

Issues on the Age of Marriage

Marriage is an important institution in Islam

- It is the only basis for legitimate sexual intercourse
- Islam prioritizes piety and chastity as primary reasons for marriage but also recognizes that people may get married for secondary purposes such as love; economics; social mobility etc.
- Based on individual free will
- Marriage requires Nikah which is a social and religious contract

These specifications within Islam sometimes may vary in relation to the values, principles and attitudes of Western cultures. For example, at this time we can speak about such issues as the age of marriage, parental consent, circumcision, dress code, travel and so on that crop up from time to time. As for this paper we discuss one such issue which is the age of marriage.

Summary Points

1. Muslim marriage contract comprises ijab (giving in marriage) and qubul (acceptance of marriage) in the presence of 2 male Muslim witnesses.
 - a. Nikkah is considered to be lawful at any age but both parties or their parents and guardians must give consent in the case of minors.
 - b. Consummation can only happen after the person has attained the age of puberty

This is different in the western world where sexual relations and marriage are treated as separate aspects of human activities.

2. The need for the age of consent in marriage is contingent on the schools of Jurisprudence, and may vary according to culture. This will be treated with in a separate paper.

In western countries, persons can marry without parental consent on attainment of the marriageable age – 18 years in the UN convention. The marriageable age has over the years proven to be a tool in some countries that is subject to manipulation based on economic, health, social, political intent etc.

3. Marriage and the need for limitation of marriage below a certain age is recognized by 123 of the 195 countries in the world. The legal age for marriage without parental consent varies by countries and ranges from 15 – 21 years and older. 55 countries have agreed that the marriageable age is 18 years.
4. Marriage of minors is an established precedent in many religious and secular legal codes throughout the world. It protects persons and social values in some ways.
5. Given it is a right afforded to Muslims who have attained the age of puberty, we can impose certain safeguards to ensure that the lives and safety of the individuals are protected, but we cannot deny them the right to marry if they so choose.