

DEMOGRAPHIC POLICIES IN THE CONTEXT OF GLOBALIZATION. AN ANALYSIS OF THE RIGHT TO MARRIAGE IN ISLAM

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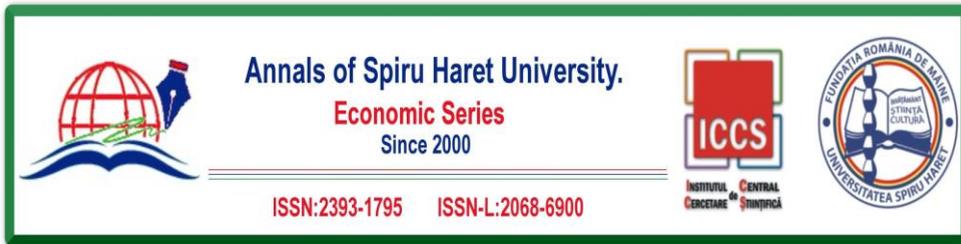
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Abstract

In the context of globalization, the demographic geometry is suffering major changes that have significant effects on the social economy of states.

For any society, change is an element with great development potential but also with an extremely dangerous major component: the fear felt at individual level.



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The last few years have witnessed a populist xenophobic trend (at least in Europe), if we refer to the crisis of immigrants, mostly Muslims, who are knocking at Europe's borders.

Starting from the certainty that fear has its source in ignorance, the present paper has two objectives: on the one hand, to bring more insight into some particular aspects related to the Islamic family and to the rights of women within this social institution and, on the other hand, to make a presentation of some demographic policies of the European family.

Keywords: *globalization; demographic policies; right to marriage in Islam.*

JEL Classification: K4

Introduction

The expansion over EU borders represents a major fear, that of losing nationality, at least in the public discourse. Especially if those who “are forcing the borders” are known for their care for demographic growth.

Could a change in ethnic balance in the context of globalization have major adverse effects on the development of societies in a not too distant future?

Have societies succeeded in creating balance mechanisms strong enough for a wave of demographic changes not to disturb the balance in a major way?

The natural question is whether this fear is reinforced by reality or it remains just a tool of manipulation?

This paper intends to come up with some answers.

First, by reviewing how European countries have outlined demographic policies on the family, and how they need to be modified as a result of the influences of ethnic change in their populations.

In this regard, we have focused our attention on reviewing the Islamic legal regulations of the marriage institution, being convinced that the source of fear is ignorance and that the solution comes with the correct understanding of the phenomena.

The topic is very current, fortunately discussed in the most diverse environments and modes and the work comes, in this context, to contribute to a broader, more complex and diversified debate.



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The fear of globalization – considered to be orchestrated by the US: economically by Wall Street, politically by Washington and culturally by Hollywood [Giunchi, 2014] – leads to radical positions in national regional policies, considering that globalization has, besides its beneficial effects on world economies, its losers.

Europeans are increasingly scared. According to a Gallup study from 2015, more than 64% of Europeans have negative perspectives on the future, feel lonely, helpless, or losers in front of new “Eurabics”.

These two considerations: on the one hand, the increase in the number of emigrants has led to the emergence of a neo-populist trend with considerable effects among the population [Schori Liang, 2013], which has been used a lot in the last electoral period by most European states through a xenophobic and nationalist discourse, of primary level, but well received by an increasing number of Europeans. And the fact that many immigrants are Muslims, associated with the demographic decline in “old Europe” will lead in the future to a major crisis.

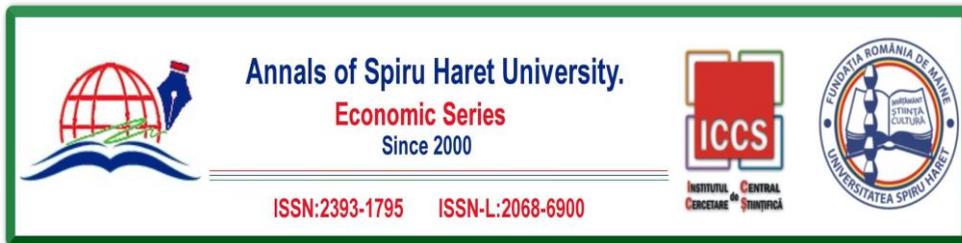
It can lead to significant blockings, to the loss of opportunities that, for the speed at which we live, could mean missed or destroyed achievements.

Immigrants are a diverse group of people who come from different areas and are of different categories, from people with high professional skills, looking for new opportunities to people fleeing war or having personal reasons to leave their country of origin.

Why are they perceived as a threat? Because they are available to work at less favourable hours for others, for less money or under high-risk conditions that civilized Europeans do not accept at the development stage that the society has reached – even if most fail to do so and exploit the full potential (at least educational) that they “bring” with them. And because they are considered a demographic threat to the Europeans, knowing the label of growing old that the old continent has.

Scientifically, the demographic growth within an ethnic group conceived as a danger of altering the ethnic identity of a country is a demographic threat (even a demographic ‘bomb’ [Rotariu, 2017]).

And to such dangers, societies have always reacted. We remind *the Bahrain’s protests in 2011* – when hundreds of thousands of Shiite Muslims protested against the government’s intentions to grant citizenship to Sunni immigrants or the situation in Canada, where there was in the nineteenth and twentieth centuries and still is, at present, a competition between the Anglophone and Francophone populations.



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And the fact that the birth rate among immigrant people is superior to Europeans is also an aspect known in history:

The mass immigration from the Arab and Muslim countries and a high fertility rate among them are described by many conservatives as a demographic threat to Europe – especially France.

Besides, some specialists believe that today 1/3 of the French have Muslim parents [Liang, 2013].

In the 1950s, the Israelis found that the rate of Arab fertility was higher, considering this as a demographic threat to the Hebrew nation, even suggesting that Jews should be encouraged to have large families, while against the Palestinians in the West Bank and Gaza, birth control measures should be adopted. They also pleaded for encouraging Arabs to emigrate abroad, even indicating the “Arab demographic threat” as one of the “Seven Existential Threats” that Israel faced.

In other words, the subject has always been debated and has given rise to controversy in various areas.

Muslims are considered a threat because their birth rate is higher than that of other ethnicities. But to what is this owed? To ancient customs? To a different way of life and the preservation of values and traditions? Do Muslim families have anything special?

We appreciate that this is an approach based on a series of existing prejudices, largely resulting out of the ignorance of reality and of the misunderstanding of the phenomenon.

In this context, we are further going to present a series of legal regulations on the family institution in Islam, with a special look at women’s rights within this institution.

Women’s Right to Marriage in Islam

Although the Arabian population of Gulf has the right to marry from the age of puberty, the average marriage rate has increased considerably in recent years, reaching about 20 years¹.

The ideal marriage was traditionally tribal, with families encouraging their children to conclude marriages with cousins or other relatives in order to enlarge

¹ <https://www.justlanded.com/english/Saudi-Arabia/Saudi-Arabia-Guide/Legal-System/Marriage-Divorce>



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and fortify the tribe, or occasionally within another tribe in order to repair relationships within families. Another reason for such marriages was that families knew the partner's past.

Similar to the situation in some Latin countries, young couples are allowed to meet under the close supervision of an attendant. However, in some stricter Gulf societies, marriage is planned without the future bridegroom seeing his partner – including the face – and he has to rely on the descriptions provided by his relatives about his wife's appearance.

There are three main aspects in an Arab marriage. First of all, the bridegroom needs to discuss and agree on the dowry with the bride's father. This may include gold, jewellery and clothing and is usually of considerable value. The marriage agreement on the dowry is followed by a marriage contract which is concluded by a legal or religious representative. The bride is asked in the absence of the future bridegroom if she agrees with the marriage and the same question is then addressed to the bridegroom. Following the agreement, the bridegroom shakes the hand of the future father-in-law and in the presence of two witnesses, marriage becomes official. However, there is another stage before the husband and wife, as a couple, meet: the wedding party. The celebration of the wedding is segregated, the women are in one part of the house and the men in the other. Finally, on the last night of the feast, the couple meets with all their friends and leaves for the honeymoon. On return, they either settle with the groom's parents and become members of the extended family or settle themselves in their home which is a growing trend.

According to Sharia, a Muslim man can have four wives, provided that he can afford to support them financially and treat them equally. However, this practice is not current anymore nowadays, not only because few can afford it, but also because women have become more independent and more determined and many refuse to accept such a posture [Nicolau, 2014]. In fact, a Muslim woman can introduce a clause in the marriage contract that prevents her husband from concluding another marriage on the duration of the contract. The wife keeps her name after marriage. Although the roles of the sexes were clearly defined in the Islamic world, the husband being the "provider" and the wife, the "caregiver", more and more often they both go to work, a less-common issue in Saudi Arabia where there are restrictions on women's right to work, except for "culturally" acceptable occupations such as medicine and education. However, many Saudi Arabian men are held back to marrying female doctors or nurses in front of whom male bodies have been exposed.



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A man can divorce his wife by saying “I divorce you” three times. He can go back on his decision if it was taken at an emotional moment, but only with the consent of his wife, and only on three different occasions. On the other hand, even if the wife had good reasons for divorce (for example, the husband was unfaithful, abused or left her, or was involved in criminal activities), she must address a court hearing the case. The husband has to support the wife he divorced and their children if the wife cannot support herself. He can request the custody of his sons when they are 10 years old. A divorced woman usually returns to her family and few get remarried.

Although a Muslim woman cannot marry a man of any other religion unless he converts to Islam, that is not the case in the opposite situation. However, non-Muslim women are often pressed to convert, and there have been many cases where foreign women who married Arabs later found that the lifestyle and local culture were unacceptably restrictive. It should be noted that in the case of a divorce in such a situation, children usually stay with their father in his native country.

The Saudi government has issued stricter new requirements for the marriage of Saudi men and women to non-Saudi citizens².

The new rules seem to be an attempt to discourage marriages to foreign citizens through strict criteria and a list of countries approved for the partner’s provenance.

Saudi men are required to have adequate living conditions, an annual income of at least 3,000 SARs, and to be between 40 and 65 years old in order to marry a foreign citizen according to Arab News.

A non-Saudi woman must be at least 25 years old and the age difference between the two must not be greater than 30 years.

For previously married Saudi men, there is a requirement of two years from the date of divorce.

Saudi women who want to marry a man who is not a Saudi must be between 30 and 55 years old and the age difference cannot be more than 10 years. However, the requirement provides for an exception, the age of 27 being allowed in the case of those with disabilities or diseases that made them “ineligible” to Saudis, according to the same publication. It applies also to orphans and other special circumstances. Documentation proving that a non-Saudi spouse has no other wife or had not been previously married to a Saudi woman has to be provided. He must

² <http://gulfbusiness.com/saudi-issues-new-laws-for-foreign-marriages/>



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also prove that he has no criminal record and provide medical records stating that he is not suffering from infectious or genetic diseases. Other requirements include proof that he did not work for a foreign army or was not included in the black list for entry into the kingdom. The non-Saudi husband must have an income of at least 5,000 SARs and adequate housing.

The Saudi woman must sign documents stating that marriage does not automatically grant Saudi citizenship to their spouse or children. For Saudi men and women there is a ban on marrying people with nationalities on a list. The spouse must have a valid passport for 12 months with a valid Saudi residence permit and both parties will undergo a security check. Moreover, substantive social reasons that caused the Saudi person to marry a non-Saudi person have to be proven. The country council Shoura is studying the possibility of granting citizenship to children of Saudi women married to non-Saudi men.

All these elements are in line with traditions that have been respected for hundreds of years.

The emigrants are trying to keep their traditions and rules even in the new societies where they come to integrate.

And here we mention attempts to Islamize the law in areas where Muslims come to represent a significant percentage [Giunchi, 2014].

European Demographic Policies

In the current social and economic context, with more or less predictable future developments, it is not possible to assess with absolute certainty how the birth rate will evolve, so it becomes complicated to adopt concrete measures by the states, especially since the European countries have adopted various measures regarding the family with children, having behind the history of social development, socio-cultural traditions and the style of policy design and implementation, decentralization and increasing the role of local governance, degree of economic development and resources that can be oriented towards family with children and, more recently, the evolution and birth rate. Until now, at EU level, the field of family policy (not to mention the one of the population policy) has been a limited and indirect area of competence of the European Community. This can only involve secondarily the universalism, convergence and policy harmonization [Hantrais, 1994].

All studies show that birth rates are steadily decreasing in European states and, in this context, one thing is certain: without a redress of birth rates, the increase in



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demographic decline is reaching dramatic dimensions (socially and economically, at least for Romania), once reaching the ages of having children of the younger generations born after 1989.

Even a recovery in birth rates will not stop the demographic decline, but will be able to significantly reduce its speed and size.

All studies show that birth rates are steadily decreasing in European countries, being considered to be the great problem of Europe, which obviously every state is trying to manage as effectively as possible through a series of socially adapted policies (Germany grants 36 month parental leave and allowance of 154 Euros per month for each of the first 3 children and 179 Euros for each of the following, Finland grants 100 Euros for the first child, 111 for the second, 142 for the third, 162 for the fourth and 183 for the fifth (and the examples can continue).

Conclusions

The differences between the steps taken for the integration of the populations (Italians, Jews, Irish) in America and the evolution of Muslim minorities in Western Europe should be carefully analyzed in order to learn from the lesson of history and not to repeat the mistakes made in the past.

In a study [Westoff & Frejka, 2007], it is shown that we have been witnessing a significant increase in the birth rate of the immigrant Muslim population in most Western European countries (and beyond) over the past decades. Thus, it is expected that the figures will tend towards equality in several decades.

The demographic increase of the Muslim population in Europe is a reality, but at the same time, the birth rate among European immigrants is lower than that of the countries where they left from. A sign of integration and adaptation to the new society that obliges states to complex demographic policies that should take into account the dynamics of births and their structure by ethnicity, religion, or level of education. That is, they are always correlated with the situations that societies are going through.

So, once more, it is absolutely necessary and beneficial to understand what sets us apart in order to build the best future for us and our children.

Unity in diversity is a brilliant formula today more than ever, for the times we are crossing.



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