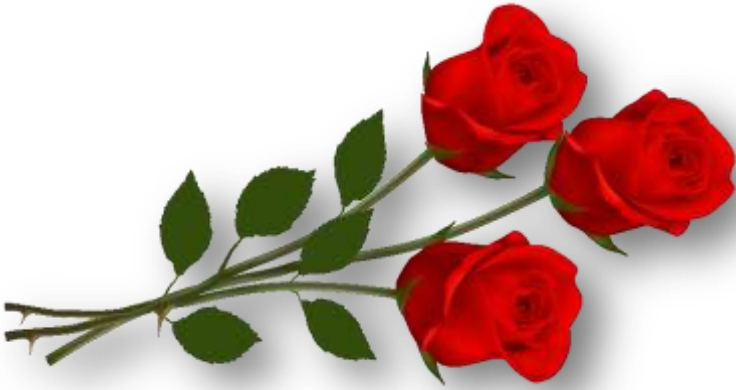


Kitaabun Nikah

Book on Marriage

ACCORDING TO THE SHAAFI'EE MADHAB



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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْحَمْدُ لِلَّهِ وَكَفَى وَ سَلَامٌ عَلَى عِبَادِهِ الَّذِينَ اصْطَفَى :

INTRODUCTION

Marriage is the social fabric that binds society. It is the institution that unites not only the spouses, but their families and even communities. Through the strong bond of marriage a firmly rooted family is established which is a vital for the development of society. If any interference disrupts this cycle, society faces major problems with the generations that follow.

Islam being a code of life has stipulated rules and regulations regarding this institution. This treatise deals with those laws and regulations governing the sacred institution of Nikah.

Regarding Nikah the Qur'aan says:

فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ ، فَإِنْ خِفْتُمْ أَلَّا
تَعْدِلُوا فَوَاحِدَةً ،

MARRY THE WOMEN YOU LIKE, IN TWOS IN THREES
AND IN FOURS. BUT IF YOU FEAR THAT YOU WILL
NOT MAINTAIN EQUALITY THEN (KEEP TO) ONE
WOMAN (Surah An Nisaa')

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

AND IT IS AMONG HIS SIGNS THAT HE HAS CREATED FOR YOU WIVES FROM AMONG YOURSELVES, SO THAT YOU MAY FIND TRANQUILLITY IN THEM, AND HE HAS CREATED LOVE AND KINDNESS BETWEEN YOU. SURELY IN THIS THERE ARE SIGNS FOR A PEOPLE WHO REFLECT. (Surah Ar Room)

Ahaadeeth regarding Nikah:

عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : النِّكَاحُ مِنْ
سُنَّتِي فَمَنْ لَمْ يَعْمَلْ بِسُنَّتِي فَلَيْسَ مِنِّي ، وَتَزَوَّجُوا فَإِنِّي مُكَاثِرٌ بِكُمْ
الْأُمَمَ وَمَنْ كَانَ ذَا طَوْلٍ فَلْيَنْكِحْ وَمَنْ لَمْ يَجِدْ فَعَلَيْهِ بِالصَّيَّامِ فَإِنَّ
الصَّوْمَ لَهُ وَجَاءٌ ،

Sayyidah Aa'ishah Radhiyallaahu Anhaa narrated that Rasulallah Sallallaahu Alayhi wa Sallam said: *NIKAH IS FROM MY SUNNAH. WHOEVER DOES NOT PRACTICE ON MY SUNNAH IS NOT FROM ME (MY UMMAH). MARRY (AND HAVE CHILDREN) FOR I WILL BE PROUD OF (THE AMOUNT OF MY UMMAH) COMPARED*

TO OTHER UMMAHS (ON THE DAY OF QIYAAMAHA). WHOEVER IS CAPABLE (WHOEVER CAN AFFORD TO MARRY) SHOULD MARRY AND WHOEVER IS INCAPABLE SHOULD FAST, FOR VERILY FASTING WILL SERVE AS A SHIELD FOR HIM. (Ibni Maajah)

عَبْدُ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قَالَ : أَخْبَرَنِي إِبْرَاهِيمُ بْنُ مَيْسَرَةَ أَنَّهُ سَمِعَ
عُبَيْدَ بْنَ سَعْدٍ يَقُولُ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : مَنْ أَحَبَّ
فِطْرَتِي فَلَيْسَتْ بِسُنَّتِي ، وَمِنْ سُنَّتِي النِّكَاحُ ،

Sayyidina Ubayd ibni Sa'd Radhiyallaahu Anhu says that Rasulullah Sallallaahu Alayhi wa Sallam said:
WHOEVER LOVES MY WAY MUST ADOPT MY SUNNAH, AND FROM MY SUNNAH IS NIKAH. (Musannaf Abdur Razzaaq)

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ الْعَاصِ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
أَنَّهُ قَالَ : إِنَّ الدُّنْيَا كُلَّهَا مَتَاعٌ ، وَخَيْرُ مَتَاعِ الدُّنْيَا الْمَرْأَةُ الصَّالِحَةُ ،

It is narrated from Sayyidina Abdullah ibni Amr ibnul Aas Radhiyallaahu Anhu that Rasulullah Sallallaahu Alayhi wa Sallam said:

THE WORLD IN ITS ENTIRETY IS MATERIAL POSSESSIONS; AND THE BEST OF THESE MATERIAL POSSESSIONS IS A PIOUS WIFE. (Musnad Ahmad)

DEFINITION OF NIKAH

Nikah is a contract between a male and a female which makes a matrimonial contact between them permissible.

THE LAW REGARDING NIKAH

Nikah is Mustahabb for that person who has a need to marry, he has an interest in marriage and he possesses the means to pay the Mahr and maintain his wife. Also, he knows that if he does not marry, he will not commit sin.

It is not advisable (Makrooh) for such a person to marry who has an interest in marriage but cannot afford to maintain his wife. In this case he should occupy himself in acts of worship and fasting so that he may keep himself pure and chaste.

It is also Makrooh for a person who is physically not capable of marriage.

It is compulsory (Waajib) for a person who is capable and has the means and he has the fear that if he does not marry, he will commit sin.

It is Haraam for such a woman to marry who has absolutely no interest in marriage and she knows that she will not fulfil the rights of the husband.

It is Haraam for that person to marry who knows that he will not fulfil the rights of his wife.

WHO IS ONE ALLOWED TO MARRY AND NOT TO MARRY

Those who are forbidden can be because of one of these reasons:

Family relation, fostering, because of marriage to a certain family member; to take another wife (who is related to the first wife) and both cannot be kept in the Nikah of the same person at the same time.

Those forbidden due to a family relation: mother, grandmother and higher, daughter, granddaughter and lower, sister and this includes sisters from the mother or father's other marriage, paternal aunt, maternal aunt, paternal niece and maternal niece.

Those forbidden due to fostering: foster mother and her mother and higher. Foster sister: this is a female who drank from your mother, or you drank from her mother or both of you drank from the same foster mother. If she drank from your mother then she is forbidden unto you and your brothers. Her sisters will be permissible for you because they did not drink from your mother. If you drank from her mother then she is forbidden for you and all her sisters are also forbidden for you but she and her sisters can marry your brothers who did not drink from her mother.

Also forbidden is the female who suckled the same woman with your father or mother and also those who suckled your wife because you become a foster father to that child.

Those forbidden due to marriage: father's wife, grandfather's wife and higher and this will apply both on the paternal and maternal side. These are permanently forbidden.

Also permanently forbidden are the wife's mother (mother in-law) and the daughter of the wife.

Some women are forbidden temporarily. When the reason is no more found then marriage with them will be permissible. They are: to have two sisters at one time in marriage, to have a lady and her paternal or maternal aunt at one time in marriage, a lady and her paternal or maternal niece, a lady and her granddaughter.

When the lady is no more in the marriage of that man then he can get married to the other (above).

A lady who is in the state of Ihraam for Haj or Umrah cannot make Nikah. A man in the state of Ihraam also cannot marry. It will be permissible after the release of Ihraam.

Also forbidden is to have more than four wives at the same time in marriage.

It is not permissible to marry a Mushrikah (a lady who believes in more than one God). She has to revert to Islam before marrying her.

All the above will apply to a female also.

It is permissible for a man to marry a lady from the Ahlul Kitaab. Ahlul Kitaab are Jews and Christians. The Jewish lady

has to be a direct descendent of Nabi Ya'qoob Alayhis Salaam for marriage to be valid with her, or her forefathers accepted the Jewish or Christian religion prior to corruption entering it. Although permissible, it is highly discouraged.

It is not permissible for a female Muslim to marry a man of another religion.

It is not permissible to marry an atheist.

It is not permissible to marry a married woman (while she is still married).

It is not permissible to marry a woman who is undergoing Iddah. It will be permissible after the completion of the Iddah.

It is not permissible to remarry the same woman whom one has divorced with three Talaaqs until she marries someone else. Details on this will follow in the book on Talaaq (divorce).

TIME FOR MARRIAGE

As soon as the girl or boy is ready for marriage and the prerequisites of marriage are found respectively in the boy and girl, the parents should get them married. It will be a means of preserving their chastity and morals.

عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَهُ: يَا عَلِيُّ ثَلَاثٌ لَا تُؤَخِّرْهَا الصَّلَاةُ إِذَا آتَتْ وَالْجَنَازَةُ إِذَا حَضَرَتْ وَالْأَيِّمُ إِذَا وَجَدْتَ لَهَا كُفْمًا ،

Sayyidina Ali Radhiyallaahu Anhu narrates that Rasulullah Sallallaahu Alayhi wa Sallam said to him:

O ALI! DO NOT DELAY THREE THINGS; SALAAH WHEN ITS TIME HAS ENTERED, JANAAZAH WHEN IT IS PRESENT AND A GIRL (FOR MARRIAGE) WHEN A SUITABLE PARTNER IS FOUND. (Tirmidhi)

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: حَقُّ الْوَلَدِ عَلَى وَالِدِهِ أَنْ يُحَسِّنَ اسْمَهُ، وَيُزَوِّجَهُ إِذَا أَدْرَكَ، وَيُعَلِّمَهُ الْكِتَابَ ،

Sayyidina Abu Hurayrah Radhiyallaahu Anhu says that Rasulullah Sallallaahu Alayhi wa Sallam said:

IT IS THE RIGHT OF A CHILD THAT HIS FATHER SHOULD GIVE HIM A GOOD NAME, AND WHEN HE COMES OF AGE SHOULD GET HIM MARRIED AND HE SHOULD GIVE HIM THE EDUCATION OF QUR'AAN. (Kanzul Ummaal)

SEEING THE POTENTIAL PARTNER

It is Sunnah and encouraged that the male see the female and the female see the male with the intention of marriage, otherwise it will not be permissible to see each other.

عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ أَنَّهُ خَطَبَ امْرَأَةً فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: انْظُرْ إِلَيْهَا فَإِنَّهُ أَحْرَى أَنْ يُؤَدَّمَ بَيْنَكُمَا ،

SAYYIDINA MUGHEERAH BIN SHU'BAH RADHIYALLAAHU ANHU NARRATES THAT HE PROPOSED FOR A WOMAN. NABI SALLALLAAHU ALAYHI WA SALLAM TOLD HIM TO LOOK AT HER BECAUSE IT (SEEING HER) IS MORE LIKELY TO CAUSE PERMANENCY BETWEEN YOU TWO. (Tirmidhi)

عَنْ مُحَمَّدِ بْنِ مَسْلَمَةَ قَالَ: خَطَبْتُ امْرَأَةً فَجَعَلْتُ أَتَخَبَّأُ لَهَا حَتَّى نَظَرْتُ إِلَيْهَا فِي نَخْلٍ لَهَا فَقِيلَ لَهُ: أَتَفْعَلُ هَذَا وَأَنْتَ صَاحِبُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: إِذَا أَلْقَى اللَّهُ فِي قَلْبِ امْرِئٍ خُطْبَةَ امْرَأَةٍ فَلَا بَأْسَ أَنْ يَنْظُرَ إِلَيْهَا ،

Sayyidina Mohammed Bin Maslamah Radhiyallaahu Anhu says: *“I PROPOSED FOR A WOMAN. THEN I STEALTHILY TRIED TO SEE HER UNTIL I SAW HER AMONG HER DATE PALMS.” HE WAS TOLD (SOMEONE REPRIMANDED HIM): “YOU DO THIS (STEALTHILY SAW HER) WHEREAS YOU ARE THE COMPANION OF RASULULLAH SALLALLAAHU ALAYHI WA SALLAM?” HE REPLIED: “I HEARD RASULULLAH SALLALLAAHU ALAYHI WA SALLAM SAYING: WHEN ALLAH INSPIRES THE HEART OF SOMEONE TO PROPOSE TO A WOMAN THEN THERE IS NO HARM IN HIM SEEING HER.”* (Ibni Maajah)

It is not necessary to secure permission before seeing; it can be done without the other one knowing on condition that it is for the purpose of marriage.

حَدَّثَنَا حَسَنُ بْنُ مُوسَى حَدَّثَنَا زُهَيْرٌ عَنْ عَبْدِ اللَّهِ بْنِ عِيسَى عَنْ مُوسَى
 بْنِ عَبْدِ اللَّهِ عَنْ أَبِي حُمَيْدٍ أَوْ حُمَيْدَةَ الشَّكِّ مِنْ زُهَيْرٍ قَالَ:
 قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا خَطَبَ أَحَدُكُمْ امْرَأَةً فَلَا
 جُنَاحَ عَلَيْهِ أَنْ يَنْظُرَ إِلَيْهَا إِذَا كَانَ إِنَّمَا يَنْظُرُ إِلَيْهَا لِخِطْبَتِهِ وَإِنْ كَانَتْ
 لَا تَعْلَمُ،

Rasulullah Sallallaahu Alayhi wa Sallam said:
 WHEN ANYONE OF YOU PROPOSES FOR A WOMAN THEN
 THERE IS NO PROBLEM IN SEEING HER FOR THE

*PURPOSE OF MARRIAGE EVEN IF SHE IS NOT AWARE
(THAT YOU SAW HER). (Musnad Ahmad)*

It is not permissible (Haraam) to look at the opposite gender without the intention of marriage.

The Qur'aan advises us on protection of the gaze:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ، ذَلِكَ أَزْكَى
لَهُمْ ، إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ ، وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ
أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ ...

SAY TO THE BELIEVING MEN THAT THEY MUST LOWER THEIR GAZES AND GUARD THEIR PRIVATE PARTS; IT IS MORE PURIFYING FOR THEM. SURELY ALLAH IS ALL-AWARE OF WHAT THEY DO. AND SAY TO THE BELIEVING WOMEN THAT THEY MUST LOWER THEIR GAZES AND GUARD THEIR PRIVATE PARTS ...
(Surah An Noor)

Hadeeth:

عَنْ حُذَيْفَةَ ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : النَّظَرَةُ سَهْمٌ
مِّنْ سِهَامِ إبْلِيسَ ، مَنْ تَرَكَهَا خَوْفًا مِّنَ اللَّهِ آتَاهُ اللَّهُ إِيْمَانًا يَجِدُ
حَلَاوَتَهُ فِي قَلْبِهِ ،

Sayyidina Hudhayfah Radhiyallaahu Anhu narrates that
Rasulullah Sallallaahu Alayhi wa Sallam said:
*THE GAZE IS A POISONOUS ARROW FROM THE ARROWS
OF SHAYTAAN. WHOEVER PROTECTS IT (THE GAZE)
BECAUSE OF THE FEAR OF ALLAH THEN ALLAH WILL
GRANT HIM SUCH IMAAN THAT HE WILL EXPERIENCE
ITS SWEETNESS IN HIS HEART.* (Musnad Shihaab)

A person will only be allowed to look with the specific
intention of marriage, otherwise it is completely forbidden and a
major sin.

If it is formal, e.g. the boy goes to the home of the girl to see her
then he should not sit alone with her in a secluded place. It is
forbidden for two strangers to be alone, even for the purpose of
marriage. In this case it will be necessary that a Mahram of the
girl is with, in that meeting.

It is mentioned in a Hadeeth:

لَا يَخْلُونَ أَحَدُكُمْ بِامْرَأَةٍ فَإِنَّ الشَّيْطَانَ ثَالِثُهُمَا ،

NONE OF YOU WILL EVER BE ALONE WITH A WOMAN EXCEPT THAT SHAYTAAN WILL BE THE THIRD ONE PRESENT. (Musnad Ahmad)

He is only allowed to see her face and hands, nothing more. The potential bride is allowed to only expose her face and hands in the presence of the potential groom. He is only allowed to see that much. The rest of her body should be covered. If there is a need to ask questions, ask only that which is pertinent and ask with dignity and modesty. The same will apply to the girl.

It is forbidden to touch each other, even if it is just a handshake.

حَدَّثَنِي مَعْقِلُ بْنُ يَسَارٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:
لَأَنْ يُطْعَنَ فِي رَأْسِ رَجُلٍ بِمَخِيطٍ مِنْ حَدِيدٍ خَيْرٌ لَهُ مِنْ أَنْ يَمَسَّ امْرَأَةً
لَا تَحِلُّ لَهُ ،

Sayyidina Ma'qal Ibn Yasaar Radhiyallaahu Anhu reports that Rasulullah Sallallaahu Alayhi wa Sallam said:
*IT IS BETTER FOR A PERSON THAT A NEEDLE BE
PIERCED INTO HIS HEAD THAN TOUCHING A WOMAN*

WHO IT IS NOT PERMISSIBLE FOR HIM TO TOUCH. (Al Mu'jamul Kabeer Tabraani)

This applies to touching any Ghayr Mahram; whether Muslim or non Muslim.

WHAT TO LOOK FOR IN A PARTNER

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: تُنْكَحُ
الْمَرْأَةُ لِأَرْبَعٍ ، لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَ لِدِينِهَا فَافْظُرْ
بِذَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ ،

Sayyidina Abu Hurayrah Radhiyallaahu Anhu narrates from Rasulullah Sallallaahu Alayhi wa Sallam: *A WOMAN IS MARRIED FOR FOUR THINGS; HER WEALTH, HER STATUS, HER BEAUTY AND HER DEEN. BECOME SUCCESSFUL BY GIVING PREFERENCE TO HER DEEN (CHOOSE THE ONE WHO HAS DEEN).* (Bukhaari)

A person who possesses Deen and Islamic character will be more conscious of fulfilling the rights of the partner. Beauty can also be considered but should not be the focus. Beauty is something that does not remain forever. It is only the fear of Allah that will drive a person towards the fulfilment of rights, patience and chastity.

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا خَاطَبَ
إِلَيْكُمْ مَنْ تَرَضَّوْنَ دِينَهُ وَخُلِقَهُ فَرَوْجُهُ إِلَّا تَفَعَّلُوا تَكُنْ فِتْنَةً فِي
الْأَرْضِ وَفَسَادٌ عَرِضٌ،

Sayyidina Abu Hurayrah Radhiyallaahu Anhu narrates that
Rasulullah Sallallaahu Alayhi wa Sallam said:
*WHEN YOU RECEIVE AN OFFER OF MARRIAGE FROM A
PERSON WHO'S DEEN AND CHARACTER PLEASE YOU
THEN PERFORM THE MARRIAGE, OTHERWISE MISCHIEF
WILL SPREAD ON THE EARTH AND GREAT STRIFE.*
(Tirmidhi)

Do not only look at the wealth of the boy. Focus on his Deen
and character as criteria; his Deeni level and commitment. If he
lacks in Deen then he will not spend on his wife, will be miserly,
will not fulfil her rights, may be prone to mental and physical
abuse, infidelity, etc. He must be willing to spend on his wife
according to his means.

So in both partners, although other issues can be taken into
consideration, but the main focus is Deen and character.

PROPOSING FOR A PERSON WHO IS IN THE PROCESS OF BEING PROPOSED FOR

It is not advisable to propose to a girl whom someone has already asked for and is awaiting an answer. Only go see her or ask for her after the other suitor has made a decision not to marry her.

قَالَ أَبُو هُرَيْرَةَ يَأْتُرُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِيَّاكُمْ وَالظَّنَّ
فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ ، وَلَا تَجَسَّسُوا وَلَا تَحَسَّسُوا وَلَا
تَبَاغُضُوا وَكُونُوا إِخْوَانًا ، وَلَا يَخْطُبُ الرَّجُلُ عَلَى خِطْبَةِ أَخِيهِ حَتَّى
يَنْكِحَ أَوْ يَتْرُكَ ،

Narrated by Sayyidina Abu Hurayrah Radhiyallaahu Anhu from
Rasulullah Sallallaahu Alayhi wa Sallam:
*BEWARE OF SUSPICION FOR VERILY SUSPICION IS THE
BIGGEST LIE. AND DO NOT SPY UPON EACH OTHER AND
DO NOT LISTEN TO THE EVIL TALKS ABOUT OTHERS.
AND DO NOT HAVE ENMITY WITH ONE ANOTHER BUT BE
BROTHERS. A MAN SHALL NOT PROPOSE FOR A GIRL
WHILE HIS BROTHER HAS ALREADY PROPOSED, UNTIL
HE DECIDES TO MARRY HER OR WITHDRAW (HIS
PROPOSAL).* (Bukhaari)

If he was unaware of the proposal then it is no fault of his. If the girl already consented to the marriage and he is aware then it is Haraam to propose for her.

Just as it is permissible for a boy to propose for a girl, it is equally permissible for the family of the girl to propose for a suitable boy.

Nabi Shu'ayb Alayhis Salaam requested Sayyidina Moosa Alayhis salaam for Nabi Moosa to marry one of his daughters. This is mentioned in the Qur'aan in Suratul Qasas.

AFTER CONFIRMING MARRIAGE BUT PRIOR TO NIKAH

Premarital relations are not allowed in Islam. Even if there is no physical sexual relationship, it is still not permissible. The Hadeeth explains:

عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: كُتِبَ عَلَى ابْنِ آدَمَ
نَصِيْبُهُ مِنَ الزَّنا مُدْرِكُ ذَلِكَ لَا مَحَالَهٗ ، فَالْعَيْنَانِ زِنَاهُمَا النَّظَرُ ،
وَالْأُذُنَانِ زِنَاهُمَا الْإِسْتِمَاعُ ، وَاللِّسَانُ زِنَاهُ الْكَلَامُ ، وَالْيَدُ زِنَاهَا
الْبَطْشُ ، وَالرَّجْلُ زِنَاهَا الْخُطَا ، وَالْقَلْبُ يَهْوَى وَيَتَمَنَّى وَيُصَدِّقُ
ذَلِكَ الْفَرْجُ وَيَكْذِبُهُ ،

It is narrated from Sayyidina Abu Hurayrah (Radhiyallaahu Anhu) that Nabi Sallallaahu Alayhi wa Sallam said:

FORNICATION (ZINA) OF THE EYES IS THE GAZE. FORNICATION OF THE EARS IS TO LISTEN. FORNICATION OF THE TONGUE IS THE SPEECH. FORNICATION OF THE HANDS IS TO TOUCH. FORNICATION OF THE FEET IS TO WALK, AND THE HEART DESIRES AND HOPES. THE PRIVATE PART EITHER CONFIRMS IT OR NEGATES IT.
(Muslim)

Usually an 'engagement' takes place whereby it is now confirmed that this boy and girl will marry in the near future. This engagement is not a licence for the boy and girl to have any contact; whether by meeting, by phone, email, letters, sms, etc. Many a time although they were engaged, they changed their minds and never married.

A relationship of any type between boy and girl is only allowed AFTER Nikah. According to Shari'ah they are 'strangers' before Nikah, notwithstanding the engagement. Whoever has a relationship (courting) before marriage, will fall under the category of the Hadeeth mentioned.

The Qur'aan says:

فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أُجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ
غَيْرَ مُسَافِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ ،

SO MARRY THEM (WOMEN) WITH THE PERMISSION OF THEIR FAMILIES, AND PAY THEM THEIR DOWRIES IN

AN EQUITABLE AMOUNT, WHILE THESE WOMEN SHOULD REMAIN CHASTE (BEFORE MARRIAGE), WITHOUT FORNICATING OR TAKING ILLICIT FRIENDSHIPS (I.E. BOY-FRIENDS). (Surah Nisaa’)

وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا
الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أَجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ
وَلَا مُتَّخِذِي أَخْدَانٍ ،

(LAWFUL TO YOU IN MARRIAGE) ARE CHASTE WOMEN FROM THE BELIEVERS PROVIDED YOU GIVE THEM THEIR DOWRIES, BINDING YOURSELF IN MARRIAGE, NOT GOING FOR LUST (ILLICIT SEXUAL INTERCOURSE) NOR TAKING THEM AS GIRL-FRIENDS. (Surah Maa'idah)

These verses prove that courting or any type of relationship before Nikah is Haraam, irrespective of the engagement or confirmation of marriage.

Throughout the centuries people have married without having any contact with the partner before marriage and their marriages have been successful. The alternate method is to find out from their acquaintances regarding the background and character of the future partner.

In Shari'ah we are taught to love the person we marry, not to marry the person we love, because pre-marital love and contact is not a genuine and honest basis on which a Nikah is built.

Compatibility builds up between spouses when each one gives and takes in the marital relationship and harmoniously builds up that understanding and thereafter become compatible.

Many times in the contact before marriage, each one is trying to impress, flatter and woo the other, creating a false impression, only to be shattered after marriage. Because of the false impression created, the partner enters the marriage with certain expectations (according to the discussions they had over a period of time before marriage), only to be disappointed after marriage. This is precisely the reason why even love marriages break up. In fact such marriages break up more than arranged marriages, as statistics will show. It is best to enter a marriage without any expectations and build up love from there as the marriage progresses.

THE FIVE CONDITIONS FOR A NIKAH TO BE VALID

1. The words used for the enactment of the Nikah.
2. The woman.
3. The man.
4. The Wali (guardian)
5. Two witnesses.

1. THE WORDS USED FOR THE ENACTMENT OF THE NIKAH

a) If the Arabic words are used then words like Nikah and Tazweej must be used. Examples: Zawwajtuhaa – I have married her, Qabiltu Nikahahaa – I have accepted her in my Nikah, etc. If the Nikah is being conducted in another language then words of similar meanings (to the above words) must be used.

b) If the groom only says “I accept” in reply then the Nikah will not be valid. Example: The guardian says: I have married my daughter to you and the groom replies with “I accept” (Qabiltu) it will not suffice and the Nikah will not be valid. He should say “I have accepted her in my Nikah” (Qabiltu Nikahahaa).

c) If ambiguous words are used then too the Nikah will not be valid.

d) Similarly, a Nikah in writing wherein the guardian marries the girl off to the boy by writing that I have married my daughter to you and the boy replies that I have accepted her in my marriage is not sufficient and not valid, irrespective of whether the bride and groom are present where it is being written or not. A Nikah cannot be enacted in writing only.

e) A dumb person (a person who cannot speak) will accept the Nikah in such sign language that everybody can understand that he has accepted. In his case, writing will also be acceptable.

f) The words of proposal (Iejaab) and acceptance (Qabool) during the Nikah must be consecutive without a long pause in-between the two. If the proposal words are said: 'I have married my daughter to you' and after a long pause the groom replies: 'I have accepted her in my marriage', the Nikah will not be valid because of the long pause. A short pause (example the person sneezed and through it a pause was caused) is not a problem.

g) The Wali (guardian of the girl) and the groom have to be in their full senses throughout the procedure. Example: if the guardian said 'I marry my daughter to you' but before the groom could answer the guardian fell unconscious and the groom answered while the guardian was unconscious then the Nikah will not be valid.

h) The words used must denote the present tense, or past tense words could also be used but not words that denote the future. Example: I marry my daughter to you when Ramadhaan begins, and the groom says I accept her in my marriage, or, I marry my daughter to you in two months, etc. the Nikah will not be valid.

Similarly, a marriage with a condition attached is not valid. Example: I marry my daughter to you if she passes her exams and the groom says I have accepted her in my marriage. In both examples although the groom has accepted, the Nikah is not valid because in the first example, the stipulation of the future and in the second example the condition attached. For a Nikah to be valid, it must be present and immediate.

i) The Nikah must not be for a stipulated time period. Example: I marry her for the period of two months, six months, one year,

etc. Stipulation of time will render the Nikah invalid. This is referred to as Mut'ah marriage and it is completely forbidden and Haraam. There are Hadeeth forbidding Mut'ah marriages. It is completely impermissible.

A Nikah must be free from any condition attached.

2. THE WOMAN

a) A woman one intends to marry must be free from any impediments that forbid marriage with her. This is mentioned under the section 'who is one allowed to marry and not to marry'.

b) She must not be in the state of Ihraam for Haj or Umrah.

c) The girl must be specified. If a guardian says that I marry you to one of my daughters then the Nikah will not be valid because of ambiguity.

3. THE MAN

a) The man must not be from among her Mahram.

b) The man must also be specified. If there are two men and the guardian says I marry my daughter to one of you, the Nikah will not be valid.

c) The man must not be in the state of Ihraam for Haj or Umrah.

4. THE WALI (GUARDIAN)

* A Wali is a person who Shari'ah has given this right and his duty is to safeguard the people in his care, protect their rights and be considerate of their well-being. He is their guardian and has to fulfil this duty with honesty, integrity and selflessness. If he is neglectful to his wards he is answerable to Allah Ta'aala.

* A Wali is necessary for the validity of Nikah, whether the girl is a minor or mature or virgin or non virgin.

* It is not permissible for a girl to marry off herself. It has to be done through a Wali. If she marries herself off to someone then such a Nikah will be invalid.

WHO CAN BECOME A WALI FOR NIKAH

There is a sequence to follow with regard to a Wali. If the one is not alive then the next in-line will become the Wali in Nikah, and so forth.

The sequence is as follows:

1. The father
2. The paternal grandfather.
3. Full brother (the parents of both the girl and the brother are the same; same mother and same father).
4. Half brother who is the son of the father. (The girl and brother have the same father but different mothers).

5. Nephew (son of the full brother).
6. Nephew (son of the half brother (mentioned in number 4)).
7. Paternal uncle.
8. Cousin (son of the paternal uncle).

If a particular Wali will not be available at the time and place of Nikah, he can delegate the duty to the next in-line.

A son or grandson cannot serve as Wali in Nikah.

A female cannot become a Wali for Nikah.

If there is no Wali available then both parties will jointly choose an upright Muslim as a Wali and he will then represent her in the Nikah.

WALI FOR A FEMALE WHO HAS REVERTED TO ISLAM AND HAS NO MUSLIM GUARDIANS

Any upright Muslim male can become her Wali for the purpose of Nikah. She will appoint the person and he will represent her.

CONDITIONS FOR A WALI TO BE VALID

1. Islam. The Wali has to be a Muslim. The Wilaayah (guardianship) of a non Muslim is not valid in Nikah.
2. Righteousness. The Wali should be a person who is not involved in major sins and not habitual in perpetrating minor sins. He should not be a Faasiq. A Faasiq is a person who

commits sins openly. If the Wali is a Faasiq then the Wilaayah will move to the next person in-line.

3. Maturity. The Wali has to be mature. The Wilaayah of a minor is not valid.

4. Sanity. The Wilaayah of an insane person is not valid.

5. The Wali must not be in the state of Ihraam.

PERMISSION FROM THE GIRL FOR MARRIAGE

Permission should be sought from the girl to marry her to someone. It is necessary that a non virgin gives her verbal consent for the marriage. In the case of a virgin, because of shyness, her silence will also indicate consent.

5. TWO WITNESSES

Having two witnesses at the time of enacting the Nikah is also a condition for the validity of the Nikah. There are conditions attached to the two witnesses also.

They are:

- a) Islam. They have to be Muslim.
- (b) They have to be males. A female cannot serve as a witness.
- (c) Sanity and maturity.
- (d) Righteousness.

(e) They must be able to hear and they must hear the enactment of the Nikah. Thus a deaf or sleeping person cannot serve as a witness.

(f) They must be able to see. A blind person cannot serve as a witness.

It is Mustahabb (preferable) that the witnesses are chosen in accordance with the wishes of the bride. They should also hear her consent for the marriage.

MAHR (SADAAQ)

Mahr (dowry) is wealth which is given to the bride by the groom at the time of Nikah. Mahr is compulsory, whether the amount is stipulated at the time of Nikah or not. Mahr is a gift from Allah to the bride via the husband.

It is Sunnah to stipulate the amount of Mahr at the time of Nikah.

The Mahr solely belongs to the bride and no other person has a share in it. Her Wali may take it from the groom but has to give it to her. The Wali also does not have a share in the Mahr.

There is no maximum or minimum amount in Mahr. It is Mustahabb to at least give the value of ten Dirhams as Mahr. It is also Mustahabb to not let it exceed the value of five hundred Dirhams, for this is in keeping with the Sunnah.

It is mentioned in a narration that that Rasulullah Sallallaahu Alayhi wa Sallam did not give more than 12 Ooqiyyah to any of his wives nor did any of his daughters receive more than this amount. (Tirmidhi)

One Ooqiyyah is equivalent to forty Dirhams. So the total comes to four hundred and eighty Dirhams. This equals approximately two and a half times the Nisaab of Zakaah on silver which equals to approximately 1490 grams of silver. The Nisaab of silver is 596 grams; so multiply it two and a half times. Enquire from your local Ulama as to the value of this in your country at the time of Nikah.

Do not stipulate an extravagant amount of Mahr and ensure that there is no ostentation (showing off) when stipulating the Mahr amount. Do not stipulate a figure that you cannot afford.

CASH AND DEFERRED MAHR

It is not a condition that the Mahr be paid immediately; it can be paid at a later date but the date has to be specified. It is also permissible to pay a portion immediately and a portion later. Here too the later payment date must be specified.

VENUE FOR THE NIKAH

Although a Nikah performed at any place is valid, according to Hadeeth, the best place is a Masjid.

عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْلِنُوا هَذَا
النِّكَاحَ وَاجْعَلُوهُ فِي الْمَسَاجِدِ...

Sayyidah Aa'ishah Radhiyallaahu Anhaa says that Rasulullah Sallallaahu Alayhi wa Sallam said:

ANNOUNCE THIS NIKAH AND ENACT IT IN THE MASAJID. (Tirmidhi)

To perform a Nikah discreetly and hide it from others is disliked. By doing so, the doors of accusations and rumours will be opened. The person will be accused of having an illicit contact with the girl whereas they are married. He will have himself to blame because the Nikah was done discreetly. Another Hadeeth warns us not to open the doors of accusations and rumours.

THREE MASNOON KHUTBAHS

Related to Nikah, reciting a Khutbah is Masnoon on three occasions:

1. When the representative of the boy proposes for the girl, it is Masnoon to first recite a Khutbah and then state the proposal.
2. It is Masnoon before the Wali of the girl answers the proposal.

3. At the time of the actual Nikah.

MASNOON DU'AA AT THE TIME OF NIKAH

عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ إِذَا رَفَّأَ الْإِنْسَانَ إِذَا
تَزَوَّجَ قَالَ: بَارَكَ اللَّهُ لَكَ وَبَارَكَ عَلَيْكَ وَجَمَعَ بَيْنَكُمَا فِي الْخَيْرِ،

Sayyidina Abu Hurayrah Radhiyallaahu Anhu says that when Rasulullah Sallallaahu Alayhi wa Sallam congratulated someone upon getting married, he would say:

بَارَكَ اللَّهُ لَكَ وَبَارَكَ عَلَيْكَ وَجَمَعَ بَيْنَكُمَا فِي الْخَيْرِ

*MAY ALLAH BLESS YOU, GRANT BLESSINGS UPON YOU
AND JOIN YOU BOTH IN GOODNESS. (Tirmidhi)*

So this Du'aa should be recited when congratulating them on their marriage.

PURPOSE OF MARRIAGE

1. To fulfil one's desire in a lawful manner and to lead a life of chastity. Fulfilling the desire in a lawful manner is also a means of reward.

عَنْ أَبِي ذَرٍّ ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: وَفِي بُضْعِ أَحَدِكُمْ صَدَقَةٌ ، قَالُوا: يَا رَسُولَ اللَّهِ ، أَيَأْتِي أَحَدُنَا شَهْوَتَهُ يَكُونُ لَهُ فِيهَا أَجْرٌ ؟ قَالَ: أَرَأَيْتُمْ لَوْ وَضَعَهَا فِي الْحَرَامِ أَكَانَ عَلَيْهِ فِيهَا وَزْرٌ ؟ فَكَذَلِكَ إِذَا وَضَعَهَا فِي الْحَلَالِ كَانَ لَهُ فِيهَا أَجْرٌ ،

Sayyidina Abu Dharr Radhiyallaahu Anhu said that Rasulullah Sallallaahu Alayhi wa Sallam said:

“YOUR SEXUAL INTERCOURSE IS ALSO SADAQAH.” THE SAHAABAH ASKED: “IF ONE OF US GOES TO SATISFY HIS DESIRE (BY HIS WIFE) WILL THERE BE REWARD IN IT FOR HIM?” HE (SALLALLAAHU ALAYHI WA SALLAM) ANSWERED: “DON’T YOU SEE THAT IF HE DOES IT IN A HARAAM AVENUE THEN WILL IT BE A SIN UPON HIM? SIMILARLY, IF HE DOES IT IN A HALAAL AVENUE THEN THERE IS REWARD FOR HIM IN IT.” (Mustakhraj Abi Uwaanah)

2. To save oneself from sin.
3. To gain solace from each other.
4. To assist and encourage each other in the obedience of Allah.

5. To produce legitimate children. Rasulullah Sallallaahu Alayhi wa Sallam will be proud of the number of the members of his Ummah on the Day of Qiyaamah.

6. To fulfil the Sunnah of marriage.

WALEEMAH

Waleemah is a meal served after Nikah. Waleemah is Sunnah Mu'akkadah (emphasised Sunnah) on the person who can afford it.

The purpose of Waleemah is thanks unto Allah and expressing gratitude for receiving the guidance and means of getting married.

Waleemah should be held from after the Nikah till up to two days thereafter. It should not be done from the third day onwards; from the third day it will not be considered as Waleemah. It is best to have the Waleemah after the husband and wife had conjugal relations but it is not necessary that conjugal relations had taken place before Waleemah.

Rasulullah Sallallaahu Alayhi wa Sallam advised Sayyidina Abdur Rahmaan bin Auf Radhiyallaahu Anhu to slaughter a sheep for Waleemah but this depends on affordability. (Bukhaari).

Waleemah can be held with any food item, depending on availability and affordability. Rasulullah Sallallaahu Alayhi wa Sallam fed dates and ‘Saweeq’ (a mixture of wheat or barley and sugar) for the Waleemah of Sayyidah Safiyyah Radhiyallaahu Anhaa. In the Waleemah of Sayyidah Zaynab Radhiyallaahu Anhaa he fed bread and meat.

If one cannot afford a Waleemah then it can be left out.

It is not necessary that Waleemah be a lavish feast with many people invited. It is a misconception to think that a Waleemah has to be a lavish feast, with many people invited. A few people can be invited with the intention of Waleemah and something simple is served, e.g. a few glasses of milk, or tea and biscuits, etc.

Issues such as venue and amount or types of food are immaterial. Hold a simple Waleemah by inviting Muslim friends, members of your family and members of the girl’s family.

Ensure that no Haraam activities take place in the Waleemah such as; music, intermingling of sexes, any Haraam or doubtful items, etc.

Also invite some poor people to participate in the Waleemah.

Avoid extravagance, ostentation and taking a loan for the Waleemah. Spend on the Waleemah according to your means.

ONE WHO CANNOT MARRY IMMEDIATELY

If for some reason a person cannot marry and he has desire, then he should fast regularly to weaken the desire and thereby protecting himself from sin. It is possible that initially when fasting, the desire is increased temporarily, but by fasting regularly, it will eventually weaken and be kept under control.

عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:
يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَغْضُ لِلْبَصَرِ
وَأَحْصَنُ لِلْفَرْجِ ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءٌ ،

Sayyidina Abdullah ibni Mas'ood Radhiyallaahu Anhu narrates that Rasulullah Sallallaahu Alayhi wa Sallam said to them: *O YOUTH! THOSE AMONG YOU WHO CAN SUPPORT A WIFE SHOULD MARRY, FOR IT RESTRAINS THE EYES (FROM CASTING EVIL GLANCES) AND PRESERVES ONE FROM IMMORALITY; BUT HE WHO CANNOT AFFORD IT SHOULD OBSERVE FAST FOR IT IS A MEANS OF CONTROLLING THE SEXUAL DESIRE.* (Muslim)

RIGHTS OF THE HUSBAND

1. The wife does not refuse the husband conjugal relations without a valid reason.

2. She obeys him with regard to all his permissible demands.
3. She protects his dignity and honour.
4. She protects his wealth and belongings, especially in his absence.
5. She should not let anyone enter his house without his permission and approval.

RIGHTS OF THE WIFE

1. The husband pays the Mahr due to her.
2. He takes responsibility for her expenses inter alia; food, clothing, etc.
3. He provides adequate accommodation.
4. He treats her with kindness and understanding.

The Qur'aan says:

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ ،

AND TREAT THEM WITH KINDNESS (Surah Nisaa')

5. Although Shari'ah has given permission to beat a wife in certain instances, it is best not to. Notwithstanding this

permission, Rasulullah Sallallaahu Alayhi wa Sallam never ever lifted his hand on any of his wives.

6. He protects her from all harm and protects her dignity and honour, etc.

RIGHTS OF CHILDREN

1. The parents give the child an appropriate and suitable name.
2. The father takes care of the expenses of the child.
3. Education of the child, especially Islamic education and Islamic character.
4. The parents teach the child morals, etc. Encourage the child towards the obedience of Allah Ta'aala.
5. They protect the child from harm.
6. To get the child married when the child is at a suitable age.

Under the three sections; rights of the husband, wife and children, just a few are mentioned. It is necessary that every husband and wife have a deep and full understanding of each other's rights and the rights of their children.

THE FIRST NIGHT OF MARRIAGE

First night procedure:

On the first night of marriage, when in seclusion with the wife, hold the forelocks (hair of the forehead) of her head and recite the following Du'aa:

اَللّٰهُمَّ اِنِّىْ اَسْأَلُكَ خَيْرَهَا وَخَيْرَ مَا جَبَلْتَهَا عَلَيْهِ وَاَعُوْذُ بِكَ مِنْ شَرِّهَا
وَمِنْ شَرِّ مَا جَبَلْتَهَا عَلَيْهِ ،

Thereafter make Du'aa for Barakah.

Whenever intending to go to the wife (to satisfy oneself), recite the following Du'aa:

بِسْمِ اللّٰهِ اَللّٰهُمَّ جَنِّبْنَا الشَّيْطَانَ وَجَنِّبِ الشَّيْطَانَ مَا رَزَقْتَنَا ،

If she conceives, that child will be protected from Shaytaan, Inshaa Allah Ta'aala.

It is not necessary that sexual intercourse take place on this first night.

It is also Sunnah to offer the wife a glass of milk or some sweet drink.

Both spouses should make Wudhu and offer two Rakaats Nafil Salaah in Jamaa'ah, if possible.

PERMISSIBLE AND IMPERMISSIBLE ACTS

* There is no particular sexual position that Shari'ah has stipulated as the 'right' position. However, some Ulama have mentioned that one may have intercourse with the wife in the usual position (man on top of the woman) or while lying on the side, or in the sitting posture, or from behind but penetrating her through the vagina. All these positions and other positions are allowed. Likewise it is permissible for the woman to be on top of the man during intercourse.

There is nothing in Shari'ah that prohibits these postures provided the following condition is maintained:

The couple should cover themselves with a large sheet or blanket so that even though their bodies are naked, the sheet or blanket still covers them. They should not be totally exposed.

A Hadeeth mentions:

عَنْ أَبِي قُلاَبَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا أَتَى أَحَدُكُمْ أَهْلَهُ فَلْيَسْتَرِ وَلَا يَتَجَرَّدَنَّ تَجَرَّدَ الْعُرَيْنِ ،

Sayyidina Abi Qulaabah Radhiyallaahu Anhu says that Rasulullah Salaallaahu Alayhi wa Sallam said: *WHEN GOING TO THE WIFE (TO FULFILL ONE'S DESIRE), DO NOT BECOME NAKED LIKE ASSES.* (Musannaf Abdur Razzaaq)

* Anal sex is totally prohibited in Islam. It is counted among the major sins. The vagina has been created for sexual gratification and not the anus.

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَلْعُونٌ مَنْ
أَتَى امْرَأَتَهُ فِي دُبْرِهَا ،

Sayyidina Abu Hurayrah Radhiyallaahu Anhu narrates that Rasulullah Sallallaahu Alayhi wa Sallam said:
ACCURSED IS THAT PERSON WHO COMMITS ANAL INTERCOURSE WITH HIS WIFE. (Abu Dawood)

عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا يَنْظُرُ اللَّهُ إِلَى
رَجُلٍ جَامَعَ امْرَأَتَهُ فِي دُبْرِهَا ،

Sayyidina Abu Hurayrah Radhiyallaahu Anhu narrates that Rasulullah Sallallaahu Alayhi wa Sallam said:
ALLAH WILL NOT LOOK AT THAT PERSON (WITH MERCY) WHO HAS ANAL SEX WITH HIS WIFE. (Ibni Maajah)

* Oral sex must also be avoided. Among other purposes; the mouth has been created for the Thikr of Allah Ta'aala, recitation of Qur'aan, recital of Salawaat, etc. It has not been created for sexual gratification. Sucking of the private organ is an animalistic quality. Usually during arousal, the organ secretes a

fluid called Mathi. This fluid is Najis (impure) and Haraam to take in the mouth. Avoid this act.

* Sexual intercourse is not permissible when the wife is in the state of Haidh or Nifaas.

TREATMENT OF IN-LAWS

Many people are under the misconception that the in-laws do not need to be honoured and respected. At times the husband treats his in-laws with disdain and at times the wife does the same. Both are in grave error. The Qur'aan and Hadeeth instruct us to treat relatives with kindness, not to break family ties and to assist them when possible. People erroneously think that this only applies to one's personal and immediate family. In the Tafseer of the Qur'aan 'Roohul Ma'aani' V3 P404 and in the commentary of the famous Hadeeth compilation Abu Dawood called 'Aunul Ma'bood' V5 P73 it is clearly mentioned that relatives include the in-laws. A person will treat his father in-law just as he treats his own father, his mother in-law as he treats his own mother, and so forth.

MORE THAN ONE WIFE

Shari'ah has granted a man permission to have up to four wives at one time.

Allah Ta'aala says in the Qur'aan:

فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ ، فَإِنْ خِفْتُمْ أَلَّا
تَعْدِلُوا فَوَاحِدَةً ،

MARRY THE WOMEN YOU LIKE, IN TWOS IN THREES
AND IN FOURS. BUT IF YOU FEAR THAT YOU WILL
NOT MAINTAIN EQUALITY THEN (KEEP TO) ONE
WOMAN (Surah An Nisaa')

More than four at one time is not permitted.

There are strict rules when having more than one wife. If a man
cannot fulfil the rules and fears that he will be unjust then he
will keep just one wife. To keep only one wife when fearing
injustice is mentioned in the verse of the Qur'aan above.

A few rules are mentioned here:

* If a person wishes to marry a second wife or more then it is
incumbent upon him to first learn all the rules and regulations
regarding it. Only thereafter should he marry again.

* The man has to ascertain whether he is ready for a second
marriage. Having a second wife is a great financial
responsibility and there are Islamic dictates too that have to be
fulfilled.

* He has to compulsorily share the nights equally between the two homes unless one of the wives gives up this right. Even if she gives up this right, she still has the right to rescind her decision whenever she wishes.

* If she agrees to forego this right even before marrying her, she can rescind her decision after marriage and the husband will have to oblige, notwithstanding the understanding and agreement before marriage. Sharing the nights is a right given by Shari'ah and she can call on it whenever she wants and it has to be fulfilled.

* There has to be fairness in the treatment of the wives. It is essential that the person who wishes to take a second wife possesses Taqwa and is conscious of his Islamic duties. If he does not have Taqwa and is negligent of his Deen, he will bring more sin and harm upon himself because of the second marriage and will incur the displeasure and curses of both families. It is only Taqwa that will push him to fulfil their rights. It is not advisable for a person devoid of Taqwa to take a second wife.

* He has to treat both wives with equality, justice and fairness, especially in time allocation. He will be liable in the Divine court for any unfairness in this regard. He is not obliged to love them equally for this is not in his control, but he is obliged to treat them equally.

* If he genuinely cannot fulfil any right, he should explain to the wife and ask her to forego that certain right, on condition that

she is not forced to do so or he should compensate her for that right in some other way.

* Although it is correct that a man does not require permission from the first wife to marry another, it is his moral obligation to inform her and his kids. The second wife and kids also inherit from the deceased husband just as the first wife and kids. Not knowing about the second family can cause confusion and denial at such a time and embarrassment, especially for the second wife and kids.

* When sharing nights, the minimum is one full night per wife and this is best. This will include the day before the night or the day after the night. It can also be two or three nights per wife consecutively but not more than three.

* The nights are considered and not the day unless a person works at night (nightshift) then in this case the day will be considered. The night commences at sunset and ends when Fajr begins.

* The husband is entitled to leave the home during the day to fulfil his needs and obligations.

* The husband should not romance with one wife in the presence of the other wife.

* One wife should not come to the house of the other wife when the husband is there unless it is an emergency.

* The husband must not sleep with two wives in one bed nor have a relation with one in front of the other or with both at the same time.

* When the man takes a second wife and marries a virgin then he is permitted to stay with her after marriage for seven nights consecutively. If he marries a non virgin then he is permitted to stay with her for three nights consecutively.

* It is not permissible to keep two wives in one house unless they both agree.

* It is not necessary that he has conjugal relations on a certain wife's turn. This depends on mutual feelings, desire, etc.

* When going on a journey, he will draw lots and take that wife with whose name came up in the draw. If he just chose a wife to travel with him without drawing lots then it is sinful.

* It is not permissible to go to one wife during the turn of another unless necessary.

AHAADEETH ON NIKAH

عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : إِذَا تَزَوَّجَ الْعَبْدُ فَقَدْ كَمَّلَ نِصْفَ الدِّينِ ، فَلْيَتَّقِ اللَّهَ فِي النِّصْفِ الْبَاقِي

It is narrated from Sayyidina Anas bin Maalik Radhiyallaahu Anhu that Rasulullah Sallallaahu Alayhi wa Sallam said: *WHEN A PERSON MARRIES HE HAS COMPLETED HALF OF DEEN. HE SHOULD FEAR ALLAH (ADOPT TAQWA) WITH REGARD TO THE OTHER HALF.* (Shu'abul Imaan Bayhaqi)

عَنْ عُبَيْدِ بْنِ سَعْدٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ أَحَبَّ فِطْرَتِي فَلَيْسَتْ بِسُنَّتِي وَمَنْ سُنَّتِي النِّكَاحُ ،

Sayyidina Ubayd bin Sa'd Radhiyallaahu Anhu narrates that Rasulullah Sallallaahu Alayhi wa Sallam said: *WHOEVER LOVES MY WAY WILL HOLD ON TO MY SUNNAH. VERILY FROM MY SUNNAH IS NIKAH.* (As Sunanul Kubraa Bayhaqi)

عَنْ أَبِي نُجَيْحٍ قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ كَانَ مُؤْمِرًا فَلَمْ يَنْكِحْ فَلَيْسَ مِنِّي ،

Sayyidina Abi Nujayh Radhiyallaahu Anhu narrates that Rasulullah Sallallaahu Alayhi wa Sallam said:

WHOEVER HAS THE MEANS TO MARRY AND DOES NOT DO SO IS NOT FROM ME. (Shu'abul Imaan Bayhaqi)

عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِنَّ أَعْظَمَ النِّكَاحِ
بَرَكَهً أَيْسَرُهُ مُؤْنَةً

Sayyidah Aa'ishah Radhiyallaahu Anhaa narrates from
Rasulullah Sallallaahu Alayhi wa Sallam:
*THE MOST BLESSED NIKAH IS THE ONE WITH THE LEAST
EXPENSE.* (Musnad Ahmad)

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ :
خَيْرُكُمْ خَيْرُكُمْ لِلنِّسَاءِ ،

Sayyidina ibni Abbaas Radhiyallaahu Anhumaa narrates that
Rasulullah Sallallaahu Alayhi wa Sallam said: THE BEST
AMONG YOU ARE THOSE WHO ARE THE BEST
TOWARDS THE WOMEN. (Mustadrak Haakim)

إِنَّ الرَّجُلَ إِذَا نَظَرَ إِلَى امْرَأَتِهِ وَنَظَرَتْ إِلَيْهِ نَظَرَ اللَّهُ تَعَالَى إِلَيْهِمَا نَظْرَةً
رَحْمَةً ، فَإِذَا أَخَذَ بِكَفِّهَا تَسَاقَطَتْ ذُنُوبُهُمَا مِنْ خِلَالِ أَصَابِعِهِمَا ،

It is narrated from Sayyidina Abu Sa'eed Radhiyallaahu Anhu that Rasulullah Sallallaahu Alayhi wa Sallam said: VERILY WHEN A MAN LOOKS AT HIS WIFE AND SHE LOOKS AT HIM THEN ALLAH LOOKS AT BOTH OF THEM WITH THE GAZE OF MERCY. WHEN HE HOLDS HER HAND, THEIR SINS FALL AWAY FROM BETWEEN THEIR FINGERS. (Kanzul Ummaal)

SEVERITY OF FORNICATION (ZINA)

عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: لَا يَزْنِي مِنْكُمْ الزَّانِي إِلَّا نَزَعَ اللَّهُ نُورَ الْإِيمَانِ مِنْ قَلْبِهِ فَإِنْ شَاءَ أَنْ يَرُدَّهُ رَدَّهُ وَ إِنْ شَاءَ أَنْ يَمْنَعَهُ مَنَعَهُ ،

Sayyidina ibni Abbaas Radhiyallaahu Anhumaa says: NO FORNICATOR FROM AMONG YOU COMMITS FORNICATION EXCEPT THAT ALLAH SNATCHES THE NOOR OF IMAAN FROM HIS HEART. THEN IF ALLAH WISHES IT WILL BE RETURNED TO HIM AND IF HE WISHES THAT IT NOT BE RETURNED, THEN IT WILL BE HELD BACK. (Musannaf ibni Abi Shaybah)

عَنْ ابْنِ حُجْرَةَ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : مَنْ زَنَى وَ شَرِبَ الْخَمْرَ نَزَعَ اللَّهُ مِنْهُ الْإِيمَانَ كَمَا يَخْلَعُ الْإِنْسَانُ الْقَمِيصَ مِنْ رَأْسِهِ ،

Sayyidina Abu Hurayrah Radhiyallaahu Anhu says that Rasulullah Sallallaahu Alayhi wa Sallam said: *WHOEVER COMMITS ZINA OR DRINKS ALCOHOL, IMAAN IS SNATCHED FROM HIM JUST AS A PERSON REMOVES THE QAMEES (KURTAH) FROM HIS HEAD.* (Mustadrak Haakim)

عَنْ ابْنِ عَبَّاسٍ قَالَ : نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَشْتَرِيَ
الشَّمْرَةَ حَتَّى تُطْعَمَ ، وَ قَالَ : إِذَا ظَهَرَ الزَّنا وَ الرَّبَا فِي قَرْيَةٍ فَقَدْ أَحْلُوا
بِأَنْفُسِهِمْ عَذَابَ اللَّهِ ،

Sayyidina ibni Abbaas Radhiyallaahu Anhumaa narrates from Rasulullah Sallallaahu Alayhi wa Sallam: *WHEN ZINA AND RIBAA (INTEREST) BECOME WIDESPREAD IN AN AREA, THEY (THE PEOPLE) HAVE INCURRED UPON THEMSELVES THE PUNISHMENT OF ALLAH.* (Shu'abul Imaan Bayhaqi)

عَنْ ابْنِ عَبَّاسٍ قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : إِيَّاكُمْ
وَالزَّنا ، فَإِنَّ فِيهِ أَرْبَعُ خِصَالٍ : يُذْهَبُ الْبَهَاءُ عَنِ الْوَجْهِ ، وَ يُقَطَّعُ
الرَّزْقُ ، وَ يَسْخَطُ الرَّحْمَنُ ، وَ الْخُلُودُ فِي النَّارِ ،

Sayyidina ibni Abbaas Radhiyallaahu Anhumaa says that Rasulullah Sallallaahu Alayhi wa Sallam said: **BEWARE OF ZINA FOR IT HAS FOUR EFFECTS;**

1. THE SPLENDOUR OF THE FACE IS REMOVED.

2. SUSTENANCE IS CUT OFF.

3. RAHMAAN (ALLAH) BECOMES ANGRY.

4. A LONG TIME WILL BE SPENT IN THE FIRE (JAHANNAM). (Al Mu'jamul Awsat Tabraani)

عَنْ ابْنِ عُمَرَ ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : الزَّانَا يُورَثُ
الْفَقْرَ ،

Sayyidina ibni Umar Radhiyallaahu Anhumaa said that Rasulullah Sallallaahu Alayhi wa Sallam said: **ZINA BREEDS POVERTY.** (Shu'abul Imaan Bayhaqi)

عَنْ أَبِي هُرَيْرَةَ ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : لَا يَنْظُرُ اللَّهُ
يَوْمَ الْقِيَامَةِ إِلَى الشَّيْخِ الزَّانِي ، وَلَا إِلَى الْعَجُوزِ الزَّانِيَةِ ،

Sayyidina Abu Hurayrah Radhiyallaahu Anhu says that Rasulullah Sallallaahu Alayhi wa Sallam said: **ON THE DAY OF QIYAAMAH ALLAH WILL NOT LOOK (WITH MERCY) AT AN OLD MAN WHO COMMITS ZINA NOR AT AN OLD LADY WHO COMMITS ZINA.** (Al Mu'jamul Kabeer Tabraani)

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : يَا شَبَابَ قُرَيْشٍ ، لَا تَزْنُوا ، أَلَا مَنْ حَفِظَ فَرْجَهُ فَلَهُ الْجَنَّةُ ،

Sayyidina ibni Abbaas Radhiyallaahu Anhumaa says that Rasulullah Sallallaahu Alayhi wa Sallam said:
O YOUTH OF THE QURAYSH! DO NOT COMMIT ZINA! WHOEVER PROTECTS HIS PRIVATE PART THEN FOR HIM IS JANNAH. (Mustadrak Haakim)

عَنْ أَبِي أُمَامَةَ قَالَ إِنَّ فَتًى شَابًّا أَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ : يَا رَسُولَ اللَّهِ ائْذَنْ لِي بِالزَّيْنَا ، فَأَقْبَلَ الْقَوْمُ عَلَيْهِ فَزَجَرُوهُ قَالُوا مَهْ مَهْ فَقَالَ اذْنُهُ فَدَنَا مِنْهُ قَرِيبًا قَالَ فَجَلَسَ قَالَ : أَتُحِبُّهُ لِأُمِّكَ قَالَ لَا وَاللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ ، قَالَ : وَلَا النَّاسُ يُحِبُّونَهُ لِأُمَّهَاتِهِمْ قَالَ : أَفْتُحِبُّهُ لِابْنَتِكَ : قَالَ لَا وَاللَّهِ يَا رَسُولَ اللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ : وَلَا النَّاسُ يُحِبُّونَهُ لِبَنَاتِهِمْ قَالَ : أَفْتُحِبُّهُ لِأُخْتِكَ قَالَ لَا وَاللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ : وَلَا النَّاسُ يُحِبُّونَهُ لِأَخَوَاتِهِمْ قَالَ : أَفْتُحِبُّهُ لِعَمَّتِكَ قَالَ لَا وَاللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ : وَلَا النَّاسُ يُحِبُّونَهُ لِعَمَّاتِهِمْ قَالَ : أَفْتُحِبُّهُ لِخَالَاتِكَ

قَالَ لَا وَاللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ وَلَا النَّاسُ يُحِبُّونَهُ لِيَخَالَاتِهِمْ
 قَالَ فَوَضَعَ يَدَهُ عَلَيْهِ وَقَالَ اللَّهُمَّ اغْفِرْ ذَنْبَهُ وَطَهِّرْ قَلْبَهُ وَحَصِّنْ فَرْجَهُ
 فَلَمْ يَكُنْ بَعْدُ ذَلِكَ الْفَتَى يَلْتَفِتُ إِلَى شَيْءٍ ،

This lengthy Hadeeth explains that a youth came to Rasulullah Sallallaahu Alayhi wa Sallam and sought permission to commit Zina. Rasulullah Sallallaahu Alayhi wa Sallam asked him the following: would you like this (Zina) to be done with your mother, with your daughter, with your sister, with your paternal aunt and with your maternal aunt? After each question he answered: NO! I take an oath on Allah O Rasool of Allah, may Allah sacrifice me for you sake! (I would not like it). After he answered, Rasulullah Sallallaahu Alayhi wa Sallam said to him: people would also not like that to be done to their mother, or daughter, or sister, or paternal aunt and maternal aunt. In other words; the person that you intend committing Zina with will be someone's mother, daughter, sister or aunt and just like you do not like it to happen to one of your family members, similarly other people would not like it to happen to one of their family members. Then Rasulullah Sallallaahu Alayhi wa Sallam placed his blessed hand on the chest of the youth and made Du'aa for him: O Allah, forgive his sins, purify his heart and keep him chaste. Thereafter (through the blessings and Du'aa of Rasulullah Sallallaahu Alayhi wa Sallam) he never ever had such inclinations. (Musnad Ahmad)

So when someone has the desire to commit Zina he must realise that the lady is someone's mother, sister, daughter or aunt and just as he wants his relatives to remain chaste, others also want their family members to remain chaste.

May Allah Ta'aala grant the Ummah guidance, protection, chastity and His eternal Pleasure, Aameen.

وَصَلَّى اللّٰهُ تَعَالٰى عَلٰى خَيْرِ خَلْقِهِ سَيِّدِنَا مُحَمَّدٍ

وَّعَلٰى اٰلِهٖ وَصَحْبِهٖ اَجْمَعِيْنَ ،

بِرَحْمَتِكَ يَا اَرْحَمَ الرَّاحِمِيْنَ ،