

The Concise Manual *of* Marriage




Imaam Muhammad Ibn Saalih al-'Uthaymeen [d. 1421H]

Including other Commentary from Scholars of Ahlus-Sunnah wal-Jama'ah - Past and Present

❧ REVISED SECOND EDITION ❧

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﴿وَلَقَدْ أَرْسَلْنَا رُسُلًا مِّن قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً﴾

**And indeed We sent Messengers before you
and made for them wives and offspring
[Sooratur-Ra'd, 13:38]**

And the Prophet (*sallallaahu 'alayhi wa sallam*) married and has said: “**...I marry women, so whoever forsakes my way, he is not of me.**” And for that reason, the scholars have said: “Indeed, marriage with [sensual] desires is more preferred than optional acts of worship” because of the abundant benefits and praiseworthy effects that stem from it.



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Translator's Foreward

After reviewing this booklet, a transcription of a lecture given by our father, our elder and teacher, Abu 'Abdur-Rahmaan, Shaykh Muhammad Ibn Saalih Al-'Uthaymeen¹ (*rahimahullaahu ta'aalaa*), I decided to translate it into the English language for the benefit of English readers worldwide, elaborating upon those issues that were not explained by the Shaykh in his lecture. I have added many comments and explanations from the scholars of this *ummah* - past and present - as footnotes. To the best of my knowledge - and Allaah knows best and He is the Most High - it is the first **concise manual** in the English language from a major scholar of *ahlus-sunnah wal-jamaa'ah* on the subject of the *ahkaam* (legal rulings) of marriage.

A short quiz has been added after each section so that the reader may test his knowledge of that which he or she has read.

May Allaah allow me to see His Noble Face through this effort, place it on my scale of good deeds and benefit the English speaking

Muslims who are in dire need of knowing the principles and legal rulings of marriage...Aameen!

Dawud Adib, the son of David C. White Sr.

(1st December 2004, Philadelphia, USA)

¹ Abu ‘Abdullaah Muhammad Ibn Saalih Ibn Muhammad Ibn ‘Uthaymeen at-Tameeme an-Najdee. He was born in the city of Unayzah, Qaseem Region (Saudi Arabia) on the 27th of Ramadhaan 1347H/1926 C.E. to a famous religious family.

He received his education from many prominent scholars like Shaykh ‘Abdur-Rahmaan as-Sa’dee (d. 1376H), Shaykh Muhammad Ameen ash-Shanqeetee (d. 1393H) and Shaykh ‘Abdul-‘Azeez Ibn Baaz (d. 1420H).

As a teacher, many students from inside and outside Saudi Arabia benefited from him. He had a unique style of interpretation and explanation of religious points. Shaykh Ibn ‘Uthaymeen was from among those scholars who served Islaam without religious prejudice and who kept themselves away from the limitations of blind-following. He was distinguished in his great exertion of effort in religious matters and analogical deductions which clearly prove the religious understanding he possessed, and the correct usage of the principles of the religion that he adopted.

In giving religious verdicts, like Shaykh Ibn Baaz, his *fataawaa* (rulings) were based on evidence from the Qur’aan and Sunnah with about fifty compilations to his credit. He taught Religious Fundamentals at the Sharee’ah Faculty of Imaam Muhammad Ibn Saud Islamic University, Qaseem Branch. He was also a member of the Council of Senior Scholars of the Kingdom, and the Imaam and Khateeb of the grand mosque in Unayzah.

The Shaykh passed away on Wednesday the 15th of Shawwaal 1421H / 10th of January 2001 C.E. He was 74 years of age. May Allaah (*subhaanahu wa ta’ala*) have mercy upon his soul, *aameen*.



Introduction from Shaykh Muhammad Ibn Saalih al-'Uthaymeen's Lecture

All praise and thanks are due to Allaah, we seek His help and we seek His forgiveness and we turn in repentance to Him. We seek refuge with Him from the evil of our souls and the evil of our actions. Whomsoever Allaah guides then none can misguide him, and whosoever Allaah leaves to stray then none can guide him. I bear witness that there is none worthy of worship except Allaah, the One who has no partner and I bear witness that Muhammad (*sallallaahu 'alayhi wa sallam*) is his servant and Messenger. May Allaah's praise and salutations be upon him, his family and his companions.

I am delighted to participate in the educational holiday - with that which is easy for me - by lecturing in the college of *Sharee'ah* and the Arabic Language in al-Qaseem. This is due to the benefit that I hope to attain, as well as the benefit for those who hear this lecture of mine, or read it, if Allaah the Exalted wills. And I ask Allaah, the Exalted, to make all of our actions purely for His Face and in agreement with His pleasure.

I would like to commence with a few words before entering into the core of the lecture, and this is appropriate - if Allaah wills. As you know - O brothers and scholars - Islaam is being attacked from numerous angles:

[1]: From the angle of *afkaar* (pl. *fikr*) ideologies²

[2]: From the angle of *akhlaaq* (pl. *khuluq*) manners

[3]: From the angle of *'aqaa'id* (pl. *'aqeedah*) beliefs

So for every strong attack that is launched, it becomes obligatory for there to be an opposing force to confront it. Rather, the opposing force must be at a higher level than the initial attack. When that does not occur, Islaam is annihilated.

So this affair weighs heavily upon the People of Knowledge and the People of the Religion. It is obligatory upon them to strive hard as much as they are able to prevent these currents, which come from every direction, confusing even the most mild-tempered person such that he does not know how to behave.

Indeed, we used to hear many of the enemies of the Muslims saying, "Indeed, it is compulsory for us to concentrate upon the Kingdom of Saudi Arabia, since it is the cradle of Islaam and the *qiblah* [direction faced for prayer] of the Muslims and their example."³ Due to this, you find them launching vicious attacks and precise

plots, devoting their efforts to waging war against this Kingdom. And if the people of this Kingdom, from amongst the Scholars and the sincere ones, do not shut the door in the faces of their enemies, then *fitnah* (tribulation), evil and a calamity will result: you will search the lands and find affairs that you strongly oppose.

So that which is obligatory upon us in the presence of these currents - O brothers - is to:

[1]: Unite the *da'wah*

[2]: Unite the effort

[3]: We must not permit a place amongst us where the enemies can gain a foothold.

However, I say that in reality, all of us are working towards that as if he were by himself. We do not find two - except for whatever Allaah wills - upon a single goal, or in a more correct statement, upon a single path, even if the goal is limited.

Because of this, I hold that it is obligatory upon the Scholars of this Kingdom, whether they be in ar-Riyaad, or in al-Hijaaz, or in al-Qaseem, or in other areas of the Kingdom, to unite upon a single word and to teach the topic with diligence, because it is of great significance as far as I can see. They must teach it thoroughly and completely - not only through the media or the school curricula, or

by means that are not from the foundations and subsidiary affairs of the religion.

And we find that many of the students of knowledge are concerned with the worldly affairs - they study it, are concerned with it and rally around it. They turn away from what they have been commissioned with. In reality, this weakens their call to goodness; it also weakens the acceptance of their *da'wah* by the people, since the ways of the Scholar carry considerable significance in influencing those around him. So, when the common-folk do not find anyone from amongst the people of knowledge, except that he is greedy for the worldly life, just as the rabble from amongst the common people are greedy for the worldly life, then they will never trust the correct guidance and knowledge of the Scholars.

Likewise, O brothers, with regards to the rulers, it is obligatory upon us to advise them. The Prophet (*sallallaahu 'alayhi wa sallam*) said, "The religion is sincere advice," three times. They said, "To whom O Messenger of Allaah?" He said, "To Allaah, His Book, His Messenger and to the leaders of the Muslims and their common-folk."⁴ So it is obligatory upon us to advise the rulers. ⁵ And we must not rely upon one man, or two men, or three or four to advise the rulers. So when the rulers have many advisors, and the truth is made known to them from every direction, and the advice comes to them from every angle, it is inevitable that they will incline towards that and they will traverse the *manhaj*, outwardly

and inwardly - that we ask Allaah the Exalted to grant them the success to follow. It is the *manhaj* (methodology) of the Prophet (*sallallaahu 'alayhi wa sallam*).

Likewise, with regards to the common-folk, regretfully we find that the majority of the Imaams in many of the mosques are ignorant and they do not spread guidance; they do not advise and they do not speak. And the people before this present time of ours, and before the world was opened up for them, even if their Imaam was not from amongst the students of knowledge, he would take some reliable books and read them to those who came for prayer and he would benefit them with those books. As for today, nothing is read in the majority of the mosques, and the Imaam does not direct his community to that which will benefit them. Due to this, you find that many of the common-folk are averse to the issues of the religion. All of this is a shortcoming of the people of knowledge and it is a shortcoming of those who must give importance to this affair. So it is upon us - O brothers - to assemble and unite our efforts, to sincerely advise the rulers and to strive hard in sincerely advising the common-folk of the Muslims in the mosques, the roads and other places as much as we have the means to do so.

There is something else that is very important. It is the separation between the youth and the scholars. This is a separation that has caused the youth to become confused and misguided. The cause for all of this, in reality, is a shortcoming in those who are elder in age

and it is because some of them do not pay any attention to the youth at all, to the extent that they do not listen to the youth, even if they speak with guidance. This is an error. So the obligation upon us is that we must be with these youth. We must look into what they are upon, and we must observe whatever is around them that influence them. We must find out: what is the cause of this aversion and why are they disinterested in their religion? We must do this until we know the disease, so that we are able to give out the remedy.

When we hear things that are unbecoming from some of the youth, we turn away from all of them, discarding and treating them with contempt, giving no consideration to their affairs - we do that everywhere. This is a great evil which results in the youth becoming distant from the scholars, the people of knowledge and the religion so much so that the devils easily lead them to whatever they desire.

So it is upon us - O brothers - to be concerned with this significant affair, to be mindful of it and to attach great importance to it.

And it is upon the teachers especially, to give students a religious education and to instil in them a desire for that which the Prophet (*sallallaahu 'alayhi wa sallam*) came with from the Book of Allaah the Exalted and the *Sunnah* of His Messenger (*sallallaahu 'alayhi wa sallam*). They must enlighten the students about the religion in its true sense and they must clearly uncover the rulings of the *sharee'ah* for them, along with explaining the mysteries of the *sharee'ah* and

the wisdom behind them. This is because I hold that the education, not to mention that which is at a collegiate level, has some defects. That is because some of the teachers fear that they will not be able to deliver the lessons adequately: they will fail to satisfactorily explain the proof and wisdom for a ruling on an issue. The reality is, the believer submits to the command of Allaah and His Messenger, regardless of whether he knows the wisdom or not.

Allaah the Exalted said:

﴿ وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَىٰ اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ﴾

It is not for a believing man or a believing woman, when Allaah and His Messenger have decided an affair, that they should thereafter have any choice about their affair.

[Sooratul-Ahzaab, 33:36]

However, when the wisdom is known, it increases one in confidence, application of and desire for the *sharee'ah*. Due to this, I incite our brothers, the teachers, to convey substantial and active knowledge to the students, which moves the hearts, expands the chest, polishes and gives assurance to the soul.

Now I shall return to the core of the lecture. Indeed, the topic of this lecture of mine is, “**The Marriage Contract: Its Traditions, Consequences and other Related Issues.**”

I have chosen this topic due to its importance, due to the ignorance of many people concerning its many *ahkaam* (rules, regulations) and due to the social problems that occur, for which every person who is sincere and has sincerity of purpose towards his religion and his *ummah* would desire to facilitate a solution. So discussing all of the problems and shedding light upon them will facilitate solving them, but if the people forget about them and close their eyes to these problems, they will remain as they are, or they will increase in ambiguity and obscurity.

Indeed, I have put together ten chapters for this topic:

Section One: The Linguistic and Technical Meaning of Marriage

Section Two: The *Hukm* (Legal Ruling) Concerning Marriage

Section Three: Conditions of Marriage

Section Four: The Description of the Woman who is sought for Marriage

Section Five: Women who You Are forbidden to Marry

Section Six: The Permissibility of Plural Marriage

Section Seven: The Wisdom of Marriage

Section Eight: Obligations Resulting from Marriage

Section Nine: The Legal Ruling of *Talaaq* (Divorce) and what must be adhered to Concerning It

Section Ten: Obligations Resulting from Divorce



² Translator's note: The *muftee* of our time, Ash-Shaykh 'Abdul-'Azeez Ibn 'Abdullah Ibn Baaz was asked: "What in your view is the meaning of '*Al-Ghazwatul-Fikree*' or 'The Ideological Attack?'"

He replied:

The expression, "The Ideological Attack" is a contemporary term, which refers to an array of efforts assumed by a specific course of direction because of it.

It is far graver than military warfare, since it relies on secrecy and seeks to gain inconspicuous objectives at first, so that the attacked nation is unaware, thereby failing to stop itself from its attacks. As a result, this nation becomes contaminated in its thoughts and its sense: loving what the enemy wants it to love and hating what they want it to hate. This is a chronic disease which plagues nations - eliminating their distinctiveness, removing their fundamentals and dampening their potency. The nation hit by it (an ideological attack), does not even sense the reality of what has struck it. That is why healing it becomes somewhat complicated, and making [the attacked nation] understand the ways of righteousness becomes a challenge.

This warfare occurs through school courses, general education, media - small and large sized publications and other means. By this, the nation's beliefs are eroded making it susceptible to the desires of its enemy.

We ask Allaah for wellbeing and shelter from this.

³ On one website, which is dedicated to missionary work in non-Christian countries, and which promotes the '**10/40 Window**', it states:

The majority of our unreached world is located within a rectangular band that has been called “the 10/40 Window.” This area lies between 10 degrees and 40 degrees north of the equator and stretches from the west coast of Africa to East Asia. Most of the un-evangelized people and countries of the world are here. Almost two-thirds (2/3) of the world’s population live here. In this window is the region where Christianity began.

Robert H. Glover defines Christian missions as “the proclamation of the Gospel to the unconverted everywhere according to the command of Christ.” Our purpose is to help (1) un-churched or nominal Christians to become committed disciples of Christ, and (2) non-Christian people to become Christians. For this reason we send missionaries to preach the Gospel of Christ, to train national leaders to proclaim the Gospel to their own people and to other nations, to help who are suffering, and to develop mature disciples for the Kingdom of God.

Window International Network, another ‘10/40 Window’ organization also states: 🗨️

Since King Fahd Bin-Abd-al-Aziz Al Saud suffered a series of strokes in 1995, his half-brother, Crown Prince Abdullah, has effectively been ruling oil rich Saudi Arabia. Both men are in their early 80s. Saudi Arabia is known as freely using its oil revenues to make friends and influence people to become Muslims. This was evident this February when a reduction of Iraq’s debt was announced. As is customary for all Muslims, everyone must attempt to make a pilgrimage to Saudi Arabia at least once in their lifetime--if at all possible. And in just 10 days, thousands upon thousands will travel to Saudi Arabia during the beginning of Ramadan. Each year stampeding crowds kill hundreds during the pilgrimages. Sadly, there are few Christian believers in this country due to the staunch anti-conversion and anti-witnessing laws, and the ever-growing problem of extremist violence. But The Passion of the Christ was the best seller, even though it was considered a contraband DVD in this land.

Prayer points:

- Pray that Jesus Christ will be revealed throughout this land beginning now through Ramadan.
- Pray for wisdom, revelation, strength and healing for both the king and the crown prince.

LORD of the Nations, You tell us that no one can understand or know anything about You unless it is revealed to him by the Holy Spirit. You also say that if we seek You, we will find You. Reveal Your sovereignty, love and our Savior Tesus Christ to all who live or travel to Saudi Arabia seeking favour with Allah, now and through Ramadan. Since your goodness leads to repentance, manifest Your glorious goodness through miraculously saving people from stampedes this Ramadan. Both the king and crown prince are growing old. In Your mercy, grant them another chance and offer them life though Jesus Christ.

⁴ Collected by Al-Imaams Muslim (no. 55) and also Al-Baghawee in *ash-Sharhus Sunnah* #3415

⁵ Translator's Note: Concerning the meaning of advising the rulers in the aforementioned *hadeeth*, al-Imaam Abu Zakariyaah Yahyaa Ibn Sharaf an-Nawawee (d. 676H) stated,

It is to help them upon the truth, to obey them in it, to order them with it, to remind and advise them, with kindness and gentleness. It is to make them aware of what they are heedless and neglectful of and to help them fulfil those rights of the Muslims that have not reached them yet. It is to not rebel against them but rather to enamour the hearts of the people with obedience to them.

Stated al-Imaam al-Khattaabee (d.388H) - *rahimahullah*, "From sincere advice to them is performing the prayer behind them, *Jihaad* along with them, to give the *zakaat* (obligatory alms) to them and to not rebel aganist them with the sword when injustice or cruel

treatment appears from them. And it is that they are not praised with false praises and that supplications are made for their rectification.”

All of this is based upon the fact that what is meant by the leader of the Muslims is the Caliph and other than them from the governors who take charge of the affairs of the Muslims. Al-Khattaabee also mentions this and then he says: “And it has been taken to refer to the Imaams who are the Scholars of the religion. And the sincere advice to them includes: accepting whatever they report, following them in regards to rulings and to have good thoughts about them.” Refer to *Sharh* (Explanation of) *Saheeh Muslim* (2/38) of Al-Imaam an-Nawawee.



-SECTION ONE-

The Linguistic and Technical Meaning of *Nikaah* (Marriage)⁶

Nikaah will have either the meaning of “a contract of marriage” or the meaning of “sexual consummation with one’s wife.” Abu ‘Alee al-Qaalee⁷ (*rahimahullaah*) said:

The Arabs have made a clear distinction in which the position of the contract of sex is known. So if they say: “*na-ka-ha*” such and such woman or the daughter of so and so, they mean, “the contract of marriage.” And if they say “*na-ka-ha*” his woman or his wife, they will not mean anything except sexual intercourse and consummation.

The technical meaning of *nikaah* is: the conclusion of a contract between a man and a woman, with each of them desiring to enjoy and take pleasure in one another, establish a righteous family and a safe and sound society.

From here, we assume that that which is not intended by the contract of marriage is mere sensual pleasure, but rather what is

intended is its other meaning, which is the establishment of a righteous family and a safe and sound society.

Under specific circumstances one of the meanings could take precedence over the other.

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) The word '*nikaah*' comes from the verb '*na-ka-ha*' which means to:

- a) Bump your head on something
- b) Buy a woman a gift
- c) Pierce, prick or perforate something
- d) Join together two things

2) *Nikaah* has:

- a) Three meanings
- b) Five meanings
- c) Two meanings
- d) One meaning

3) Who was Abu 'Alee Al-Qaalee?

⁶ Translator's note: The word '*nikaah*' comes from the past tense verb of '*na-ka-ha*', which literally means 'to perforate or prick'.

⁷ The scholar, the linguist, Ismaa'eel Ibnul-Qasim Ibn Haaron Ibn 'Aydhoon al-Baghdaadee al-Qaalee, author of the book on the subject of *adab* (manners) called *al-Amaalee*, was born in the year 280 A.H. and died in Rabee' al-Awwal in al-Qurtubah (Cordova) in the year 356 A.H.



-SECTION TWO-

The *Hukm* (Legal Ruling) of *NikaaH*

Marriage is legislated and encouraged for the one who possesses sensual desires and the ability to perform it. It is from amongst the customs of the Messengers.

Allaah, the Most High has stated:

﴿وَلَقَدْ أَرْسَلْنَا رُسُلًا مِنْ قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً﴾

And indeed We sent Messengers before you, and made for them wives and offspring.

[Sooratur-Ra'd, 13:38]

And the Prophet (*sallallaahu 'alayhi wa sallam*) married and has said: "...I marry women, so whoever forsakes my way, he is not of me."⁸ And for that reason, the scholars have said: "Indeed, marriage with [sensual] desires is more preferred than optional acts of worship" because of the abundant benefits and praiseworthy effects that stem from it and an explanation of this is to follow, *inshaa'Allaah*.

At times *nikaah* may be obligatory, such as when the person has a very strong sexual desire and fears for himself (or herself) of falling into that which is prohibited. Therefore, it is obligatory upon him to marry in order to guard his chastity and restrain himself from that which is prohibited.

The Prophet (*sallallaahu 'alayhi wa sallam*) said:

O party of young men, whoever among you can afford to get married, let him do so, for it is more effective in lowering the gaze and preserving chastity. And whoever cannot afford [to get married], then let him fast, for that will be a protection for him...² [it will reduce and weaken his desire].

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

- 1) *Nikaah* can become obligatory when:
 - a) One reaches the age of maturity
 - b) One has completed his studies
 - c) One has accumulated a certain sum of money
 - d) When one possesses strong sexual desires

2) The Prophet (*sallallaahu 'alayhi wa sallam*) encouraged the young men to marry because:

- a) It helps to lower the gaze and protect the private-parts
- b) It frees a person from fasting often
- c) It will aid them in maturity
- d) It will increase them in offspring

3) What two proofs are mentioned (within this section) in regards to marriage being a *sunnah* of the Messengers?

⁸ Collected by Imaam al-Bukhaaree in "The Book of Marriage," #5063 and Imaam Muslim also in "The Book of Marriage," #1401

⁹ Collected by Imaam al-Bukhaaree in "The Book of Marriage," #5066 and Imaam Muslim in "The Book of Marriage," #1400



-SECTION THREE-

Conditions of Marriage

From among the beautiful aspects of the intricately precise legal rulings of the Islamic system (*sharee'ah*), is that it has made for all its contracts, the conditions which regulate them, the validity of them and the assurance of their continuation.

For every contract has its conditions that will be invalid without them and this is clear evidence of the perfection of the Islamic legal system, that it has come from one who is (extremely) Wise, (ever) Aware, and Knowledgeable of what is beneficial for the creation. Thus, He has legislated for them that which will help them in their religious and worldly affairs, so that those affairs will have no chaos, being free from constraints. And from among those contracts is the contract of marriage.

The contract of marriage has prerequisites which we will mention now. The most important of them are:

1. Satisfaction or pleasure of the two mates

The marriage of a man to a woman is invalid if he does not desire her or a woman to a man if she does not desire him.

Allaah, the Most High has stated:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحِلُّ لَكُمْ أَنْ تَرْتَدُّوا النِّسَاءَ كَرْهًا ط﴾

O you who believe! You are not permitted to inherit women
against their will¹⁰

[Sooratun-Nisaa', 4:19]

And the Prophet (*sallallaahu 'alayhi wa sallam*) said: “An ayyim¹¹ woman should not be married without consulting her and a biker [virgin] should not be married without asking her permission.” They said, ‘O Messenger of Allaah, how does she give her permission?’ He said, “If she remains silent.”¹²

Thus, the Prophet (*sallallaahu 'alayhi wa sallam*) has prohibited marrying a woman without her consent or desire, whether she is a virgin or *thayyib* except that the *thayyib* has to express her consent.

As for the *biker* (virgin), her silence is sufficient concerning that because perhaps she may be too shy to make her consent explicit. If she refuses to marry (a certain person), then it is not permissible for anyone to force someone upon her, not even her father. For the

Prophet (*sallallaahu 'alayhi wa sallam*) said in the *hadeeth* collected by al-Imaam Muslim: “... And the virgin, [then] her father asks her permission...”¹³

So in this case, there will be no sin upon the father if he does not give her away in marriage because it was she who refused. Yet, at the same time, he should guard and protect her (best interest).

If two suitors ask for her hand in marriage and she says: “I want this one” and her *walee* (guardian) says: “Marry the other one” then she will be married to the one whom she desires if he is compatible.¹⁴

If there is no compatibility then her *walee* may prevent her from marrying him and there will be no sin upon him in this case.

2. The *Walee* (Guardian)

The marriage will not be valid without a *walee* since the Prophet (*sallallaahu 'alayhi wa sallam*) said: “*There is no marriage without a walee.*”¹⁵

Therefore, if a woman gave herself in marriage (without a guardian) then her marriage is void, whether she actually completed the contract herself or commissioned someone else to do it on her behalf.

The *walee* is one who is at or above the age of puberty (*al-baaligh*)¹⁶, sane (*al-'aaqil*), a mature male from her relatives, like the father,

paternal grandfather, sons, nephews in a descending order, full brother, brother from the father only, (full) uncle (from both father and mother), uncle of the father and their sons then the next closest then the next closest (*Ar-Rasheed min asabaatihaa*).

There is no *wilaayah* (guardianship) for the brothers of the mother, or their sons, or the father of the mother or uncles because they are not included amongst the male relatives (from the father's side).

So if it is inevitable (for a Muslim female) to have a guardian in order to marry, it is mandatory that the guardian selects those most compatible, (then if they are not available) those next most compatible if there are many suitors (seeking her hand in marriage).

In the event that only one suitor comes forward (seeking her hand in marriage) and he is compatible and she is pleased with him, it is incumbent upon him (the guardian) to give her away in marriage to him.

We would like to pause here for a moment so we can understand the scope of the great responsibility which the guardian is carrying regarding the one whom Allaah has placed him in charge of. Since it is an *amaanah* (trust) with him and it is necessary for him to protect it and put it in its proper place.

It is impermissible for him to dictate her situation by marrying her to someone who is incompatible for his own personal gain

(monetary or otherwise), for this will indeed be a betrayal (of the trust). Allaah, the Most High has said:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا
أَمَنَاتِكُمْ وَأَنْتُمْ تَعْلَمُونَ ﴾

O you who believe! Betray not Allaah and His Messenger, nor
betray knowingly your Amaanat [trusts].

[Sooratul-Anfaal, 8:27]

And the Most High's statement:

﴿ إِنَّ اللَّهَ لَا يُحِبُّ كُلَّ خَوَّانٍ كَفُورٍ ﴾

...Indeed Allaah loves not any treacherous ingrate.

[Sooratul-Hajj, 22:38]

And the statement of the Prophet (*sallallaahu 'alayhi wa sallam*) "All of you are shepherds and all of you will be responsible for his flock."¹⁷

You will see someone whose daughter's hand is asked for by a compatible person, but he (the guardian) will reject him and reject another then another.

Hence, whoever does this (repeated rejection) his guardianship is dissolved and someone else from the (other) guardians will take

responsibility for her guardianship, (if they are not available) then those next in line then those next in line.

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) Which one of the following is a prerequisite for a sound marriage?

- a) Accumulating \$5000
- b) Never having divorced
- c) Having mutual (intimate) desires for one another
- d) Being from a well-known *qabeelah* (tribe)

2) It is permissible to force a woman to get married when:

- a) She refuses many compatible suitors
- b) When the dowry is very large
- c) When she begins to age
- d) Under no circumstance

3) *Kafaa'ah* is compatibility and has five aspects (only one of them being binding: religion). What are the other four?

¹⁰ Translator's note: al-Imaam Ibnu Katheer (*rahimahullaah*) said:

Before, the practice was that when a man died, his male relatives used to have the right to do whatever they wanted with his wife. If one of them wanted to, he could marry her, give her away in marriage, or

preclude her from marriage, for they had more right to her than her own family. Afterward, this *ayah* [Sooratun-Nisaa', 4:19] was revealed about this practice.

Shaykh Muhammad Naasirud-Deen al-Albaanee (*rahimahullaah*) was asked the question: "If a girl has reached the proper age for getting married, can her guardian force her to get married?"

He replied:

It is not permissible for the guardian of a girl's affairs to force her into getting married. So if the girl has not reached the proper age and has been forced into marriage, she can look for a way to dissolve this marriage after having reached the age of comprehension and maturity. This is because there was a girl who was forced into marriage during the time of the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*). After the marriage, she went to the Messenger (*sallallaahu 'alayhi wa sallam*) and said to him: 'O Messenger of Allaah! My father has married me to a man that I dislike, in order to raise his own status.' So the Messenger (*sallallaahu 'alayhi wa sallam*) nullified her marriage. Due to this, it is not permissible for a girl's guardian to force her into marriage, regardless if she is a girl who has reached the legitimate age (of marriage) or if she is divorced or if she was married and then lost her husband. Rather, it is only required of him to direct her towards that which is most beneficial for her in her affairs of this world and the hereafter.

The Prophet (*sallallaahu 'alayhi wa sallam*) said: "There is no marriage except with (the permission of) a guardian and (the presence of) two trustworthy witnesses." Collected by al-Bayhaqee from the *hadeeth* of 'Imraan and 'Aa'ishah; classed as *saheeh* by al-Albaanee in *Saheeh al-Jaami'*, no. 7557.

And he (*sallallaahu 'alayhi wa sallam*) also said: "Do not force your women [to get married], but rather, get their consent."

And he (*sallallaahu 'alayhi wa sallam*) said: **“Her silence is her consent.”** Collected by Muslim, 1421.

These are etiquettes and conditions that must be adhered to. However, at times there occurs something that opposes the divine legislation, such as when the father prevents his daughter and delays her marriage because of a materialistic ambition; or because the man proposing marriage to her is poor, and due to this, his status will not be elevated. And so the girl remains without a husband. In this situation, the divine legislation has permitted her to marry herself because the Messenger (*sallallaahu 'alayhi wa sallam*) has said: **“Any woman who marries herself without the permission of her guardian, her marriage is invalid, her marriage is invalid, her marriage is invalid. But if they differ then the authoritative figure [*sultaan*] is the guardian of one who has no guardian.”**

Therefore, this girl - whose father has prevented her marriage due to an obvious materialistic reason - may take her case to a legitimate judge. So he will investigate the guardian of the girl's affairs and interrogate him as to the reason why he is preventing her (from getting married).

So if he hears a legitimate reason from him, such as the man intending marriage is an innovator or he doesn't pray or that he drinks alcohol, then the judge cannot oppose him in this. But if he hears illegitimate reasons from him, then at that point, the judge can assume guardianship of her marriage. (*al-Asaalah Magazine*, question #45 issue #6)

¹¹ Translator's note: *'ayyim*' is sometimes confused with a *'thayyib*'. An *ayyim* is a man or a woman who has married or not married in the past. Whereas a *thayyib* is a woman who had already married then returned to her parents' home and returned to her former condition that she had before having a husband. In this narration an *ayyim* is a woman who is no longer a virgin.

¹² Collected by Imaam al-Bukhaaree , “The Book of Marriage,” #5136 and Imaam Muslim “The Book of Marriage,” #1419

¹³ Collected by Imaam Muslim “The Book of Marriage,” #1421

¹⁴ Shaykh Saalih Ibnul-Fawzaan al-Fawzaan has stated:

‘Kafaa’ah’ or compatibility linguistically is “evenness” or “similarity” and is categorized into five aspects:

- 1) *Ad-Deen*: Religion
- 2) *Al-Mansib*: Lineage
- 3) *Al-Huriyyah*: Freedom [non-enslaved]
- 4) *As-Sinaa’ah*: Occupation
- 5) *Al-Yasaaru bil Maal*: Affluence of wealth in accordance to what is required for her of the dower and maintenance. Thus, the poor man will not be compatible with the well-off woman because his financially constrained condition may cause her harm and may be an encroachment of her maintenance.

So if one of the two spouses differs in any one of these five matters then compatibility ceases. However, this will not have any effect on the validity of the marriage. For compatibility is not a condition for the validity of marriage, seeing as the Prophet (*sallallaahu ‘alayhi wa sallam*) instructed Faatimah Bint Qays to marry Usaamah Ibn Zayd (*radiyallaahu ‘anhumaa*) so he married her at his command, but compatibility will be a prerequisite for the marriage only.

So if a woman was given in marriage to someone incompatible with her and there was some displeasure [for instance] - from the woman or her *awliyyaa* [guardians] - the marriage is annulled, since we find [in the time of the Prophet *sallallaahu ‘alayhi wa sallam*] a man married his daughter to his brother’s son to elevate his ignoble status. Therefore, he (*sallallaahu ‘alayhi wa sallam*) gave her a choice [in the matter].

¹⁵ Collected by at-Tabaraanee; see also *Saheeh al-Jaami’*, 7558.

¹⁶ Translator's note: According to the *'Ulamaa of Ahlus-Sunnah wal-Jamaa'ah*, like Shaykh Muhammad Ibnus-Saalih al-'Uthaymeen (*rahimahullaah*), a person is *baaligh* (one who has reached the age of puberty) when they have either:

- a) completed fifteen years of age
- b) produced hair under the arms or private parts
- c) seminal emission in a state of sleep or whilst awake
- d) menses [in the case of females]

¹⁷ Collected by Imaam al-Bukhaaree , "The Book of Marriage," #5188 and Imaam Muslim, "The Book of Government," #1829



-SECTION FOUR-

The Description of the Woman Who Is Sought for Marriage¹⁸

Marriage is intended for pleasure and enjoyment, the establishment of a righteous household and a safe, secure society as we mentioned previously.

So with that, the woman who should be married is one who satisfies these two criteria. She is the one described by **actual, real beauty** and **abstract or intangible beauty**.

Actual Beauty

As for actual or real beauty, then this is the perfection of physical traits because whenever the woman possesses pleasant outward features, sweet speech, and is a coolness to the eye when gazed upon, the ears incline towards her expressions, the heart will open to her, the chest will expand for her, the soul will find solace in her and the meaning of the verse will be fulfilled in her, where the Most High said:

﴿ وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا
إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ﴾

And among His signs is this, that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy.

[Sooratur-Room, 30:21]

Abstract Beauty

The abstract or intangible beauty is perfection of religion and character, for whenever the woman is exceptional in terms of religion and character; this is more beloved to the soul and a safer choice for the suitor.

Therefore, the woman who has religion, carries out the commandments of Allaah, preserves and protects the rights of her husband, his bed, children and property, assists him regarding obedience to Allaah, the Most High, if he forgets she reminds him, when he becomes sluggish, she invigorates him and when he becomes angry, she pleases him.

The refined woman is endearing towards her husband and respects him. She will not delay anything he desires to be expedited, nor will she rush that which he wants her to postpone. The Prophet (*sallallaahu 'alayhi wa sallam*) was asked, “Which of the women are best?’ He replied ‘The one

who pleases him when he looks at her, obeys him when he orders her and does not oppose him regarding herself or his wealth [and property] with what he dislikes.”¹⁹

He (*sallallaahu ‘alayhi wa sallam*) also said “Marry those who are loving and fertile in having children for indeed I will be multiplied [with followers] and be able to boast among the prophets [or he said nations].”²⁰

So if he is able to marry a woman of whom inward and outward beauty is found then this is true completion and happiness - success from Allaah.

A Wondrous Example of Judgment from One of the *Imaams* of the *Salaf*

It is related by Ash-Sha’bee that Ka’b Ibn Soor was sitting with ‘Umar Ibnul-Khattaab, when a woman came, she said: “O Commander of the Believers! I have not seen a man better than my husband ever! I swear by Allaah, indeed he spends his nights standing [devoutly to Allaah] persistently spends his days fasting [for Allaah’s pleasure].” So he sought forgiveness (from Allaah) for her and praised her. The woman became shy and embarrassed, stood up and left.

So Ka’b said: “O Commander of the Believers! Why did you not assist that woman with regards to her husband, for surely she had

disclosed to you a complaint?”

So he said to Ka'b: “You make the judgment between the two of them, for surely you have understood from her matter that which I have not understood.”

He (Ka'b), then said: “Verily, I see her as a woman who has three co-wives and she is the fourth of them. So I would make the judgment [on her husband's behalf] that he has three days and nights within to worship [Allaah] and one day and night for her [to spend with him].”

‘Umar said: “I swear by Allaah! Your first opinion is more wondrous than the other! So go, for you are to be the *qaadee* [judge] over [the ‘Iraquee city of] al-Basrah. The best of judges you are!”²¹

Test Yourself from What You Have read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) Which of the following is not from the reasons of seeking marriage?

- a) Fulfilling one's intimate desires
- b) Establishing an Islamic household
- c) Pleasing one's parents

d) Increasing one's offspring

2) Abstract beauty is not:

a) Beautifying one's appearance

b) Perfection of character and manners

c) Being industrious in worship

d) Perfection of religion

3) What was the ruling of Ka'b Ibn Soor in regards to the man who had four wives?

¹⁸ Translator's note: The Arabs have a saying: "Do not marry seven types of women."

❁ 1) *Al-Annaanah*: The woman who whines, moans, complains and "ties the band around her head" all the time; (i.e. complains of a headache or some illness but in reality she is not sick, rather she is feigning).

❁ 2) *Al-Mannaanah*: The woman who bestows favours, gifts, etc. upon her husband then (at that time or in the future) says: "I did such and such for you or on your behalf or because of you" etc.

❁ 3) *Al-Hannaanah*: The woman who yearns or craves for her former husband or children of the former husband.

❁ 4) *Kay'atul-Qafaa*: lit. Has a branded mark on the nape of her neck (i.e. has a bad reputation or doubts about her).

❁ 5) *Al-Haddaaqah*: The woman who casts her eyes at things (i.e. always looking at something to purchase then desires it and requires her husband to buy it (no matter what).

❁ 6) *Al-Barraaqah*: The woman who spends much of the day enhancing her face and beautifying it to such an extent that it will seem like it was manufactured!

❁ 7) *Ash-Shaddaaqah*: The woman who talks excessively.

¹⁹ Collected by Imaam Ahmad (2/251) and Imaam an-Nasaa'ee, "The Book of Marriage,"

²⁰ Collected by Imaam Abu Daawood, “The Book of Marriage,” #2050 and Imaam an-Nasaa’ee , “The Book of Marriage,” #3228

²¹ Translator’s note: al-Haafidh Ibn Hajr recorded this story in his book *Al-Isaabah* under his biography and the *muhaddith* of our time, ash-Shaykh Muhammad Naasirud-Deen al-Albaanee has deemed it authentic in his book *Irwaa’ul Ghaleel*, #2016.



-SECTION FIVE-

Women Who You Are Forbidden to Marry

The Prophet (*sallallaahu ‘alayhi wa sallam*) has stated: “Indeed Allaah has made some things obligatory, so do not neglect them, and He has placed limits on some things, so do not transgress them.”²²

And from among the many legislated boundaries that Allaah, the Most High, has placed limits upon - permissible and impermissible - is marriage. He has prohibited a man from marrying certain women, due to blood relations or suckling or relations via marriage or other than that.

Women who you are prohibited to marry are of two categories:

- ❁ those who you are **permanently forbidden** to marry
- ❁ those who you are **temporarily** prohibited to marry

Women Who You Are Permanently Forbidden to Marry

A) Forbidden Due to Lineage

They are seven which Allaah, the Most High, mentioned by His statement in Sooratun-Nisaa’:

﴿حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبنَاتُكُمْ وَأَخُواتُكُمْ
وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبنَاتُ الْأَخِ وَبنَاتُ الْأَخْتِ﴾

Forbidden to you [for marriage] are: your mothers, your daughters, your sisters, your father’s sisters, your mother’s sisters, your brother’s daughters, your sister’s daughters...

[Sooratun-Nisaa’, 4:23]

- 1) **Mothers:** Included amongst them are grandmothers whether they are paternal or maternal.
- 2) **Daughters:** Included amongst them are daughters from the (man’s) loins, daughters of the sons, daughters of the daughters in a descending order.
- 3) **Maternal Sisters:** Included amongst them are maternal full sisters, maternal and paternal half-sisters.²³
- 4) **Paternal Aunts:** Included amongst them are the paternal aunts of the man and his father and his grandfather, the paternal aunts of his mother and his grandfather.

5) **Maternal Aunts:** Included amongst them are maternal aunts of the man and his father, his grandfather, the maternal aunts of his mother and his grandmother.

6) **Daughters of the Brother:** Included amongst them are daughters of the full brother, half-brother - from the father or mother - and the daughters of their sons and their daughters in a descending order.

7) **Daughters of the Sister:** Including the daughters of the full sister, half-sister - from the father or mother - daughters of their sons and their daughters in a descending order.

B) Forbidden Due to Suckling (and they are similar to those forbidden due to lineage)²⁴

The Prophet (*sallallaahu 'alayhi wa sallam*) has said: **“What becomes haraam [forbidden for marriage] through breastfeeding is that which becomes haraam through blood ties.”**²⁵

But that which becomes forbidden via suckling has to have conditions. Amongst them are:

1) That there be five²⁶ or more satisfying sucks. For the child of a woman who was suckled four times (by

a wet-nurse), she (the we-nurse) would not become a mother to him.

Due to that which was related by Aa'ishah (*radiyallaahu 'anhaa*) where she said:

When the Qur'aan was first revealed, the number of breast-feedings that would make a child a relative (*mahram*) was ten; this was then abrogated and replaced with the number of five which is well-known, so when the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) died, that is what was recited from the Qur'aan.”²⁷

2) The sucks are before the period of weaning, it is a condition that all of the five satisfying sucks occur before weaning. For if they are after the period of weaning or some of them (the sucks) are before the period of weaning and some after it then the woman will not be a mother to him.

Thus, if the conditions of breastfeeding are completed, the baby will become the child of the woman (wet-nurse) and her children will be his brothers. That is whether they were born before or after the suckling, the children of the '*saahibul-laban*' (owner of the milk) become brothers to the breastfed child also.

It is obligatory for us to understand this because the fact that the relatives of the breastfed baby, with the exception of his progeny, have no relations to them (relatives) from breastfeeding, does not have any effect upon them whatsoever, and that it is permissible for the brother via lineage to marry his foster (suckling) mother or his sister from suckling.

As for the baby's progeny, then they will become children of the breastfed (child) and the owner of the milk likewise their father from suckling.²⁸

C) Forbidden Due to Marriage

1) Wives of the fathers²⁹ and grandfathers in an ascending order, whether maternal or paternal because of the Most High's statement:

﴿وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ﴾

And marry not women whom your fathers married...

[Sooratun-Nisaa', 4:22]

So whenever a man makes a contract (of marriage) with a woman, she becomes forbidden for his sons, grandsons, sons of his daughter even in a descending order, whether he consummated the marriage with her or not.

2) Wives of the sons in a descending order due to the statement of the Most High:

﴿ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ ﴾

...and the wives of your sons who (spring) from your own loins...”

[Sooratu-n-Nisaa', 4:23]

Hence, whenever a man contracts (marriage) with a woman she becomes forbidden for his father and grandfathers in an ascending order, whether they are paternal or maternal, simply due to the contract, even if he did not consummate (the marriage).

3) The mothers of the wives and their grandmothers in an ascending order, due to the statement of the Most High:

﴿ وَأُمَّهَاتُ نِسَائِكُمْ ﴾

... and your wives' mothers...

[Sooratu-n-Nisaa' 4:23]

So whenever a man contracts a marriage with a woman, her mother and grandmother become forbidden for him, simply due to the contract, even if he did not consummate the marriage, whether they are her paternal or maternal grandmothers.

4) Daughters of the wife and the daughters of her sons and daughters in a descending order. They are their '*rabaa'ib*' (pl. *rabeeb* or step-daughters) and their offspring also, but with the condition that he had consummated (the marriage) with her (the mother).

For if there was a separation through *talaaq* (divorce) or *khula'* (annulment instigated by the wife) before sexual intercourse, the *rabaa'ib* (step-daughters) or their offspring will not become prohibited for Allaah has said:

﴿ وَرَبِّبُكُمْ الَّتِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمُ الَّتِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ
بِهِنَّ فَلَا حُنَاحَ عَلَيْكُمْ وَحَلَائِلُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ تَحْمَمُوا بَنَاتِ
الْأَخْتَيْنِ ﴾

...and your step-daughters under your guardianship, born of your wives unto whom you have gone in - but there is no sin on you if you have not gone into them [to marry their daughters]...

[Sooratum-Nisaa', 4:23]

Thus, whenever a man contracts a marriage with a woman and consummates it, her daughters, son's daughters, daughter's daughters in a descending order become impermissible, whether they were from a previous husband or a husband after him. As for if they separated before sexual consummation, the step-daughters and their offspring will not be forbidden (for marriage).³⁰

Women Who Are Temporarily Forbidden for You to Marry

They are of various types and amongst them are:

1) The sister of the wife and the paternal and maternal aunts of the wife until there is a legal separation of the wife by divorce/annulment or death and her *'iddah*³¹ (waiting period) has been completed. This is based on the statement of the Most High:

﴿وَأَنْ تَحْمَمُوا نِسَاءَ الْأَخْتَانِ﴾

...and two sisters in wedlock at the same time...

[Sooratun-Nisaa', 4:23]

And the statement of the Prophet (*sallallaahu 'alayhi wa sallam*): "A woman and her paternal aunt cannot be combined [in marriage at the same time] and a woman and her maternal aunt cannot be combined [in marriage at the same time³²]." ³³

2) A woman in her *'iddah* (waiting period) from another (man). That is, if the woman is in the *'iddah* or waiting period of another man, it is then impermissible for you to marry her until her waiting period has finished. Likewise, it is not permissible for you to seek her hand in marriage or become engaged³⁴ to her if she is in the period of waiting until it is completed.

3) A Woman in a state of *Ihraam*³⁵ for *Hajj* or *Umrah* - It is not permissible to contract marriage with her until she leaves the state of her *Ihraam*.

As for marrying a woman while she is having her menses, then it does not necessitate prohibition of contracting a marriage, however, he (the suitor) cannot consummate the marriage until she becomes pure and performs *ghusl* (bathing).

There are other prohibited issues that we have left off discussing for fear of becoming long-winded.

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) Which one of the following is not a situation which would fall under “forbidden to marry”?

- a) Your sister’s daughters
- b) Your uncle’s daughters
- c) Your mother’s sisters
- d) All of the above

2) Which of the following situations falls under, “temporarily forbidden to marry”?

- a) When a female has not reached the age of puberty

- b) When a woman is on her menses
- c) When a women is in a state of *ihraam*
- d) All of the above

3) The *‘Ulamaa* have differed concerning the position of marrying one’s step-daughter. What two points have the majority of the scholars agreed upon, and what was the position of the *muhaddith* of our time, Imaam al-Albaanee?

²² Translator’s note: Al-Muhaddith, Ash-Shaykh Muhammad Naasirud-Deen al-Albaanee has graded this *hadeeth* collected by al-Imaam ad-Daaraqutnee, al-Bayhaqee, al-Khateeb al-Baghdaadee and others as *da’eef* (weak). Al-’Allaamah, Shaykh al-’Uthaymeen uses this *hadeeth* here - as many scholars have done - “*istishhaadan*’ or for citation purposes and not ‘*istidlaalan*’ or as a means of proof.

²³ Translator’s note: The noble Shaykh, Saalih Ibn Fawzaan al-Fawzaan said when answering a question concerning marrying the half-sister of one’s sister from her mother, “If you have a half-sister from your father, then it is permissible for you to marry her half-sister from her mother because there is no relationship between you and her half-sister from her mother that would prevent that. Allaah says: “***...All others are lawful...***” [Sooratun-Nisaa’, 4:24]

Shaykhul-Islam Ibn Taymiyyah (d. 728H) stated that the Muslims unanimously agreed that this type of marriage is permissible. He said, “It is permissible for a man’s half-sister from his mother to marry his half-brother from his father. This is unanimously agreed upon among the Muslims and there is no argument concerning that.” (Taken from *al-Fataawal-Kubraa*, vol. 3, page 163)

²⁴ Translator’s note: This question was put to our Shaykh, Muhammad Ibn Saalih al-’Uthaymeen [d. 1421]: “In America there are banks known as milk banks, which buy milk from nursing mothers then sell it to women who need to give it to their children since

their own milk is lacking, or because they are ill or are too busy working etc. What is the ruling on buying milk from these banks?”

He answered:

This is haraam. It is not allowable to set up this kind of bank because this is human milk, and the milk from different mothers will be mixed, so that no one will know who the mother is. In Islaam, drinking the milk of a woman produces the same relationship as does a close tie by blood. If the milk is of any type other than human then there is nothing wrong with [this type of] milk bank.”

According to The Human Milk Banking Association of North America, a donor milk bank is, “a service established for the purpose of collecting, screening, processing and distributing donated human milk to meet the specific medical needs of individuals for whom it is prescribed.”

²⁵ Collected by Imaam al-Bukhaaree in “The Book of Testimonies,” #2645-2646 and Imaam Muslim in “The Book of Breastfeeding,” #1444 and 1447

²⁶ Translator’s note: The Imaam Ash-Shaaf’ee of our time (as he was called by Shaykh Muhammad Ibn ‘Abdul-Wahhaab al-Bannaa d.1430), Shaykh Muhammad Ibn Saalih al-’Uthaymeen (*rahimahullaah*) has also said in his book entitled *Al-Fataawa al-Jaami’atu li’l-Mar’atul-Muslimah*:

One breastfeeding does not have any effect; rather it must be five breast feedings that occur before the child is weaned and before he reaches the age of two. An infant does not become the woman’s [foster] child if he breastfeeds once or twice or three or four times. It must also be five known breast feedings; if there is some uncertainty as to whether he breastfed four or five times, the principle is that it was four because every time we are uncertain about numbers, we take the lower number. Based on this, if a woman says, “I breastfed this child but I do not know if it was once or twice, or three or four or five times,” we say that this child is not her [foster] child because it has to be five known breast feedings without a doubt.

²⁷ Collected by Imaam Muslim in the Book of Breastfeeding #1452

²⁸ Translator's note: I was sitting in one of the classes of Shaykh Saalih Ibn Fawzaan al-Fawzaan and the question came to him as such: "O noble shaykh!" I have a brother who has two wives and they have breastfed another man's baby. The first wife breastfed the baby three times and the other [wife] breastfed the baby twice, so what is the *hukm* [legal ruling] of those women and their husband with regards to the baby?"

The Shaykh replied: "The women are of no relation to the child. As for their husband, then he is the child's father because he is *saahibul-Jaban* [the owner of the milk]!"

²⁹ Translator's note: According to ' Abdullaah Ibn ' Abbaas (*radiyallaahu 'anhu*), in the days of *al-Jaahiliyyah*, the period before the Book of Allaah was revealed and the advent of the Messenger of Allaah, the people used to prohibit what Allaah prohibits (concerning marriage), except marrying the stepmother and taking two sisters as rival wives.

³⁰ Translator's note: The '*Ulamaa* of *Ahlus-Sunnah wal-Jama'ah* differ concerning a man being able to marry the daughter of his wife from a previous marriage when he has already sexually consummated the marriage with her mother. The *muhaddith* of our time, ash-Shaykh Muhammad Naasirud-Deen al-Albaanee had this opinion about the matter as translated by Abu Maryam Isma'eel Alarcon:

The fact of the matter is that this issue has been under dispute since long before. And I am amazed, personally, at how the majority of the scholars have agreed on two things regarding this matter:

1. On cancelling the restricting text of '**who live in your homes**' and claiming that this restricting text has no *mathoom* (opposite understanding) to it.
2. On their conformity with rejecting two authentic narrations from two of the rightly guided Khaleefahs, 'Umar and 'Alee (*radiyallaahu 'anhumaa*), which confirm that they both applied this *aayah* with its restriction. Thus, they used to pass rulings that it was permissible for a man to marry his stepdaughter, on the condition that she did not live in his house.

What is most correct, in my opinion, is that the step-daughter whom the man (stepfather) is forbidden to marry here is the one who lives in the house of her mother's husband. As for the stepdaughter that lives far away, then it is as it is found in the narration of Alee (*radiyallaahu 'anhu*), and Umar, (*radiyallaahu 'anhu*): "Once a man divorced his wife and she had a daughter. 'Alee asked him about this and he replied: I divorced her.' He asked: Does she have any daughters?' He said: 'Yes, but she is my stepdaughter.' So 'Alee said to him: 'Does she live in your house?' He said: 'No, she lives in Ta'if, far away.' So 'Alee said: 'Marry her.'"

A similar story to this is also authentically reported about 'Umar Ibnul-Khattaab (*radiyallahu 'anhu*).

³¹ Translator's note: According to the laws of Islaam, an *'iddah* is a waiting period with certain exigencies required of a woman when the appropriate condition exists—either divorce, which is from the man's side, or a *khul'*, which is a female instigated separation, or by the death of her husband. As for divorce, the *'iddah* of the woman who is pregnant is until she delivers everything she is carrying. As for one who still has menses, it is three menstrual cycles calculated by the Islamic calendar. If she is too young to have menses or too old, then it is three months, also calculated by the Islamic and not the Gregorian calendar. If she is a widow, her *'iddah* is four months and ten days. For the woman who requested a *khul'*, it is one menstrual cycle and for the woman who did not consummate her marriage, there is no *'iddah*.

³² Translator's note: Ibn Hibbaan collected the authentic narration stating: "If you do this [marry these women combined together at one time], you will sever your ties of kinship."

³³ Collected by Imaam al-Bukhaaree , "The Book of Marriage," #5109 and Imaam Muslim, "The Book of Marriage," #1408

³⁴ Translator's note: Engagement (what is often referred to as the "intended") is no more than a promise to marry. The *khaatib* or fiance is still a *non-mahram* to his fiancee and it is not permissible for him to be alone with her, shake hands with her or go out with her. He

or she may also break the engagement without the other being aware of it or without the other's permission.

³⁵ Translator's note: *Ihraam* is the intention to perform either *Hajj* or *Umrah*, or to make the intention of performing both. The intention' is an important element of both. It is a state whereby the *muhrim* (one in state of *ihram*) must stay away from stipulated lawful things like shaving the hair on one's head. The scholars have added to the prohibition of shaving the head, shaving any hair on the body, as well as trimming or cutting one's nails. One is also prohibited from using perfume (for men, since women cannot use perfume outdoors whether in/out of *Ihram*) after entering *Ihraam* whether on one's clothing or body, or in one's food, sexual intercourse with one's husband or wife, and killing game (hunting). Men are prohibited from wearing shirts, pants, turbans and leather socks and women are prohibited from covering their faces except if they fear some *fitnah* from the men then they can cover their faces without fastening the material to it.



-SECTION SIX-

The Permissibility of Plural Marriage

For an individual to be unrestricted in the number of women which he can wed is a matter that will lead to disorder, oppression and incapability to fulfil the rights of the wives. However, the limiting of the man to one wife (only) can potentially result in evil and the fulfilment of lust through prohibited avenues. The Legislator (*ash-Shaari*) has therefore made multiplicity of wives (up to four) permissible for mankind. This is permissible for the one who is able to establish equity and fairness (amongst them), by fulfilling their rights and that he may fulfil his need to have more than one (lawfully).

Allaah the Most High says:

﴿فَأَنْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبْعًا

فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً﴾

...then marry [other] women of your choice, two or three or four
and if you fear that you will not be able to deal justly then only

one...

[Sooratu-Nisaa', 4:3]

In the time of the Prophet (*sallallaahu 'alayhi wa sallam*) a man called Ghaylaan ath-Thaqafee³⁶ (*radiyallaahu 'anhu*) accepted Islaam and had ten wives. So the Prophet (*sallallaahu 'alayhi wa sallam*) ordered him to choose four and separate (divorce) the rest. Qays Ibnul-Haarith (*radiyallaahu 'anhu*) said: "I embraced Islaam whilst having with me eight wives, so I went to the Prophet (*sallallaahu 'alayhi wa sallam*) and mentioned to him [my case] he said: 'Keep four of them.'"³⁷

The Benefits of Multiple Marriages and the Wisdom in Limiting Them (to four)

1) He may have a need in some cases. For instance, the wife may be very old or sick or if he restricts himself with her only he may not be able to keep himself chaste. And if she has children from him and he keeps her, he will fear difficulty for himself by abandoning the marriage or perhaps he fears committing adultery and if he divorces her, she would then be separated from her children. Thus, this problem is not solved except by polygamy.³⁸

2) That marriage is a cause of strengthening the ties of relations between people, thus Allaah, the Most High, has made it a

copartner to lineage. He, the Most Lofty says:

﴿ وَهُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَبًا وَصِهْرًا ﴾

And it is He who has created man from water, and has appointed for kindred by blood and kindred by marriage.

[Sooratul-Furqaan, 25:54]

Hence, plural marriage helps to create bonds between many families, connecting them one with another and this is one of the (many) reasons which prompted the Prophet (*sallallaahu 'alayhi wa sallam*) to marry a number of women.

3) It results in protecting a large number of women, establishing their needs with regards to maintenance, housing, many children and an increased progeny; and this is a matter required by the All-Wise Lawmaker.

4) There are some men who possess strong desire and one (woman) may not be enough, fearing adultery, he protects his chastity. At the same time, he wishes to fulfil his sexual needs by permissible enjoyment.

Hence, it is from the mercy of Allaah, the Most High that He permitted for His creation plurality in a safe and sound way.

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) Which of the following is not from the wisdom of plural marriage?

- a) Increasing one's progeny
- b) Preventing oneself from fornication
- c) Being displeased with one's current wife
- d) Providing maintenance for the numerous Muslim women

2) The Prophet Muhammad (sallallaahu 'alayhi wa sallam) permitted more than four wives to:

- a) A person who entered Islam with more than four wives
- b) To his companions in particular
- c) To the kings and rulers
- d) None of the above

3) Which *aayah* from the Qur'aan is a proof that plural marriage is permissible for those who are able to fulfil its requirements?

³⁶ Al-Imaam Ibn Katheer in his comments of this *aayah* said: ﷻ

When "Umar heard news of this, he said to Ghaylaan, ' I think that the devil has conveyed to your heart the news of your imminent death from what the devil hears during his eavesdropping. It may as well be that you will not remain alive but for a little longer. By Allaah! You will take back your wives and your money, or I will take possession of this all and will order that your grave be stoned as was the case of the grave

of Abu Righaal from Thamud, who was saved from their fate because he was in the Sacred Area. But when he left it, he was tormented like they were.’

Thus, (the great Imaams) ash-Shaafi’ee, at-Tirmidhee, Ibnu Maajah, ad-Daaraqutnee and al-Bayhaqee collected this *hadeeth* up to the Prophet’s (*sallallaahu ‘alayhi wa sallam*) statement, “Choose any four of them.” Only al-Imaam Ahmad collected the full version of this *hadeeth*.

Therefore, had it been allowed for men to marry more than four women at the same time, the Prophet (*sallallaahu ‘alayhi wa sallam*) would have allowed Ghaylaan to keep more than four of his wives since they all embraced Islam with him. Since the Prophet (*sallallaahu ‘alayhi wa sallam*) commanded him to keep just four of them and divorce the rest, this indicated that men are not allowed to keep more than four wives at a time, under any circumstances. If this was the case concerning those who already had more than four wives upon embracing Islam, then this ruling applies even more so to marrying more than four (for the Muslim who currently has four or less).

³⁷ Collected by Imaam Abu Daawood, “The Book of Divorce,” #2241

³⁸ Translator’s note: It is related from ‘Urwah Ibnuz-Zubayr that ‘Aa’ishah, the wife of the Prophet (*sallallaahu ‘alayhi wa sallam*), informed him that there were four types of marriage in the (days of *Jaahiliyyah*).

1. There was the first type of marriage which is still practiced by people today, in which a man asked another man for his ward or daughter, paid her dower and then married her.
2. The second type was that a man would say to his wife after she was pure from her period, “Send for so-and-so and have intercourse with him.” Her husband would stay away from her and not have sexual relations with her until she became pregnant by that man with whom she was sleeping. When it was clear that she was pregnant, her husband would sleep with her if he wished. He did that out of the desire for a child of noble descent. This marriage was called *al-Istibdaa’*.

3. Another type of marriage was that a group of less than ten men would go to the same woman and all have intercourse with her. If she became pregnant and gave birth, some days after the birth, she would send for them, and none of them could refuse to come. When they were gathered together before her, she would say to them, "You know what you did. I have given birth. It is your son, so-and-so!" She would name whichever of them she wanted to name, and her child would be attributed to him and the man could not deny that.

4. The fourth type of marriage was that many men would go to a woman who would not refuse whoever came to her. She was a prostitute. They (prostitutes) used to set up flags at the doors as signs. Whoever wanted could go to them. If one of them became pregnant, when she gave birth, they (the men) would be brought together and they would call the physiognomists who would then attach the child to the one they (the physiognomists) thought was the father. He (the child) would be ascribed to him and called his son. None of them could reject that. When Muhammad, may Allah bless him and grant him peace, was sent with the truth, he abolished all of the marriages of *Jahiliyyah* except the marriage practiced by people today." (*Saheehul-Bukhaaree*, vol. 7, pg. 44, *hadeeth* #58) 📖

Consider this website which promotes the **second type of marriage**' today. They are in the business of sperm banking.



-SECTION SEVEN-

The Wisdom of Marriage

Before beginning the section regarding the characteristics of this topic, it is necessary for us to recognize with certain knowledge that all of the Islamic legislative rulings are wise and that each are in their (proper) place. There does not exist anything whatsoever that is insignificant or imprudent, this is because they stem from one who is All-Wise and All-Aware.

However, the question could arise, “are all wisdoms known by the creatures?”

Surely, the human-being is limited in his knowledge, thinking and understanding and therefore, he is not able to comprehend everything, nor is he able to absorb information on everything. Allaah, the Most High says:

﴿ وَمَا أُوتِيتُمْ مِنَ الْعِلْمِ إِلَّا قَلِيلًا ﴾

And of knowledge you [mankind] have been given a little.

[Sooratul-Israa', 17:85]

Therefore, in regards to the Islamic rulings which Allaah has legislated for His servants, it is incumbent upon us to be satisfied with them, whether we know and understand the wisdom behind them or not. If we do not know and understand this wisdom, this (in of itself) does not negate that it exists, but rather, that our ‘*uqool*³⁹ (intellects) and understanding are limited in comprehending it.

From the Wisdom of Marriage:

- 1) Preservation and protection of both mates. The Prophet (*sallallaahu ‘alayhi wa sallam*) said: “O party of young men! Whoever among you has the ability to get married, let him marry for surely it will be a means of lowering the gaze and protecting the private parts.”⁴⁰
- 2) Protection of society from evil and the degradation of (good) character; for if there was no marriage, vices or despicable acts would spread amongst men and women.
- 3) The fulfilment of pleasure of one mate with the other concerning what is mandated for him of rights and sexual intercourse. Since the man is responsible for the woman, he takes care of the maintenance of

food, drink, housing and clothing with what is beneficial. The Prophet (*sallallaahu ‘alayhi wa sallam*) said: “Upon you is their provisions and clothing from what is beneficial. And the woman is also responsible for establishing that which is required of her in the home, from supervision and reformation.”⁴¹ The Prophet (*sallallaahu ‘alayhi wa sallam*) also said: “The woman is a shepherd in her home and she will be questioned concerning her flock.”⁴²

4) Perfection of relations between families and tribes. How many times have we seen two distant families who do not know each other achieve closeness and build communications through marriage? Therefore, Allaah has made marriage a co-partner to lineage, as has been presented.

5) Continuance of humankind in a secure manner, because marriage is a basis for the production of children by which mankind continues. Allaah, the Most High says:

﴿يَتَأْتِيَا النَّاسُ أَنْفُقُوا زَنْكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ
وَخَلَقَ مِنْهَا زَوْجَهَا وَنَسَبًا كَثِيرًا وَذَسَاءً﴾

O you who believe! Fear your Lord who created you from one soul and from that one soul its mate and from the two of them countless men and women...

[Sooratun-Nisaa', 4:1]

Were it not for marriage, one of two situations would be inevitable:

- 1) The demise of the human race.
- 2) The existence of human-beings resultant from fornication; his/her origin would be unknown and he/she would not establish good character.

It delights me to carry on here a little, discussing the *hukm* (legal ruling) of birth control.

I say: birth control (intending to limit offspring to a given number) is in opposition to that which is requested by the (All-Wise) Legislator. For the Prophet (*sallallaahu 'alayhi wa sallam*) commanded marrying a woman who is *walood*; fertile. The reason for this, he said, is that his *ummah* will be most in number among the nations or prophets. The People of *Fiqh* (jurisprudence) have said that it is incumbent to marry the woman who is well-known for having a lot of children. Either she, herself is known for having many children, since she was married before or either it is known

from her relatives like her mother or sister, in the case that she was not married previously.

What are those things that call for the use of birth control?

Is it because of fear of straitened means of provision or fear of the hardship of educating them?

If it is the first one (provision), then this is from having bad thoughts concerning Allaah, the Exalted. When He, the One free from all imperfections, and is Most High, created the creation, it was inevitable that He would provide for it. Allaah the Most High has said:

﴿ وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ إِلَّا عَلَى اللَّهِ رِزْقُهَا ﴾

And no moving [living] creature is there on earth but its provision is due from Allaah.

[Soorah Hood, 11:6]

And the Most High says:

﴿ وَكَأَيِّن مِّن دَابَّةٍ لَا تَحْمِلُ رِزْقَهَا اللَّهُ يَرْزُقُهَا وَإِيَّاكُمْ
وَهُوَ السَّمِيعُ الْعَلِيمُ ﴾

And so many a moving creature there is, that carries not its own provision! Allaah provides for it and for you. And He is the All-

Hearer, the All-Knower.

[Sooratul- Ankaboot, 29:60]

And the Most Exalted says concerning those who kill their children due to fear of poverty:

﴿نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ﴾

We provide for them and you.

[Sooratul-Israa, 17:31]

Hence, if that which encourages birth control is fear of hardship by way of rearing and educating, then this is a misnomer, for how many small numbers of children have caused a great hardship (for their parents) in education or cultivation. And how many large numbers (of children), their education or cultivation has been conducted through little or no hardship. The subject of education being easy or difficult is indeed easy for Allaah, the Most High and wherever the slave fears and keeps his duty to his Lord, traversing upon the Islamic methodologies, Allaah makes his affair easy.

Allaah, the Most High says:

﴿وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا﴾

...Whoever keeps his duty to Allaah, He will make his affair easy for him.

[Sooratut-Talaaq, 65:4]

So if it has become clear that birth control is in opposition to what is legislated, the question would arise, “Will family planning be done in a way that is consistent with the condition of the mother?”

Answer: Family planning done in a manner suitable to the condition of the mother has nothing to do with birth control at all.⁴³

What I mean by family planning is the couple, one or both of them using a method to prevent pregnancy at one time or another, is permitted if both parties consent to it. For example: in the case that the wife is weak and pregnancy will increase her weakness or illness or she has children and she uses pregnancy prevention medication for a stipulated period of time at the consent of her husband, there is no problem with that. For the Companions used to perform ‘*azl*⁴⁴ (withdrawal) at the time of the Prophet (*sallallaahu ‘alayhi wa sallam*), and they were not prevented from doing so, and ‘*azl* is one of the methods of preventing pregnancy resultant from sexual intercourse.

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) Which two of the following are from the wisdom behind marriage?

- a) Preservation of humankind
- b) Obedience to one's parents
- c) Preservation of cultural tradition
- d) Fulfilment of intimate desires in a legislated manner

2) Birth control is permissible:

- a) Under no circumstance
- b) If one fears lack of provision
- c) Due to poor health or continuous illness
- d) None of the above

3) Which *ayaat* (verses) from the Qur'aan are presented as evidence to support the fact that it is Allaah, the All-Powerful who provides for his creation and that Mankind should not prevent themselves from natural intercourse out of fear of provision? List and reference these verses and summarise their explanations from Tafseer Ibn Katheer (you will need an English translation of the series for this).

³⁹ Translator's note: *'Uqool* (pl. *'aql*, intelligence, mind and understanding) comes from the Arabic verb 'a-qa-la' which means "to bind or hobble something" like an animal. The black, wiry cord that is seen on the (sometimes red or black) head-dress among the Arabs - which was usually made from camel's hair - is called *'iqaal*. They used it to hobble the ankles of camels to prevent them from wandering into areas where they did not belong. Therefore, the *'aql* (mind or intelligence) was created by Allaah, the All-Wise to keep us from roaming with it into areas it does not belong.

Al-Imaam, Abu Ja'far at-Tahaawee has mentioned in his tremendous book entitled *Al-Aqeedatut-Tahaawiyyah*:

Anyone who wishes to know things which are outside his capacity to know, and whose intellect is not satisfied with submission, will find that his desire cloaks him from a pure understanding of Allaah's *tawheed*, clear knowledge and correct belief, and that he swerves between disbelief and belief, confirmation and denial and acceptance and rejection. He will be subject to suggestions and find himself befuddled and full of doubt, being neither an accepting believer nor a denying rejecter.

⁴⁰ Collected by al-Bukhaaree 5065, Muslim 1400.

⁴¹ Collected by Imaam Ahmad (5/73), Abu Daawood, "the Book of Hajj Rites, #1905 and Ibn Maaajah, "The Book of Hajj Rites," #3074

⁴² Collected by Imaam al-Bukhaaree , "The Book of Marriage," #5188 and Imaam Muslim, "The Book of Government," #1829

⁴³ **Question:** Is it allowed to use birth control so that a person has a child every five years, because he sees the corruption in society and would not be able to raise a lot of children close in age in this overwhelmingly corrupt society?

Answer: This question was presented to al- Allaamah Shaykh Muhammad Ibn Saalih al-Uthaymeen, may Allaah have mercy on him. This was his reply:

As long as this is the intention, it is not permitted to do this, since it shows an absence of trust in Allaah regarding the *hadeeth* of the Prophet (*sallallaahu 'alayhi wa sallam*) who said Marry the one who is loving and prolific in having children...' but if the birth control has to do with the condition of the woman -because she cannot handle repeated pregnancies - this may be permissible, but it is better not to do it. ﷻ

Question: Do you mean that it is more important to pay attention to the woman's condition than to the corrupt nature of society?

Answer: "This is well-known, since there is no guarantee that a person's children will be corrupt since they may [grow up to] be righteous. individuals who will bring benefits to society."

⁴⁴ Translator's note: Withdrawal; the deliberate removal of the penis from the vagina before ejaculation so that sperm is not deposited in or near the vagina.



-SECTION EIGHT-

Obligations Resulting from Marriage

There are many obligations that result from marriage. We will mention some of them as follows:

1) The Obligation of the *Mahr* (Dower)

This is the *sadaaq*⁴⁵ (in the common [Arabic] language: *jihaaz*⁴⁶). Thus, the dower is established for the woman in marriage, whether it is stipulated or unspoken. It is wealth paid to the wife for the purpose of contracting a marriage. If it is fixed, then it should be stipulated whether it is a small amount or a large amount. If it is not fixed, because he contracted it with her (in such a way) but did not pay the dower nor mention anything, then it is upon the husband to pay the dower equivalent to that which is usually paid or similar to it.

Likewise, the dower could be property - goods, merchandise, real estate, fruits etc. In that case it will be a tangible thing of benefit. (On the other hand) the Prophet (*sallallaahu 'alayhi wa sallam*) married a woman to a man on the basis that he teach her something from the Qur'aan (which demonstrates that it could be intangible).

According to that which is legislated concerning the dower, is that it be modest (i.e. a small amount) for whenever it is modest and easy (to pay), then this is more compliant with the Prophet (*sallallaahu ‘alayhi wa sallam*) and attains blessings.

Indeed the greatest marriage in terms of blessings is what is easiest regarding provisions.

Imaam Muslim collected in his *Saheeh* that a man said to the Prophet (*sallallaahu ‘alayhi wa sallam*):

Indeed I have married a woman. He said: ‘For how much did you get married?’ He said, for four *uqiyahs*. The Prophet (*sallallaahu ‘alayhi wa sallam*) said: ‘For four *uqiyahs*! It is as if you are getting this silver by digging it up from the side of this mountain. We do not have anything to give you, but perhaps we will send you on a campaign from which you might get something.’⁴⁷

‘Umar (*radiyallaahu ‘anh*) said:

Do not go to extremes with regard to the dowries of women, for if that were a sign of honour and dignity in this world or a sign of piety before Allaah, then Muhammad (*sallallaahu ‘alayhi wa sallam*) would have done that before you. But he did not give any of

his wives, and none of his daughters were given, more than twelve *uqiyah* and *uqiyah* are forty *dirham*.⁴⁸

Nowadays, dowries have soared having evil effects, preventing many people - men and women - from getting married, the men spending countless years before obtaining the dowry, thus an abundance of heinous acts and corruption result from that.

Amongst them are:

1. Many men and women being hindered from marriage.
2. Families of the women begin to examine the dowries, small or large. Since, with many families, the dowry is that which they use to take benefit from the man for the women (in their care). If it is a lot, they will marry them off without even looking at the results. But if it is small they reject the (prospective) husband even though he is satisfactory in his religion and character!
3. If and when relations between the husband and wife begin, and the dowry was an exorbitant amount, he, in most cases, will not release her in kindness (in the case of *talaaq* [divorce]⁴⁹). Rather, he will harm or abuse her. Perhaps she will return something that he spent on her or paid her and if the dowry was a small amount, then he will release her.

If the people were moderate with the dowry and cooperated in that and the leaders fulfilled this matter, the society would attain abundant benefits, tremendous ease and a great deal of security for the men and the women. Unfortunately, the people have begun to destroy one another by competing in very high dowries and increasing them. Every year they add things that were not known in days of old and we do not know where it will end.

We find some of the people - especially the Bedouins - traveling a path having within it ease in which they defer something of the dowry. For instance, they will give someone away in marriage for a dowry, the amount is such and such, part of it would be (paid) immediately while the other portion would be deferred for less than or greater than a year, thus making things more manageable for the husband.

2) Maintenance

It is mandatory upon the husband to spend upon his wife with that which is understood: food, drink, clothing and housing. If he is tight-fisted with anything that is a requirement, then he is a sinner and she is allowed to take what is needed for herself from his wealth (without his permission) or take a debt on his behalf which *he* has to pay back.

Included in the maintenance is the *waleemah*⁵⁰ which is the food that the husband prepares (or has prepared) during the days of the

wedding. He invites the people to it and it is a *sunnah* that is enjoined because the Prophet (*sallallaahu 'alayhi wa sallam*) did it and enjoined it. But it is mandatory that forbidden excess in the *waleemah* be avoided and it is in accordance to the (financial) circumstance of the husband.

As for the extravagance that some people commit in the *waleemah*, quantitatively and qualitatively, it should not be because it results in spending a great deal of money without benefit.

3) Connecting Relations between the Husband, Wife and their Relatives

Allaah has placed between the husband and his wife, love and mercy. This is a connection which necessitates customary rights. So whenever this connection between relations occurs, corresponding rights are necessitated because of it.

4) *Al-Mahramiyyah*⁵¹

Indeed the husband becomes a *mahram*⁵² for the mother and grandmothers (in an ascending order) of his wife and he will (also) become a *mahram* to her daughters, her son's daughters and daughter's daughters in a descending order. That is if he consummated the marriage with the wife.

5) Inheritance

Whenever a person contracts a valid marriage with a woman, heredity occurs among them, for the Most High has stated:

﴿وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّيَكُن لَّهُنَّ وَوَلَدٌ
فَإِن كَان لَّهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ
وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ﴾

In that which your wives leave, your share is a half if they have no child, but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debt.

[Sooratun-Nisaa', 4:12]

There is no difference between him consummating the marriage or not.

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) From the obligations of marriage are:

- a) *Mahr* (dowry)
- b) Exchanging gifts between families
- c) Provision for one's wife
- d) *Al-Mahramiyyah* (guardianship)

2) Via marriage, a man does not become *mahram* (guardian) to his wife's:

- a) Daughters (from a previous marriage)
- b) Mother
- c) Sisters
- d) Grandmothers

3) The word '*ma'dubah*' (special occasion) is explained along with many other events; detail each one and their meanings.

⁴⁵ Translator's note: *Sadaaq* (not *Sudaaqa*) is another word for dower or dowry.

⁴⁶ Translator's note: This is the common term for dower in the Kingdom of Saudi Arabia. It means the requisites, furniture or apparatus of the bride.

⁴⁷ Collected by Imaam Muslim in "The Book of Marriage," #1423

⁴⁸ Translator's note: At the time of the Prophet (*sallallaahu 'alayhi wa sallam*) a *deenaar* was equivalent to 12 *dirhams*. The *deenaar* weighs the equivalent of 4.25 grams of 24-carat gold. So the *mahr* of the wives of the Prophet (*sallallaahu 'alayhi wa sallam*) was approximately 500 *dirhams* (i.e. 41.5 *deenaars*). This is equivalent to 176.375 grams. If the price of one gram of gold is twenty dollars, then today, the equivalent of the dower of the wives of the Prophet is approximately 500 *dirhams* (i.e. 41.5 *deenaars*). This is equivalent to 176.375 grams. If the price of one gram of gold is twenty dollars, then today, the equivalent of the dower of the wives of the Prophet is approximately \$261 (United States Dollars) and Allaah knows best.

⁴⁹ Translator's note: It should be pointed out that a man cannot take back the dowry/dower in the case of *talaaq* (i.e. divorcing her). Allaah said:

﴿ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَدِلَّ الرِّجْسَ فَكُلُوهُ مِنْهُ لَيْسَ بِإِثْمٍ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَدِلَّ الرِّجْسَ فَكُلُوهُ مِنْهُ لَيْسَ بِإِثْمٍ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَدِلَّ الرِّجْسَ فَكُلُوهُ مِنْهُ لَيْسَ بِإِثْمٍ ﴾

﴿ إِنَّا خَلَقْنَاهُمْ مِنْ نَارٍ وَنَارٌ خَلَقْنَا مِنْهَا ﴿٥٠﴾ ﴾

But if you intend to replace a wife by another and you have given one of them a *Qintaar* [a large amount of currency, usually gold], take not the least bit of it back; would you take it wrongfully without a right and (with) a manifest sin.

[Sooraturun-Nisaa, 4:20]

Ibn Katheer says about the meaning of this *ayah*: “When one of you wants to divorce a wife and marry another one, he must not take any portion of the dowry he gave to the first wife, even if it were a *Qintaar* of money.”

⁵⁰ Translator’s note: The general term for any type of banquet of food presented to people without a special occasion is “*ma’dubah*.”

There are other types of banquets that were common amongst the Arabs, like the *waleemah*, which is the food presented after a wedding. Our *Shaykh*, Dr. Saalih Ibn Fawzaan al-Fawzaan has said in his book *Al-Mulakkkhasul-Fiqhee*:

“The food for other than the wedding is not called *waleemah*, from the linguistic aspect and from the customary usage of the scholars of *fiqh*.”

The *wakeerah* from the word ‘*wakr*’ (retreat or abode) is after one completes building or moving into a new home. A *wadeemah* is the food after the funeral. When one returns from a journey there is a *naqee’ah*. This word is taken from ‘*An-Naq*’ or ‘*ghubaar*’ (dust).

After a woman completes her post-natal bleeding or has a child there is a *khurs*. The *naseekah* is on the seventh day from the birth of a child. This is also known as ‘*aqeeqah*’. The *ghadeerah* is after the male child has been circumcised and there are others and Allaah knows best.

⁵¹ Translator’s note: *al-Mahramiyyah* means those who serve as a *mahram*: father, uncle, brother, son etc.

⁵² Translator’s note: Here in the West, I have encountered countless Muslims who have the mistaken notion that the non-relative *Imaam* - appointed *walee* of the woman - can “serve”

as the *mahram* or that they are synonymous. He can shop with her, visit her home to put a light bulb in for her or even travel with her. This is a gross error and needs to be avoided!



-SECTION NINE-

The Legal Ruling of *Talaaq*⁵³ (Divorce) and What Must Be Adhered to Concerning It

At-talaaq is separation of a man from his wife by verbal expression, writing or indication (from the man). *Talaaq* is *makrooh* (disliked), since it causes all of the aforementioned benefits of marriage to be lost and it causes separation of the family, as it is mentioned in the *hadeeth*: “The most hated of the *halaal* to Allaah is divorce.”⁵⁴

However, sometimes divorce is inevitable, either because the woman may be harmed if she remains with the man or the man may receive harm from her or there may be other purposes (for divorce). So from the mercy of Allaah, He has permitted it for His servants and not hindered them with restriction or difficulty.

If the man dislikes his wife and is not able to bear patiently with her, then there is no sin upon him to divorce her, but it is incumbent upon him to adhere to the following:

- 1) He Cannot Divorce Her while She Is Menstruating

For if he divorces her while she is on her menses then he has disobeyed Allaah and His Messenger (*sallallahu 'alayhi wa sallam*) and committed a forbidden act. He will be required then to return to her (take her back), to keep her with him until she becomes pure (from menses) then he may divorce if he wants to.

What is more suitable though, is to leave her until she menstruates a second time. When she becomes clean, he may choose to keep her and if he does not want to, he can divorce her (the correct way, when she is not menstruating).

2) That He Does Not Divorce Her in the Month That He Was Sexually Active with Her Except That Pregnancy Has Been Absolutely Verified

If a man intends to divorce his wife and he has been sexually intimate with her after menses, he cannot divorce her until she begins menstruating and then becomes clean, even if the menstrual period has been lengthened (for whatever reason). Then if he wishes, he may divorce her before he touches her (i.e. has sexual relations except if pregnancy has been absolutely verified). Allaah, the Most High says:

﴿ يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ ﴾

O Prophet!⁵⁵ When you divorce women, divorce them at their
'iddah...

[Sooratut-Talaaq, 65:1]

Ibn Abbaas said: “Do not divorce her while she is menstruating or in a state of purity wherein you have had sex with her, but rather, leave her until she is menstruating, then pure [again], then divorce her with one [correct] divorce.”

3) That He Does Not Divorce Her More than Once in the Same Sitting

He does not say “I divorce you with two divorces” or “You are divorced three times” or “You are divorced...you are divorced...you are divorced.” Since divorce three times (in one sitting) is forbidden based on that which is narrated from the Prophet (*sallallaahu 'alayhi wa sallam*) that he said about a man who divorced his wife with three divorces at once: “Is the Book of Allaah being played with while I am still amongst you?” Until a man stood up and said: “O Messenger of Allaah! Shall I not kill him!”⁵⁶

Many people are ignorant of the legal rulings of divorce, so anytime divorce happens unexpectedly they divorce without paying attention to the times or amount (that they have pronounced the divorce).

Hence, it is obligatory on the servants to restrict themselves to the limits set by Allaah and not to transgress them. Allaah, the Most High says:

﴿ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ ﴾

... And whoever transgresses beyond the limits of Allaah, he indeed wrongs his own soul.

[Sooratut-Talaaq, 65:1]

﴿ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ ﴾

And whoever transgresses beyond the limits of Allaah, they are the wrongdoers.

[Sooratul-Baqarah, 2:229]

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) *At-Talaaq* (divorce) can be described as:

a) Separation of spouses

- b) An annulment
- c) Permanent separation initiated by the husband
- d) All of the above

2) The statement of divorce must be made:

- a) Three times
- b) Three times at once
- c) Three times, once in each menstrual cycle
- d) Any of the above

3) The *hadeeth*: “The most hated of the *halaal* to Allaah is divorce.” Is this *hadeeth* authentic or unauthentic, what have the scholars graded it as, and in what context was it used in this section?

⁵³Translator’s note: The *talaaq* should not be confused with the *khul* (the female instigated separation), which may be requested of the husband at any time. (i.e. even during menses, post natal bleeding etc.) It (*al-khul*) involves returning the dowry and having only one menstrual cycle as an *‘iddah* (waiting period).

⁵⁴Translator’s note: Collected by Al-Imaam Ad-Daaraqutnee 4/183 184 and Imaam At-Tabaraanee in his ‘*Mu’jamul-Kabeer*’#589; (22/221-222).

The *muhaddith* of our time, Shaykh Muhammad Ibn Nooh An-Najjaatee (also known as Naasirud-Deen al-Albaanee) has graded it *da’eeef* (weak) and he has also graded all of the variant versions of this *hadeeth* which are collected by Imaam Abu Daawood, Ibnu Maajah and al-Haakim as weak.

Shaykh Abu ‘ Abdillaah Al-Uthaymeen uses this *hadeeth* in this instance ‘ *istishhaadan*’, for the purpose of citation not ‘*istidlaalan*’, as an evidence or proof.

He was asked about the authenticity of this *hadeeth* and he said: “This *hadeeth* is also not authentic [but rather it is] weak...”

⁵⁵ Translator’s note: The Imaam ash-Shaafi’ee of our time - Shaykh Muhammad Ibn Saalih al-Uthaymeen - has stated about this *ayah*: “In this noble verse, Allaah directs His address to the Prophet (*sallallaahu ‘alayhi wa sallam*) in the appeal: (O Prophet!), then (the address) to the *ummah* in terms of implementation.

⁵⁶ Collected by Imaam an-Nasaa’ee in the Book of Divorce #3401



-SECTION TEN-

Obligations Resulting from Divorce

Whenever there is a divorce, there is a separation of the wife from her husband. Many legal rulings result from this separation, amongst them are:

1) Requirement of the *'Iddah* (Waiting Period) if the Husband Has Consummated the Marriage with His Wife or Been Alone with Her

As for if he divorces her prior to him having sexual relations with her or being in private with her, there is no waiting period necessary. The Most High says:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ بِمَا
لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا ﴾

O you who believe, when you marry believing women, then divorce them before you touch them, you have in their case no term which you should reckon.

[Sooratul-Ahzaab, 33:49]

The waiting period is **three menstrual cycles**, if she is one of those (women) who has menses. **Three months**⁵⁷ if she is not from the women who can still have menses, and at the time of **delivery** of the child, if she is pregnant.

2) The Wife Is Prohibited for the Husband if He Has Pronounced Divorce Twice Prior to That Divorce

That is, if he divorced his wife then returned to her⁵⁸ then divorced a second time and returned to her during the waiting period and married her after it then divorced her for a third time, she will not be lawful for him after that (the third and final announcement of divorce) until she marries another man with a valid marriage, consummates it with him then is divorced again, then after that time she will be lawful for the first (again).

This is due to the statement of the Most High:

﴿الطَّلُقُ مَرَّتَانٍ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ﴾

Divorce must be pronounced twice and then [a woman] must be retained in honour or released in kindness.

[Sooratul-Baqarah, 2:229]

...and the verse:

﴿ فَإِنْ طَلَّقَهَا فَلَا خُلُوعَ لَهُ مِنْ بَعْدِ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ ۗ فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَتَرَاحَا إِنْ ظَنَّا أَنْ يُقِيمَا حُدُودَ اللَّهِ ۗ وَتِلْكَ حُدُودُ اللَّهِ يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ ﴾

And if he has divorced her [the third time]... then she is not lawful for him thereafter until she has married another husband.

Then if he divorces her [i.e. the second husband], in that case there is no blame on either of them [i.e. the first husband and his wife he had divorced] if they re-unite in [marriage] provided they think that they can keep within the limits ordained by Allaah. Such are the limits ordained by Allaah, which He makes plain to those who have knowledge and understanding.

[Sooratul-Baqarah, 2:230]

Allaah has only made the woman forbidden for the one who divorced her thrice until she marries someone else because the people in the early days of Islam used to divorce their wives and return to them any number of times (they wanted to).

If a man became angry with his wife he would only say to her: “I swear by Allaah, I will not hold you nor will I separate from you.”

She would say: “How is that?” And he would reply: “I will divorce you and if your time gets close [to end the period of waiting] I will take you back then divorce you then when the time gets close again, I will take you back again!”

So the woman mentioned this to the Prophet (*sallallaahu 'alayhi wa sallam*), then Allaah, the Exalted sent down this verse:

﴿ الطَّلُقُ مَرَّتَانِ ۝ ﴾

Divorce must be pronounced twice

[Sooratul-Baqarah, 2:29]

...giving a time limit to three as a mercy for the women from the oppression of their husbands.

O Brothers!⁵⁹ Perhaps we have presented a fair amount of the legal rulings concerning marriage hoping that it will be appropriate in length without it being too lengthy or too brief.

I ask Allaah, the Most High, to make it a benefit and to cause the deed to be solely for Him, and in agreement with what pleases Him. We ask Him also to produce from this Nation, a generation knowledgeable of His legal rulings; one that protects the limits (set by) Him, implementing His commands, being His guided servants.

O Our Lord! Let not our hearts deviate from the truth after You have guided us and grant us Your mercy, truly you are the Bestower!

O Our Lord! Grant us the good in this life and the good in the Hereafter and protect us from the tormenting punishment of the Fire!

*Wa sallallaahu ‘alaa Nabiyyinaa Muhammad wa ‘alaa Aalihi wa
sahbihi wa sallam*

Test Yourself from What You Have Read

Write your answers on a separate sheet of paper (the answers may be in the footnote)

1) Which of the following is false? A husband must divorce his wife three times and observe the *‘iddah* (waiting periods):

- a) Even if his wife is pregnant
- b) Even if he has not consummated the marriage
- c) After having sexual relations
- d) Both a) and c)

2) A man may marry his wife after separation if:

- a) She has re-married and been divorced again
- b) He accepted her *khul’* (annulment) request
- c) He takes another wife first
- d) Both a) and b)

3) Which *ayah* (verse) was revealed to protect women from being abused by their husbands with regard to divorce, and what did Shaykh Ibnul-’Uthaymeen explain about it?

⁵⁷Translator’s note: Three months is calculated by the *Hijree* calendar not the Gregorian calendar.

⁵⁸ Translator's Note: Commonly known in the West as 'breaking the *'iddah*' or 'taking her out of *'iddah*' or 'married her after the *'iddah*.'

⁵⁹ Translator's note: One must note that as it was mentioned in the translator's introduction, the Shaykh was addressing an all-male audience at those two colleges; therefore, he addresses them with "O brothers."



-Appendix I-

Questions and Answers from the Scholars of *Ahlu-Sunnah*, Both Past and Present on the Topic of Marriage

[Q1]: A man married a woman who had a daughter (from a previous marriage), and he was blessed with children (of his own) from her. Can the man's son from another wife marry the daughter of this woman whom his father married?

[A1]: Shaykh Saalih Ibn Fawzaan Al-Fawzaan answered: "There is nothing wrong with this because there is no connection of blood between them, so she is a stranger (*non-mahram*) to him, and he is a stranger to her. So it is allowed for a person to marry the daughter of his father's wife from another man because Allaah says, after stating those to whom marriage is prohibited:

﴿وَأَحِلَّ لَكُمْ﴾

...And all others are lawful.

[Q2]: I have a half-sister from my father, who has a half-sister from her mother. Is it allowable for me to marry her sister?

[A2]: Ash-Shaykh Saalih al-Fawzaan replied: "If you have a half-sister from your father, it is permissible for you to marry her half-sister from her mother because there is no relationship between you and her half-sister from her mother that would prevent that."

Then the Shaykh gave the aforementioned *aayah*⁶¹ (verse) as evidence.

Shaykhul-Islaam Ibn Taymiyyah (d. 728H) narrated that the Muslims were unanimous in agreement that this brand of marriage is allowable. He said: "It is allowable for a man's half-sister from his mother to wed his half-brother from his father. This is collectively agreed upon among the Muslims and there is no disagreement concerning that.

It was reported from Abu Hurayrah that the Messenger of Allaah (*sallallahu 'alayhi wa sallam*) forbade marrying a woman and her paternal aunt, or a paternal aunt and her brother's daughter, a woman and her maternal aunt, or a maternal aunt and her sister's daughter, or an older sister and the younger sister, or a younger sister and the older sister." Collected by Imaam at-Tirmidhee and Abu

Daawood and Imaam At-Tirmidhee said it is a *hadeeth* that is *hasan saheeh*.

Fayrooz Ad-Daylamee⁶² said: “I came to the Prophet (*sallallaahu ‘alayhi wa sallam*) and said: O Messenger of Allaah, I have become Muslim and I am married to two sisters. The Messenger of Allaah (*sallallaahu ‘alayhi wa sallam*) said: ‘Choose whichever of them you want [i.e. and divorce the other].” Collected by Imaam at-Tirmidhee and Abu Daawood and authenticated as *saheeh* by Imaam Muhammad Naasirud-Deen al-Albaanee.

[Q3]: Someone has claimed that Allaah says that half of the dowry has to be given to a woman if a man marries her and does not consummate the marriage?

[A3]: Ash-Shaykh Muhammad Ibn Saalih al-’Uthaymeen explains: The evidence for that is the *ayah* (verse) where Allaah says:

﴿ وَإِنْ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ وَقَدْ فَرَضْتُمْ لَهُنَّ فَرِيضَةً فَيَنْصِفْ مَا فَرَضْتُمْ إِلَّا أَنْ يَعْتُونَ أَوْ يَعْتَوْا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ وَأَنْ تَعْتُونَ أَوْ تَعْتَوْا فَلِلْقَوِيِّ وَالْأَنْثَىٰ وَلَا تَسْأَلُونَ الْفَضْلَ بَيْنَكُمْ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٦٢﴾ ﴾

And if you divorce them before you have touched [had a sexual intercourse with] them, and you have appointed unto them the *Mahr* [dowry], then pay half of that [*Mahr*], unless they [the women] agree to forego it, or he [the husband], in whose hands is

the marriage tie, agrees to forego and give her full appointed *Mahr*. And to forego and give [her full dowry] is nearer to *At-Taqwaa* [piety, righteousness]. And do not forget liberality between yourselves. Truly, Allaah is All-Seer of what you do.

[Sooratul-Baqarah, 2:237]

For example, half of the dowry that was agreed upon and the remainder is to be given to them (women). We say: Even if he was alone with her and did not consummate the marriage through sexual intercourse, the identical ruling applies, and she is due half (of the said dowry).

Most of the scholars are of this view. It was narrated that there was consensus among the Companions that if he had been alone with her then she was entitled to the entire *mahr*; they regarded being alone with her as being similar to intercourse. The reason for that was, as mentioned by al-Imaam Ahmad, it was allowable for him to do with her what it was not allowable for anyone else to do (with her).⁶³

The noble, respected Shaykh Saalih Ibn Fawzaan Al-Fawzaan said: “If she gives him a portion of it [part of the *mahr*] there is nothing wrong with that. If she lets him off paying all or part of the *mahr*, she has the right to do so. Allaah, the Most High says:

﴿وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ مَعَىٰ
مَتْنُهُنَّ فَكُلُوهُنَّ حَبِيبًا مَرِيئًا﴾

But if they, of their own good pleasure, remit any part of it to you, take it and enjoy it without fear of any harm [as Allaah has made it lawful].

[Sooratu-n-Nisaa', 4:4]

This is contingent on agreement from both parties.”

[Q4]: I am married to a man who neglects his prayer. Allaah has guided me and I was adamant that he should pray, so he began to pray as if he was forced to do so. He has plainly told me, “I am only praying because of you.” Is it permissible for me to stay with him or not?

[A4]: Shaykh Muhammad al-'Uthaymeen answered as follows: “If the marriage contract was done at the time he was not praying, then it is invalid, and if this is the circumstance then she has to stay away from him. If he becomes Muslim, the contract is renewed, and if he does not become Muslim then Allaah will send her a Muslim man who is better than him.”

Then the question:

[Q5]: If she got married to him when both of them were not praying, does this make the marriage invalid?

[A5]: “If they were following a certain religion, then the marriage remains legitimate, but if they were not following any religion and then chose Islam, then many of the scholars say that the marriages of those who leave their religions are not legitimate because they are not following any religion, neither Islam nor the religion from which they left as renegades.”⁶⁴

[Q6]: If the husband who is praying clearly tells his wife that he is praying only for her sake, is that adequate to consider him as one who left Islam, or should she go by what she sees, i.e. that he is praying?

[A6]: What appears to me - to be correct and Allaah knows best - is that he is performing *salaah* 'to Allaah to gratify her.

This does not mean that his whole prayer, the standing, bowing, prostrating and supplicating, is intended for her. He is praying to Allaah to satisfy her, and that does not deem him a *mushrik*.

[Q7]: Is it mandatory to pay the dowry immediately? Is the postponed portion of the dowry considered a debt left by a husband who has passed away, and must it be paid to the wife from his assets? You should also know that he had not consummated the marriage with the wife.

[A7]: It is acceptable for the dowry to be paid right away or to be delayed or for part to be paid immediately and part postponed, that

is, if it is specified that it should be paid at an exact time, then it must be paid at that time, but if it is delayed without specifying the time when it is to be paid, then according to Al-Qaadee [al-'Iyaad], the [dowry] is legitimate and the time for it to be paid is upon parting [the marriage].⁶⁵

[al-Imaam] Ahmad said: "If a dowry is being paid in two portions, one immediately and one delayed, the deferred is only payable in the case of [the husband's] death or separation."

[Q8]: I am a twenty-eight year old man doing well in life with a nice job. My dilemma is that I have been suffering from severe lower back pain for the last year and my parents are preparing to arrange my marriage. I am perplexed as to whether I should seek marriage or not?

[A8]: Shaykh Muhammad Ibn Saalih al-'Uthaymeen (may Allaah have mercy on him) said: "The correct view is that a defect is anything that affects the purpose of marriage, and undoubtedly the purposes of marriage are intimacy, service and producing offspring. These are some of the most important purposes, and if there is anything that prevents these purposes from being fulfilled, then it is a fault. Based on this, if the wife finds the husband to be sterile or the husband finds the wife to be barren, then this is a fault."⁶⁶

[Q9]: What is the ruling on marrying a Jewish or Christian woman? Are the Jews and Christians of this era regarded as “People of the Book” or as polytheists?

[A9]: Marrying a Jewish or Christian woman is allowable according to the view of the majority of the scholars. al-Imaam Ibn Qudaamah said in ‘*al-Mughnee*’ (7/99): “There is no differing amongst the scholars concerning the acceptability of marrying free women of the People of the Book. Among those from whom this view was narrated are ‘Umar, ‘Uthmaan, Talhah, Hudhayfah, Salmaan, Jaabir (*radiyallaahu ‘anhum*), and others.”

Ibnul-Mundhir has stated: “There is no reliable narrative from any of the earliest generation to suggest that this is *haraam*.” Al-Khallaal narrated, with his *isnaad*, that Hudhayfah, Talhah, al-Jaarood Ibnul-Mu’allaa and Udhaynah al-’Abdee all married women from among the People of the Book. This was also the opinion of the rest of the scholars.

The key proof regarding that is the verse in which Allaah says:

﴿ الْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ
وَالْحُصْنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْحُصْنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ
أُجُورَهُنَّ مَخْصِيصِينَ غَيْرِ مُسْفِحِينَ وَلَا مُتَّخِذِي أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ
عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَسِيرِينَ ﴾

Made lawful to you this day are *At-Tayyibaat* [all kinds of *Halaal* (lawful) foods, which Allaah has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables and fruits)]. The food [slaughtered cattle, eatable animals] of the people of the Scripture [Jews and Christians] is lawful to you and yours is lawful to them. [Lawful to you in marriage] are chaste women from the believers and chaste women from those who were given the Scripture [Jews and Christians] before your time when you have given their due *Mahr* [bridal-money given by the husband to his wife at the time of marriage], desiring chastity [i.e. taking them in legal wedlock] not committing illegal sexual intercourse, nor taking them as girlfriends. And whosoever disbelieves in faith, [i.e. in the Oneness of Allaah and in all the other articles of faith i.e. His (Allaah's) Angels, His divine Books, His Messengers, the Day of Resurrection and *Al-Qadar* (Divine Preordainments)], then fruitless is his work; and in the Hereafter he will be among the losers.

[Sooratul-Maa'idah, 5:5]

Ibn Katheer said in his *tafseer*:

This is the view of most [of the scholars] here, and this is what shows to be the case; not only if she is a dhimmiyah [fem. dhimmee; a disbeliever who has a covenant with the Muslims, making their property, honour and religion safe and secure, while living

under Islamic rule] but also unchaste, in which case she will be completely corrupt and her husband will wind up as described in the proverb: He bought bad dates and was cheated in weights and measures too. This is the view of most [of the scholars] here, and this is what shows to be the case; not only if she is a *dhimmiyah* [fem. *dhimnee*; a disbeliever who has a covenant with the Muslims, making their property, honour and religion safe and secure, while living under Islamic rule] but also unchaste, in which case she will be absolutely distorted and her husband will end up as described in the proverb: He bought bad dates and was cheated in weights and measures too.

What is meant by *muhsanaah* is free and chaste women. The apparent meaning of the verse is that, what is meant by *al-muhsanaat* (chaste women), is women who refrain from *zinaa* (fornication), as Allaah says in another verse (interpretation of the meaning):

﴿مُحْصَنَاتٍ غَيْرِ مُسَفِّحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ﴾

...they [the aforementioned slave-girls] should be chaste [*muhsanaat*], not committing illegal sex, nor taking boyfriends

[Sooratun-Nisaa', 4:25]

The Muftee of our time, Ash-Shaykh ‘Abdullaah Ibn ‘Abdul-’Azeez Ibn Baaz (d. 1420H) said: “If a woman of the People of the Book is recognized to be virtuous and to keep away from the ways that lead to immorality, it is allowable because Allaah has allowed that - allowing us to get married to their woman and to eat their meat.”

But in this day and age there is the apprehension that those who marry them may be confronted with much evil. They may call him to their way of life and that may lead to their children being reared as Christians. So the risk is very real and very serious. To be on the safe side, the believer should not marry them. And in most cases there is no assurance that the woman will not commit corrupt actions, or bring along children from a previous relationship...but if the man needs to do that (marry her), to keep himself pure and lower his gaze, then there is no sin on him. He should endeavour to call her to Islam and beware of her wickedness and of allowing her to pull him or the children towards *kufri*.⁶⁷

The Christians and Jews are *kuffaar* (disbelievers) and the *mushrikeen* (idolaters) according to the Qur’aan, but they are excluded from the prohibition of marrying their women, because Allaah says:

﴿ وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ تُؤْمِنَ ۚ وَلَا مَٰمَةٌ مُّؤْمِنَةٌ كَافِرًا
مِّنْ مُّشْرِكٍ ۚ وَلَوْ أَعْبَدْتُمْ ۚ ﴾

And do not marry *Al-Mushrikaat* [idolatresses] till they believe [worship Allaah Alone]. And indeed a slave woman who believes is better than a [free] *Mushrikah* [idolatress], even though she pleases you.

[Sooratul-Baqarah, 2:221]

This is the clearest way of reconciling between the two verses.

[Q10]: Is it possible for a woman to make a condition in a marriage contract that a wife can oppose her husband getting married to another wife?

[A10]: Ibn Qudaamah said in his book *Al-Mughnee*: “If he married her on the condition that he should not make her move from her house or her city, then this condition is valid because it was reported that the Prophet (*sallallaahu ‘alayhi wa sallam*) said:

“The most worthy of conditions to be fulfilled are those which make sexual intercourse become allowable for you.”⁶⁸

If he married her on the stipulation that he will not marry another wife, then she has the right to leave him if he takes another wife.

In conclusion, the conditions of the marriage contract are separated into three categories, one of which must be adhered to and is of advantage to the wife; such as her being able to stipulate that he cannot make her move from her house or city or travel with him or

take another wife or a right-hand possession. He has to adhere to these conditions, and if he does not, she has the right to terminate the marriage.”⁶⁹

Shaykhul-Islam Ibn Taymiyyah was questioned concerning this:

A man married a woman and she stipulated that he should not take another wife or make her move from her house, and that she could stay with her mother, so he married her on that condition. Does he have to adhere to this, and if he goes against these conditions, does his wife have the right to annul the marriage or not?

He answered: “Yes, these conditions and their like are legal according to the *madhhab* of Imaam Ahmad and other scholars among the Companions and their students [of the Second Generation] such as ‘Umar Ibnul-Khattaab, ‘Amr Ibn al-’Aas, Shurayh al-Qaadi’ee, Al-Awzaa’ee and Ishaahq.”

He went on to say that in the School of Law of al-Imaam Maalik, the condition states that if he marries another wife, (the first wife) has the choice of what to do, and this is a valid condition. The woman has the right to leave him in this case.

[Q11]: Can a father force his daughter to wed someone she does not like or want to be with?

[A11]: Ash-Shaykh Muhammad Ibn Saalih al-'Uthaymeen said concerning the matter of a father forcing his daughter to marry: "It is not permissible for a man to force his daughter to marry a man whom she does not want to marry, and what is *haraam* cannot be authenticated or put into action because putting it into action or validating it goes against the proscription that has been narrated. When the *shari'ah* [Islamic law] forbids a matter, then we should not be occupied in it nor do it. If we validate it, which means that we have become involved in it and done it, then we have made it comparable to the contracts that the Legislator permitted."

[Q12]: I want to marry someone who has herpes and his *deen* and character is very good. What do you suggest I do?

[A12]: The rulings of Islamic law address everyone, sick and healthy in a similar way.

With regard to the one who is sick, al-Imaam Muslim collected a *hadeeth* from Abu Hurayrah that the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) said: "The owner of sick camels should not bring them to the healthy ones."⁷⁰

Concerning the one who is healthy, the Prophet (*sallallaahu 'alayhi wa sallam*) said: "Run away from the leper as you would run away from a lion."⁷¹

Collected by al-Imaam Ahmad and it was graded as *sahceh* by al-Imaam Muhammad Naasirud-Deen al-Albaanee.

Leprosy is a well-known contagious disease - we ask Allaah to keep us safe and sound.

On the authority of ‘Amr Ibn Ash-Shareed that his father said: Among the delegation from Thaqeef there was a leper. The Prophet (*sallallaahu ‘alayhi wa sallam*) sent word to him saying: “We have accepted your oath of allegiance; go back.”

In the important book by Shaykhul-Islam Ibnul-Qayyim Al-Jawziyyah entitled *Miftaah Daarus-Sa’aadah* (2/272):

“He sent word to the leper accepting his oath of allegiance so as to establish the *shar’i* principle of staying away from harmful and hateful things, because a person should not expose himself to the causes of harm.”

[Q13]: If a husband in jest says to his spouse: “You are divorced!” Is she in fact divorced?

[A13]: Whoever jokingly divorces, then his divorce is valid so long as he intended a divorce. And if he was joking with his wife and said to her: “You are divorced!” then, by that, she is divorced.

Indeed joking around in issues of divorce, marriage and freeing a slave is a serious matter.

So whoever assumes the contract of *nikaah* and says: “I was (only) joking,” then this statement of his is not acceptable because he undertook the contract out of his own will, and (thereby) the marriage is confirmed.

And likewise, whoever jokingly divorces, then his divorce is applicable so long as he intended a divorce. And if he was joking with his wife and said to her: “You are divorced!” then by that, she is divorced.

Thus, we are of the opinion that it is upon a person to beware of these issues and not to play around with divorce.”

⁶⁰ *Al-Muntaqaa min Fataawaa Al-Fawzaan*; 5/258

⁶¹ “...All others are lawful.” [Sooratun-Nisaa’, 4:24]

⁶² Translator’s note: al-Haafidh Ibn Hajr said in *Al-Asaabah*: He [Fayrooz] came and visited the Messenger of Allaah (sallallaahu ‘alayhi wa sallam) and it is mentioned that he [Fayrooz] slew Al-Aswad Al-’Anasee.

Also al-Imaam Adh-Dhahabee stated in ‘*Tajreedu Asmaa’is Sahaabah*’ (2/90) that he [Fayrooz] killed Al-Aswad Al-Kadhhaab, embraced Islaam during the lifetime of the ^ Prophet (sallallaahu ‘alayhi wa sallam), visited him, and was his companion. He died during the *khilaafah* (Caliphate) of Uthmaan Ibn ‘Affaan.

⁶³ This was taken from the explanation of ‘*Al-Mumti*’, (5/326)

⁶⁴ Translator’s note: It is not permissible to marry a non-Jewish or non-Christian pagan woman; Sikh, Buddhist, Hindu, atheist, etc.

⁶⁵ Al-Imaam Ibn Qudaamah stated this in his book ‘*Al-Mughnee*’ (10/115)

⁶⁶ From *'Ash-Sharhul-Mumti'*, 5/274

⁶⁷ The following question was asked to the noble scholar of al-Madeenah, Shaykh 'Ubayd Ibn 'Abdullaah al-Jaabiree concerning conducting marriages between Muslim men and Christian or Jewish women:

[Q]: O noble scholar, in our city, the city of Toronto, the *Imaams* of the *masaajid* who are not upon the *sunnah* have agreed not to marry a Muslim man to a non-Muslim woman. The decision is based on their past experiences. And a brother is asking them to marry him to a non-Muslim woman. What do you advise them to do?

[A]: Let a Muslim man not marry except a Muslim woman even though it is permissible to marry a woman from the people the Book (Jews and Christians). However, to marry a *Muslimah* is better (more deserving to do so). Rather, in these days in which the *fitnah* (*ta'sifu fee'hal fitan*), we call on the Muslims not to marry except *Muslimaat*. It is because many of the *Muslimaat* are without men (husbands). And the people (Muslim men) get married to Christians and the Muslim women are sitting (staying) without husbands. We condemn them for that. We say to them, 'get married to your Muslim sister'. A *Muslimah* is more deserving of a Muslim. A Muslim is more deserving of a *Muslimah*. This is what we call to. We say to the *Muslimah*, if a person with good *akhlaaq* (character) and *deen* (proposes to marry you), to be pleased with him and to accept him as a husband even if you are the third or fourth wife.

[Q]: What should they do then (the *Imaams* of the *masaajid*)? Should they reject his wish to marry a Christian or Jewish woman?

[A]: The decision of the *Imaams* is good (rejecting his request), we support them. But we can't force them (those who wanted to marry a non-Muslim from the chaste Jews or Christians).

[Tele-link, June 5th 2004 with Masjidul-Furqaan, Toronto, Canada (www.troid.ca)]

⁶⁸ Collected by al-Bukhaaree 2721, Muslim 1418.

⁶⁹ *Al-Mughnee* of Ibn Qudaamah, vol. seven, *Kitaabun-Nikaah*.

⁷⁰ Collected by Muslim 2221.

⁷¹ Collected by Ahmad 9429, classed as *saheeh* by al-Albaanee in *Saheeh al-Jaami*'7530.



-Appendix II -

A Gentle Reminder for the Newly Weds⁷²

All praise is due to Allaah, the Lord of creation; and may the peace and blessings of Allaah be upon our Prophet Muhammad as well as his family and all of his companions.

My appeal is to the newlyweds. May Allaah bless you both and may He place blessings between you and unite the two of you upon goodness. The following is a brief reminder and a few small words of advice which may help to comprehensively convey a matter of great depth without missing its intended target. I hope that it will assist you both to achieve the type of happiness that every newlywed strives to achieve since this type of happiness is something that all people desire.

Similarly, I hope that this advice will be a major factor in cultivating love and affection between you while also preventing whatever could occur as a result of ignorance concerning the most highly stressed obligations upon each of you towards the other. All of that has been presented in order to initiate cooperation, understanding, harmony,

and devotion between you which is what Allaah describes in his statement:

﴿ وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً
وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٣١﴾ ﴾

And from His Signs is that He created for you spouses from yourselves, that you may find tranquillity in them, and He has put between you affection and mercy. Indeed, in that are signs for a people who reflect.

[Sooratur-Room, 30:211]

May Allaah establish your feet firmly upon goodness and make your happiness and love for one another long lasting, ameen.

A Gentle Reminder for the Groom

In order to ensure that love, affection and complete understanding exist between the spouses, it is important that you (the new husband) adopt a sound method of interacting with your wife and life partner which is reminiscent of the statement of the Prophet (*sallallaahu 'alayhi wa sallam*): “Certainly, from the best of you are those who possess the best character.”⁷³ Similarly, your treatment of her should be based upon what is understood from his statement, (*sallallaahu 'alayhi wa sallam*): “I advise you to be good to the women.”

And certainly ‘Aa’ishah was asked about how the Prophet (*sallallaahu ‘alayhi wa sallam*) conducted himself at home. To this she responded: “He used to attend to the needs of his family [meaning that he would serve them] but whenever it was time for the prayer; he would leave to attend the prayer.”⁷⁴

For this reason, may Allaah honour you and establish your feet firmly, it is essential that you fulfil several obligations. From the most important of these obligations are the following:

- ❁ It is essential that you are mindful of your prayer and that you offer it during its proper time in the houses of Allaah. It is also important that you observe appropriate Islamic social behaviour and maintain good character.
- ❁ It is imperative that you interact with your wife in a manner which is kind and thoughtful since married life cannot continue without these two qualities. True marital bliss and the tremendous benefits of a blessed marriage cannot be established without kindness and thoughtfulness.
- ❁ It is important that you are friendly and amicable and appear with a smiling face and a pleasant demeanour whenever you enter your home. You should extend the greetings of peace (*salaam*) to your family because this specific action helps to cultivate love and happiness in them just as it can be a reason

for entering the Paradise since the Prophet (*sallallaahu 'alayhi wa sallam*) said:

You will not enter the Paradise until you believe. And you will not be a [true] believer until you love one another. Should I not direct you to something, if you were to do it, it would cause love to spread amongst you? Spread the greetings of peace [the saying of *As-Salaamu Alaykum*].

❁ It is very important that you house your family in an appropriate home according to your ability. It should be furnished in a manner which is in accordance to the level of your income without unnecessary lavishness or extravagance.

❁ It is extremely important that you continually look after your wife and children, offering them advice and guidance and admonition according to that which is good. You should encourage them to perform the obligatory acts of worship; especially the performance of prayer in its time.

❁ You should exert every effort to remain consistent in your efforts to provide their *nafaqah* (sustenance) according to your means. This consistency is important because any unnecessary increase in the *nafaqah* (sustenance) may force you into debt. And whenever a man becomes preoccupied with the settlement

of his debts, it is common for his family to suffer financially and socially, which could lead to altercations and cultivate enmity and ultimately bring about the deterioration of the marriage and separation of the spouses.

❁ Avoid spending a lot of time away from home so that you can be just in your distribution of time. You should be particularly careful not to spend a lot of time out late without a legitimate excuse or reason. This is because spending too much time away from home will allow your family to become bored and weary.

❁ It is very important that you recognize and acknowledge everything that your wife does for you, your children, your parents and relatives. You should show her your appreciation by showing her kindness and tenderness. You should make sure that she hears you praise her and thank her and you should not forget to supplicate for her.

A Gentle Reminder for the Bride

Indeed, as a newly married wife, there are many obligations that you are responsible for. If you were to observe these obligations closely, in addition to the obligations that Allaah has prescribed for you, there is a great reward for you with Allaah. This is because the most important goal of the Muslim woman is a good end and admittance to the Paradise. The following statement of the Prophet (*sallallaahu*

'alayhi wa sallam) sufficiently addresses this: "If a [Muslim] woman prays her five prayers, fasts her month [Ramadaan], protects her private parts, and obeys her husband; it will be said to her: 'enter paradise from whichever of its gates that you desire.'"⁷⁵

Certainly, from the most important of obligations towards your husband, may Allaah make your obedience of him easy for you, are the following:

❁ That you beautify yourself by remaining steadfast upon the religion of Allaah and maintain good character. These two characteristics represent the best and most precious qualities that a woman can possess. So may these two characteristics be a source of great benefit to those whom Allaah has granted success.

❁ It is upon you to familiarize yourself with the rights that you may demand of your husband such that you do not violate the limits established by Allaah. Similarly, you should familiarize yourself with his rights upon you so that you can fulfil them. You should avoid harming him in any way while in his presence and avoid betraying his trust in his absence since you are the source of comfort for his eyes both in his presence as well as his absence. Be mindful of the statement of Allaah, the Mighty and Majestic:

﴿الرِّحَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ نِعْمَهُمْ عَلَى نِعْضِ وَإِذَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَأَلْصَقَتْ فَيْدَتُهُمْ حَنَافِظُهُ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّيْلِ لِنَافُونَ ذُشُورُهُمْ فَيَعْطَوْهُمُ وَأَهْجُرُهُمْ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ﴿٤٣﴾﴾

Men are the protectors and maintainers of women because of what Allaah has granted one of them with over the other, and because of what they spend [to support them] from their wealth. Therefore, the righteous women are devoutly obedient and guard in their husbands' absence what Allaah orders them to guard.

[Sooratu-n-Nisaa', 4:34]

❁ It is important that you completely immerse yourself in pursuit of whatever might please him and make him happy, since earning his love and achieving his favour are things that will lead to the continued happiness of both yourself and your family. Disobedience, raising your voice in his face, and rebuking his acts of goodness will only lead you into a state of loss. The right of your husband upon you is great and your obedience of him is obligatory. Consider the following narration of the Prophet (*sallallaahu 'alayhi wa sallam*) in order to better understand the station of the husband to his wife: "If I were to order anyone to prostrate to another, then I would have ordered the woman to prostrate to her husband."⁷⁶

❁ It is important that you cultivate within yourself the characteristics of the righteous woman who pleases her husband whenever he looks at her. She is a woman who protects herself and her husband's wealth in his absence. So strive to maintain a good appearance that you would like your husband to see in you. You should also strive to distinguish yourself in the way you receive him. You should always respect and honour him and obey him especially concerning the type of marital relations mentioned in the statement of the Prophet (*sallallaahu 'alayhi wa sallam*): "If a man calls his wife to his bed and she refuses such that her husband spends the night angry with her then the angels curse her until the morning."⁷⁷

❁ It is also important that you take it upon yourself to keep your husband's home clean, wash and iron his garments, and prepare his favourite foods for him whenever that is possible.

❁ Today you are a bride and tomorrow you are a mother. So be sure that you maintain an appropriate Islamic household. You should instil in your children and your husband's children a good sense of direction, and look after them and monitor them whether they are at home, at school, or at another place away from home. Be a mother who is kind-hearted and compassionate and a wise teacher who will cultivate the generations of tomorrow.

❁ There must be unwavering cooperation between you and your husband in order to establish a model family unit which strongly adheres to its Islamic values, and is driven by a sense of love, mercy and affection.

❁ It is important that you refrain from engaging in petty discussions with your husband about matters of little importance. You should not confront your husband's family and challenge his mother, father, or brothers with questionable behaviour that will infuriate him and cause him to harbour ill will. Rather, you should love them and praise their good qualities.

❁ You must not leave his home without his permission. If you have sought your husband's permission to leave in order to visit one of your relatives, you must accept his opinion even if does not seem fair and reasonable. If he does not approve this time, *insha'Allaah*, he will approve next time. There is no harm in discussing the issue so long as it occurs with etiquette and is done calmly.

❁ It is important that you do not burden your husband beyond his capacity by demanding that he purchases the most luxurious and unnecessary furnishings which he cannot afford. You should also avoid overburdening him with keeping up with the latest fashions and styles of clothing to the extent that he will not be able to address and satisfy the family's most essential necessities.

❁ If you feel in your heart that your husband has neglected one of your rights, it is important that you choose an appropriate time to discuss the issue. Your discussion of this matter should be gentle and good-natured and should not involve raising one's voice. Your discussion should not involve emotional tension or intensity because this ultimately causes dissention and never brings about the intended results.

❁ O my sister: If you were to strive hard to adopt these qualities while obeying your Lord and clinging to the *Sunnah* of your Prophet (*sallallaahu 'alayhi wa sallam*), if you were careful to avoid whatever displeases Allaah and angers your husband and remain patient, then you have truly benefited because you have gained the pleasure of your Lord and your husband. This is the true success and peace of mind that will relieve both you and your husband. In fact, this will benefit your family, your parents, and the entire community

Obligations Shared by Both the Husband and Wife

My dearly respected newlyweds:

❁ It is imperative that you both cooperate and work together for the greater good, which is to please Allaah, the Glorified and Exalted. This can occur when two righteous spouses help one another to preserve their prayer and cooperate with each other in whatever pleases Allaah and in whatever averts His displeasure; they should also please Allaah by encouraging one another to pray at night since the night prayer is filled with goodness and blessings and the supplication that is offered in the middle of the night is accepted.

❁ You should both maintain a love for the poor and impoverished people and you should encourage the feeding of them.

❁ You should look for opportunities to give generously and you should not belittle or disregard whatever you may have given since Allaah says:

﴿ فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ ﴾

So whoever does an atom's weight of good will see it.

[Sooratuz-Zalzalah, 99:7]

And the Prophet (*sallallaahu 'alayhi wa sallam*) says in his narration: “O Muslim women, none of you should belittle the gift offered by her [female] neighbour, even if it were the *firsina* of a sheep.”⁷⁸

❖ You should both strive to develop and achieve the most noble and refined character such that you might be an example of every type of good. You should not neglect to maintain family ties, treat your parents with kindness, or visit your relatives. Look after your neighbours and honour their station with love and respect. You should hasten to give them gifts, even if it is only something simple, because this can help to strengthen the love and reinforce the wonderful relationship between the family and the community at large.

My dearly respected newlyweds, may Allaah bless the both of you and unite you both upon goodness:

You are both about to enter into a new contract. This new contract leads to parenthood so be especially mindful of your children and their upbringing so that they might grow up upon righteousness, being raised and educated in belief in and reliance upon Allaah. They should be encouraged to perform their prayers and instructed to do so when they reach the age of seven and their beds should be separated when they reach the age of ten.

They should be raised to love and appreciate the Noble Qur'aan through its recitation and memorization. Similarly, they should be raised upon love for the Prophet (*sallallaahu 'alayhi wa sallam*) and veneration for his *Sunnah*. Just as they should be raised to love the companions of the Prophet (*sallallaahu 'alayhi wa sallam*), especially the rightly guided Caliphs, the remainder of the ten who were promised Paradise, as well as the rest of the companions who Allaah chose to support His Prophet (*sallallaahu 'alayhi wa sallam*).

Teach them the nobility of righteous character and refined etiquette and help them to abandon people of ill-repute by not associating with them. All of this is in hope and anticipation of their becoming from the most prominent examples of the righteous since from the supplications of the believing slaves of *ar-Rahmaan* is to call upon Him:

﴿ وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا ﴾

And those who say: Our lord, grant us from among our wives and offspring comfort to our eyes and make us an example for the righteous.

[Sooratul-Furqaan, 25:74]

So if Allaah honours you both by allowing your children to grow up upon guidance and righteousness under your protection,

insha'Allaah, then you should assist them in their efforts to marry while keeping in mind the following prophetic points of advice:

The Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) said: "If an individual approaches you [seeking the hand of your daughter] and his character and religion pleases you, then marry him [to your daughter]. Otherwise, if you don't marry them, this will lead to great problems in the land and great corruption."⁷⁹

And the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) said: "A woman is married for four [reasons]: her wealth, her lineage, her beauty, and her religion. Marry the religious woman and may your hands be covered with dust."⁸⁰

Parents, may Allaah bless you, seek after the possessors of good religion and character so that they might be potential spouses for your sons and daughters. Your primary concern should not be money, beauty, lineage or status.

You should be careful to avoid what Allaah has prohibited of intermingling during wedding parties and other forms of disobedience that Allaah has forbidden. Try to observe moderation in your wedding parties so that you do not fall into extravagance and excessiveness.

Help the newlyweds to develop harmony, love, and affection after marriage and do not concern yourselves with their affairs if it will

lead to creating dissention between them. Rather, just as you were a reason for their happiness on the night of their wedding by marrying them, you should similarly try to ensure that their happiness endures by continuing to help them to remain together harmoniously after their wedding.

And may the prayers of peace and blessing of Allaah be upon our Prophet Muhammad and upon his family and companions.

⁷² The following article was authored by Dr. 'Aasim Ibn 'Abdillah al-Qaryuti. We ask Allaah to reward him greatly for his permission to include this beautiful reminder.

⁷³ Collected by al-Bukhaaree and Muslim.

⁷⁴ Collected by al-Bukhaaree 644.

⁷⁵ Classed as *saheeh* by al-Albaanee in *Saheeh al-Jaami'*, no. 661.

⁷⁶ Saheeh Ibn Maajah.

⁷⁷ Collected by al-Bukhaaree 3065, Muslim 1436.

⁷⁸ Collected by al-Bukhaaree 2566, Muslim 1030.

⁷⁹ Collected by at-Tirmidhee, 1084, from Abu Haatim al-Muzanee. This *hadeeth* was classed as *hasan* by al-Albaanee in *Saheeh at-Tirmidhee*.

⁸⁰ Collected by al-Bukhaaree 5090, Muslim 1466.



Quiz Answer Key

Section One: The Linguistic and Technical Meaning of Marriage

- 1) C 2) C

Section Two: The *Hukm* or Legal Rulings Concerning Marriage

- 1) D 2) A

Section Three: Conditions of Marriage

- 1) C 2) D

Section Four: The Description of the Woman Who Is Sought for Marriage

- 1) C 2) A

Section Five: Women Who You are Forbidden to Marry

- 1) B 2) C

Section Six: The Permissibility of Plural Marriage

- 1) C 2) D

Section Seven: The Wisdom of Marriage

- 1) A and D 2) C

Section Eight: Obligations Resulting from Marriage

- 1) B 2) C

Section Nine: The Legal Ruling of *Talaaq* (Divorce) and What Must Be Adhered to Concerning It

- 1) C 2) C

Section Ten: Obligations Resulting from Divorce

- 1) D 2) D