 2000, vol. 9 p. 108

²¹Al-Tirmiḏī, *Sunan al-Tirmiḏī*, no.1005, *Mauṣū'at al-Ḥadīṣ al-Syarīf al-Kutub al-Tis'ah*, Global Islamic Software Company, 2000

then the law is permissible with certain condition; his wife knows and she accepts.²²

Beside of one that is based on the principle of lineage protection (*hiḏ al-nasl*), there is fatwa about marriage based on the principle of life protection (*hiḏ al-nafs*). For example is a man who cannot stop his lust, leading him to do adultery which could harm him except if he get marry, he therefore is obliged to carry it out.²³

The fatwa about marriage is also considering the protection of faith or godliness (*hiḏ al-dīn*), especially in the condition of a man that marriage brings the purpose of distributing libido (*kasr al-syahwāt*) and sanctity of life (*i'fāf al-nafs*), then he is recommended to get marry. On the other hand, if there are things that will not harm the wife, but detrimental to him, especially if marriage causes interruption of his good deeds, prayer, or study, then the law is highly not recommended. It is also said that if a man is in single state and he can do better at obedience, worship, and study than if he get marry, then he is not recommended to do so.²⁴

Al-Ghāzālī has his recommendation for men who wants to marry. If a man can achieve all benefits of marriage, and there will be no danger of it, then it is recommended according to his situation to marry, if not, then he will be better to leave it. Whereas, in a case that there is a situation where benefits and harms comes into conflict, then he should practice *ijtihād* and do the better one which has more benefits and less dangerous.²⁵

In relation to the consideration of marriage which women are its factor, the author needs to underline that in the verses and Prophet's sayings about marriage, men are positioned as subjects who carry out the orders (*mukhāḏab*), while women are more often positioned as passive objects. Because of that, there are very little *khiḏāb al-naḥ* and scholar's fatwa aimed directly at women. Even a verse in Quran is likening women to agricultural

²² Aḥmad ibn 'Alībn Hajar, *op. cit.*, p. 13

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

land for men:

نِسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأَتُوا حَرْثَكُمْ أَلَىٰ شِئْتُمْ وَقَدِّمُوا لِأَنفُسِكُمْ

Your wives are your tilth; go then, unto your tilth as you may desire, but first provide something for your souls.²⁶

The verse above shows that besides of becoming passive objects, women are also described as tilth; a place to plant seeds of men. It shows how women are positioned as the main instruments to preserve human species as *ḥarṣ* in this verse means a place that the impending birth grows, as it is interpreted by Ibn ‘Abbās.

It is generally understood that there is fertile ground and in contrary infertile. There is soil that upon it certain plant can grow, but is not suitable for growing other plant. To liken women as tilth, it is necessary for men to choose which tilth is suitable for them. The prophet says:

تَخَيَّرُوا لِنُطْفِئِكُمْ وَأَنْكِحُوا الْأَكْفَاءَ وَأَنْكِحُوا إِلَيْهِمْ

Choose where you deposit your sperm, marry whom is qualified, and propose (parents of) them.²⁷

Good tilth is a fertile one, the Prophet (pbuh) said:

تَزَوَّجُوا الْوُدُودَ الْوُلُودَ فَإِنِّي مُكَاتِرٌ بِكُمْ الْأُمَمَ

Marry which is loving and fertile, because I would be proud of your number.²⁸

Both Hadith are examples of women criteria based on their genetic consideration. On the other side, the quality of women from its moral and cultural aspect is also important. Men as active subjects are assigned to choose women, and when they start searching for a life partner, it is a natural inclination that they search for women who possess one of four qualities, or some of them combined, or all combined together. The prophet

²⁶ QS: 2:223

²⁷ Ibn Mājah, *Sunan Ibn Mājah*, no. 1958, *Mauṣū‘at al-Ḥadīṣ al-Syarīf al-Kutub al-Tis’ah*, Global Islamic Software Company, 2000

²⁸ Abu Dāwud, *Sunan Abī Dāwud*, no. 1754, *Mauṣū‘at al-Ḥadīṣ al-Syarīf al-Kutub al-Tis’ah*, Global Islamic Software Company, 2000

says:

تُنكح المرأة لأربعٍ لِمَاهَا وَحَسَبِهَا وَجَمَاهَا وَلِدِينِهَا فَاظْفَرْ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ

A woman is taken in marriage for four qualities: her wealth, her family, her beauty and her religiosity. So get hold of the religious one, and you will be blessed.²⁹

In Hadith above, the Prophet advised men to strictly choose women for their godliness. It should be considered more important than the others. There is more detail explanation about why the godliness is the most important, the Prophet says:

لَا تَزُوجُوا النِّسَاءَ حُسْنُهُنَّ فَعَسَى حُسْنُهُنَّ أَنْ يُرْدِيَهُنَّ وَلَا تَزُوجُوهُنَّ لِأَمْوَالِهِنَّ فَعَسَى أَمْوَالُهُنَّ أَنْ تُطْعِيَهُنَّ وَلَكِنْ تَزُوجُوهُنَّ عَلَى الدِّينِ وَلَا مَةَ حَرَمَاءَ سَوْدَاءَ ذَاتُ دِينٍ أَفْضَلُ

Do not marry women for their beauty, for their beauty may destroy them. Do not marry them for their wealth, for their wealth may make them rebellious. Marry them on the basis of faith. A religious black maid who is a believer is much better for you.³⁰

Like the men side, on the women side, the Prophet emphasizes the importance of godliness as consideration of *maṣlahat* in marriage. One of the reasons why religion become an important aspect is because besides of to preserve the species (*hiḥẓ al-nas*), the other purpose of marriage is to protect the entire aspect of human life including *hiḥẓ al-naḥs* and *hiḥẓ al-dīn*. The protection are implied in the words of the prophets; to keep sight (*agaḍ li al-baṣar*) and to fortify genitalia (*aḥṣan li al-farj*). Al-Ghāzālī also mentions: "truly marriage is help to religion and is insult to devil" That is why marriage gives perfection to someone's religiosity. Related to this matter, hadith with *isnād ḍāif* narrated from Anas becomes famous, that the Prophet (pbuh) said "Anyone who has married, truly has made his half of godliness, therefore, beware of God on the other half."

²⁹Al-Bukhari, *Ṣaḥīḥ al-Bukhārī*, no. 4700, *Mauṣū'at al-Ḥaḍīṣ al-Sya'īf al-Kutub al-Tis'ah*, Global Islamic Software Company, 2000

³⁰Ibn Mājah, *Sunan Ibn Mājah*, no. 1849, *Mauṣū'at al-Ḥaḍīṣ al-Sya'īf al-Kutub al-Tis'ah*, Global Islamic Software Company, 2000

Besides of mentioned principle (*hifz al-dīn, hifz al-nafs, and hifz al-nasl*), the law of marriage is also meant to protect lineage purity; *hifz al-ansāb*. According to al-Jurjāwī, marriage is actually important to maintain the purity of lineage, and maintaining the lineage contains a lot of benefits, and the most important is about the rights of inheritance. Since actually if a man is not focusing his reproduction into certain women, his children status will become unknown. On the other side, the origin of his genealogy among lineages of mankind will be also unknown.³¹

The value of lineage protection as a wisdom of marriage has great significance towards Arab civilization. It is known that previously the civilization had *fatrah* period, meaning end of revelations and apostles. During that period, many worldly and religious practiced by the Arabs have deviated from their native religion brought by Ibrahim long before Muhammad (pbuh). When Muhammad (pbuh) brings Islam, he clarifies that marriage is his way of life. The Prophet said:

أَنْتُمْ الَّذِينَ قُلْتُمْ كَذَا وَكَذَا أَمَا وَاللَّهِ إِنِّي لَأَخْشَاكُمْ لِلَّهِ وَأَتَقَاكُمْ لَهُ لِكَيْيَ أَصُومُ وَأُفْطِرُ وَأُصَلِّي وَأَرْقُدُ وَأَتَزَوَّجُ النِّسَاءَ فَمَنْ رَغِبَ عَن سُنَّتِي فَلَيْسَ مِنِّي.

Are you the ones who said so and so? By Allah, I am more God-fearing and devout than you. Nevertheless, I fast and I break my fast, I pray and I go to sleep, and I marry. He who deviates from my way is none of me.³²

As the Prophet's way of life, the procedure of marriage in Islam known until today is a cultural heritage that has existed before Islam. This means that the practice of Islam he brought to the people of Arab is not a new practice that the people never know. He keeps practices and virtues that already exist, and abolish the falsehood ones. Marriage practices that are not righteous like *istibḍā'* (intentional infidelity to obtain offspring from other

³¹Alī Ahmad, al-Jurjāwī, *Hikmat al-Tasyrī' wa Falsafatuh*, Beirut, Dar al-Fikr, 1997, vol. 2 p. 4

³²Al-Bukhari, *Ṣaḥīḥ Bukhārī*, no. 4675 *Mauṣū'at al-Ḥadīṣ al-Syarīf al-Kutub al-Tis'ah*, Global Islamic Software Company, 2000

male) and polyandry³³ was abolished because it is harmful to their lineage purity and because it will potentially cause chaos within society. Marriage as the Prophet's way of life indicates how the wisdom of *hifz al-ansāb* has been something urgent at the time.

The wisdom of marriage in the end emphasizes the importance of love and compassion as both is purposed to achieve tranquility. This state can deliver to the good towards mankind and their happiness, The Quran says:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

And one of Allah's sign is that He has created for you mates from yourselves, so you may dwell in tranquility with them, and has ordained between you Love and mercy.³⁴

Islam views procreation as a natural process triggered by the presence of lust. The lust was created by The Creator and at the same time He instills

³³ Before the Prophet (pbuh) was sent, there are different ways of marriage and having children:

- (a) Marriage as it is known until now, that a man proposes a woman to her guardian, then he gives her dowry and then they live together.
- (b) A husband said to his wife at fertile period/not menstruating, "Meet this *fulān* and have sex with him!" then for a while the husband isolates away from her, not having sex with her until she is actually pregnant from the intercourse with that *fulān*. And when the pregnancy is known to be positive, then the husband can have sex with her if he would. He did the practice just to have good descendants.
- (c) Group of people (comprising less than ten) had intercourse with a woman. And when it was found out that she was pregnant and gave birth. Then after few days of his son's birth, she sent a letter to the group of men and no one should refuse. Then they gathered at the woman's place. Then she said, 'You have to know what your business is first. And I have gave birth to him, then the child is your son, O *fulān*!' she has chosen the name of one of them that she liked, and the appointed men cannot dodge.
- (d) The crowds gathered and then screwed a woman, and no one can resist for a man who intercourse with the woman. These women are prostitute, they stick signs on the door of their houses as a sign to anyone who wants them so he could go and hang out with them. And when one of them pregnant, then gave birth, then they (the crowd) were inducted, and then they inducted the expert lineage (*al-qafah*). This man is the person who handed the woman's child to the man that he regarded as his father, and the child was called as a child of him. And that person cannot dodge.

After the rise of Islam, those marriage practices was removed by the Prophet except one; marriage that is performed by Muslims until today. See: Hadith narrated from 'Aisyahby Al-Bukhari, *Ṣaḥīḥ Bukhārī*, no.4732, *Mauṣū'at al-Ḥadīṣ al-Syarīf al-Kutub al-Tis'ah*, Global Islamic Software Company, 2000

³⁴ QS 30:21

it to His creatures. Then interdependency occurs between the two sexes which naturally lead them to reproduce. It seems that there are similarities between Christian and Catholic theology with Islamic theology in terms of looking at the process of the creation of human beings. They both emphasize the awareness of God namely His will and force.

In Islam, marriage rules are built on protection of mankind and to achieve the benefits for them. Words about this are mentioned in Quran and Hadith in detail that marriage and the natural processes of procreation is for the purpose of human species conservation (*hifẓ al-nas*). Other than that purpose, the verses and Hadith also contain the other purposes that complement each other. The rules in Islam about marriage is a proof of its *syumul* characteristic that its values are thorough in all aspects of life.