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# Cousin Marriage In The Light Of Sharia And Medical Science

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## ABSTRACT

The Islamic religion places a high value on marriage, referring to it as a "big contract because it gives a man physical peace, love, kindness, and contentment (Surah Al-Room, 30:21). Due to cultural norms, most societies prefer to marry close relatives in order to protect family names, relationships, and inheritance from outsiders. Some people are apprehensive to marry close relatives because of the potential for complications, such as divorce and disputes. The Shari'ah does not ban cousin marriage but kept the matter permissible (MUBAH). Many recent scientific investigations have found that cousin marriage causes a slew of family problems. We'll try to clarify the instruction to cousin marriage as thoroughly as possible. Is that accurate?

**Key words:** contentment, lineage, permissible

## Introduction:

Marriage shapes a family, and families establish a society. Marriage (Nikah) is the sole legal option to secure a child's birth, education, and lineage. That is why Islam advocates marriage to create a pious society. In Islam, marriages between first cousins are permitted. (Surah Nisa Verse 22-24). Cousin marriage is also permitted in many other religions and civilizations.

According to some medical studies, marrying your first cousin results in the birth of abnormal children. However, as far as Islam is concerned, it permits the marriage of one's first cousin-

### **Research Questions:**

- 1: Is it obligatory to marry in Islam?
- 2: Is it legal to marry one's cousin?
- 3: Are cousin marriages prohibited by doctors?
- 4: What are the advantages and disadvantages of cousin marriage?

### **Literature review**

1. "Cousin Marriage Halal ya Haram" is a brief book written by Mohammad Shoab.
2. Similarly, Zahid Hussain Sahib responded to the notion that cousin marriage is prohibited in Islam by writing an article in support of "Cousin Marriage."
3. Anika Naz wrote an article on her web blog entitled "Cousin Marriage aik aur tajzia"

### **Ruling on marriage (Nikah) and its basic components.**

All of the jurists agree that marriage is legal and permissible (Mubah) (Al-kasani, 1986; Ibn-e-Qudama),. This guideline may alter to obligatory (Wajib), delegate (Mandoob), permissible (Mubah), dislike (Makrooh), and even prohibited (Haraam) depending on the condition of the person getting married.

A person who is terrified of undertaking haraam employment and has the means and ability to marry is required to marry (Ibn-e-Aabideen, 1992; Bada-e-Ussana'ie Fi Tarteeb-e-Shara'ie). It is preferable to marry someone who has self-control. That is, getting married is preferable to engaging in supererogatory worship (نفل). (Al-Sarakhsi, 1993; Bada-e-Ussana'ie Fi Tarteeb-e-Shara'ie)

Nikah is also Haraam for a person who is unable to pay bread and alimony, or who is unable to fulfill his spouse's rights, or who suffers from impotence (Bada-e-Ussana'ie Fi Tarteeb-e-Shara'ie). It is also Makrooh for someone who is afraid of oppressing his spouse after marriage. Marriage is permissible if none of these conditions apply (Ibn-e-Nojaim)-

### **The Essential Components of Nikkah (Marriage).**

The jurists have different views about this :

First Opinion: Hanafi jurists (Al-Aini; Al-Bahr Ur Raiq Sharah Kanz Ud Daqaiq)and Hanbalis (Al-Mughni, Book Al-Nikah; Baha Ud Din, 2003) believe that Nikah has only two components: Ijab and Qabul.

- Second opinion: According to Maliki jurists (Ibn-e-Jazri), marriage consists of five elements: husband, wife, guardian, dower, and words of marriage.



niece, niece, niece, niece Apart from them, you are free to marry any of your relatives (cousins, uncles, cousins, aunts, and so on), just as you are free to marry.

" يَا أَيُّهَا النَّبِيُّ إِنَّا أَحَلَّلْنَا لَكَ أَزْوَاجَكَ اللَّاتِي آتَيْتَ أُجُورَهُنَّ وَمَا مَلَكَتْ يَمِينُكَ مِمَّا أَفَاءَ اللَّهُ عَلَيْكَ وَبَنَاتِ عَمَّاتِكَ وَبَنَاتِ خَالَكَ وَبَنَاتِ خَالَاتِكَ اللَّاتِي هَاجَرْنَ مَعَكَ وَامْرَأَةً مُؤْمِنَةً إِنْ وَهَبَتْ نَفْسَهَا لِلنَّبِيِّ إِنْ أَرَادَ النَّبِيُّ أَنْ يَسْتَنْكِحَهَا خَالِصَةً لَكَ مِنْ دُونِ الْمُؤْمِنِينَ قَدْ عَلِمْنَا مَا فَرَضْنَا عَلَيْهِمْ فِي أَزْوَاجِهِمْ وَمَا مَلَكَتْ أَيْمَانُهُمْ لِكَيْلَا يَكُونَ عَلَيْكَ حَرَجٌ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا"

(Surah Al-Ahzaab 33:50)

In this blessed verse, Allah (swt) has made it permissible for the Holy Prophet (sws) to marry any woman except the mahram who has to pay the dowry.

### Arguments from Sunnah

1. The Holy Prophet (peace and blessings of Allaah be upon him) married his cousin, Umm al-Mu'minin, Hazrat Zainab (peace and blessings of Allaah be upon him) (ra) (Al-Sayooti). Which is also mentioned in Surah Al-Ahzaab (Surah Al-Ahzaab 33:37).
2. Similarly, the Holy Prophet married his cousin Hazrat Ali to his daughter Hazrat Fatima (Ibn-e-Hibban, 1988 AD)-

### A Rational Argument:

1. Every thing is permissible according to its origin. Therefore, when there is no clear text from the Shari'ah that prohibits marriage with relatives, then it is just as permissible as marrying outsiders.
2. Everything is (Mubah) according to its origin.

However, other scholars, mostly Shafi'is and some Hanbalis, oppose cousin marriage and would rather marry a stranger. This is because cousins have less lust, resulting in weaker children. These scholars' support their position with the Sunnah, Salaf sayings, and rational reasoning.

### Arguments from Sunnah:

It has been narrated from Holy Prophet that " لَا تَنْكِحُوا الْقَرَابَةَ الْقَرِيبَةَ؛ فَإِنَّ الْوَلَدَ يُخْلَقُ ضَاوِيًّا " (Ibn-e-Mulaqqin, 2004 AD)

"Do not marry a close relative" because it results in feeble offspring". Scholars have questioned the authenticity of this hadith. Hafiz Ibn Salah) adds. "I do not believe this hadith to be a credible guideline".

Even though the Holy Prophet (saw) married his daughter Hazrat Fatima to his cousin Hazrat Ali. Allama Sabkir believes it is best not to show this ruling without evidence (Al-Qastalani, 1323 H.).

### Jurisprudential view:

They also argue from some of the jurisprudential texts mentioned in the books of jurisprudence which indicate that marriage with relatives is undesirable.

1- People of The Saib tribe were told by Hazrat Umar (RA) to marry strangers:

" قد أضويتم فانكحوا في النزاع "

(Al-Iraqi, 1987 AD; Al-Badr Ul Munir Fi Takhreej-e-Ahadees wal Aasaril Waqati Fi Sharh Al-Kabeer)

2: According to Imam Shafi'I أما أهل بيت لم تخرج نساؤهم إلى رجال غيرهم كان في أولادهم حمق

" (Ibn-e-Hajar Asqalani, 1989 AD) "Individuals who do not marry strangers have offspring that are less intelligent."

3: This, too, has been accomplished. (Al-Dinor)

" بَنَاتُ الْعَمِّ أَصْبَرُ، وَالْغَرَائِبُ أَنْجَب "

"That cousin has more patience, and the stranger has more children."

### **A Rational Argument:**

" من مقاصد النكاح اشتباك القبائل لأجل التعاضد واجتماع الكلمة وهو مفقود في نكاح القريبة "

(Irshad Us Saari Lisharah Sahih Ul Bukhari)

"The objective of marriage is to bring two families together for mutual assistance and support, which can only be obtained by marriage with an outsider. This is because cousins already have it."

2: Cousins are weak because they lack lust.

3: When it comes to divorce, due to domestic problems between spouses, cousins become disconnected from previous relationships, whereas strangers have no previous relationship, thus there is less dissociation (Ibn-e-Mufallah, 1997 AD).

### **Doctors' opinion about cousin's marriage:**

Physicians dispute on whether or not they can pass on family diseases to future generations. As a consequence, they've been divided into two groups.

### **The First school of thought**

One school of thoughts is that, marriage with relatives (cousins-marriage) is not inherently dangerous, and there is no prohibition or law, preventing it, but it is sometimes more helpful than marrying others, and sometimes it is not, but marrying someone else is more rewarding, because the possibilities of passing down a family disease to the next generation are only 2 to 3 percent or 3 percent to 4 percent. The probability is not as high as stated, and it is also a very small proportion that too in case of intermarriage in the same family for many generations. Otherwise, getting married in the same family once or twice is not harmful. (<http://www.alriyadh.com/690195>)

### **The Second school of thought:**

Some doctors strictly prohibit the marriage of cousins, as this causes many family diseases to be passed on to the next generation. Therefore, traits are passed from one generation to another through genes. These genes are present on chromosomes. Every human being has 23 pairs of chromosomes. In females, this pair consists of two X's, and in males one is X and the other is Y.

In boys, the X chromosome is transmitted from the mother and Y from the father, and in girls, from both mother and father, X is transmitted. As a result, some hereditary diseases are passed down through the generations through boys, some through girls, and some through both.

Genes carry different traits. Not all of them appear in the next generation. Some that are strong are dominant and those that are recessive and are not expressed though these are present in the genes at that time. So recessive genes are more likely to prevail. An example of this is that if one person in the genes had a trait of unhealthy heart disease ten generations ago, then the chances of heart disease will increase as a result of intermarriage for ten consecutive generations.

( :[http://anqasha.blogspot.com/2010/04/blog-post\\_22.html](http://anqasha.blogspot.com/2010/04/blog-post_22.html))

### **Advantages of cousin marriage**

Most of the benefits of cousin marriage are related to community matters:

- No need for investigation into the family.
- The relationship between two personalities or two families becomes stronger.
- Due to the pre-existing relationship, their manners and customs are similar, resulting in mutual trust.
- Successfully passes on family legacy to the next generation by upholding family traditions.

### **Disadvantages of cousin marriage**

- According to scientists, every fetus has a 2% possibility of having a genetic abnormality, but when the pregnancy is in a cousin's marriage, the risk is 5%. Intermarriage between relatives, on the other hand, can triple the risk of mental diseases in their offspring, including sadness and anxiety.
- In addition, the risk of depression in the general population is up to 10% in life, but it can be as high as 30% when married cousins are involved.

(زواج الأقارب : الإيجابيات والسلبيات منشور على الشبكة العالمية للإنترنت على موقع الصحة والحياة)

- According to studies, the higher the number of cousin marriages, the greater the risk of physical frailty and mental retardation in offspring.  
(<https://www.humsub.com.pk/359633/dr-syed-ikram-2/>)

## **Conclusions**

- Marriage is legal and permissible (Mubah) in Islam and All of the Prophets followed this practice.
- Marriage can be obligatory, Mandub, Permitted, Makrooh, or haram depending on one's specific circumstances.
- There is no text in the Holy Qur'an or Sunnah that prohibits cousins from marrying relatives or differentiates between marrying close or distant relatives or strangers. You have the freedom to marry anyone you wish.
- It is not correct to say that marriage with relatives spreads, family diseases in children. However, it is critical to follow the doctor's recommendations, particularly in the case of family illnesses, to protect the future generation from disease.

## **Recommendations:**

- As Muslims, it is our responsibility to adopt a balanced opinion, avoiding excesses in any matter as a result, even in the case of cousin marriages.
- Research is an ongoing process. Since the previous investigation and research are not final, the doctors should conduct new research on this matter and inform the public honestly about the results so that no ambiguity remains.

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(زواج الأقارب : الإيجابيات والسلبيات منشور على الشبكة العالمية للإنترنت على موقع الصحة والحياة)

anqasha.blogspot.com: ([http://anqasha.blogspot.com/2010/04/blog-post\\_22.html](http://anqasha.blogspot.com/2010/04/blog-post_22.html))