



Bulugh Al Maram

The Book of Marriage (Kitab al-Nikkah) Lesson 2

#833

Comments:

1. This hadith is about the Mahr (the bridal gift) in marriage contracts;
2. The Mahr can be excessive or very low;
3. When a woman stipulates a low mahr, the male side tend to abuse the muslimah's kindness in choosing a low mahr value e.g. the man who likened his wife to a 50p can of Coke!
4. Stipulating the Mahr to be a Hajj visit needs caution. The Hajj prices are rising every year. For a couple in 2010/11, the Hajj fares would amount to something just over £8000.00;
5. The permissibility of stipulating the Mahr to be taught a portion of the Qur'an—however the one teaching must know that portion of the Qur'an in question i.e. how it is to be read (correct tajwid);
6. Conducting a Nikkah contract without a Mahr – the contract is invalid;
7. Alcohol and Pork have no value in Islam and can not be used as part of the Mahr;
8. The smaller the mahr the greater the barakah (blessings) from Allah (swt) on the couple contracting the marriage according to the hadith;
9. Examples of Mahr amounts in Islam: (a) When Imam Ali married Fatima bintou' Muhammad (s) – Ali paid a large amount for the daughter of the Prophet(s); (b) Musa (alehisalam) paid a large Mahr when he married – he worked for the father-in-law for 8 years plus an additional 2-years; (c) the Mahr amount in the marriage of the Prophet (s) with Khadijah (ra) was very high (the Prophet (s) was very generous);
10. The key issue with the Mahr amount is to go with the custom of the people (urf)-otherwise you open yourself up to criticism from family and friends for going against the custom (mahr mithl);
11. The minimum mahr level in the UK is approximately £20.00. There is no upper limit.

#834

Comments:

1. It is a sunnah to announce the marriage in the Mosque;
2. Imam Malik stipulated that a minimum of 2 people are needed in order to satisfy the condition of '*making the marriage publically known*';
3. Making the announcement in the mosque will ensure the community is aware that the couple are legally married and not accuse them of indecency (fahsha wal munkar);
4. The more people are informed, the more the sunnah is being applied;
5. Use a duff (small tambourine) while making the announcement—encourages others in society to get married.

#835, 836

Comments:

1. The majority of the scholars agree that there is no nikkah without a wali for the bride (the contract is invalid), with the exception of the Hanafies who consider the nikkah to be contracted but incomplete, with defects (fasid);
2. The Hanafies claim that this hadith is defective in its isnad.

#837, 838

Comments:

1. A non-virgin woman (thayyib) has experience of marriage – so her consent is sought in any future marriage contract by the guardian of the girl;
2. A virgin woman (bikr) – her silence is her acceptance of the marriage contract (however if she cries or runs away, this should be considered as her non-acceptance of the suitor).

#839

Comments:

1. A woman is not a guardian (wali) for another woman. The guardian in Islam is always a male;
2. The majority of scholars agree that a nikkah carried out by a female guardian is invalid, however the Hanafies believe the contract is valid, but that the bride and her guardian are both sinful (bida')—in a similar way a Bida' Talaq (innovated divorce) is considered valid but sinful.

#840

Comments:

1. The hadith describes an invalid form of Nikkah contract known as Nikkah Shighar;
2. Shighar disrespects women and treats them as commodities to be exchanged;
3. Shighar is when two families arranges multiple marriages to take place between family members on the same day, at the same venue, without a bridal gift;
4. It is permissible to have multiple marriages in one wedding, however there needs to be separate contracts for each nikkah as well as separate mahr amounts.

#841

Comments:

1. If the guardian marries a girl against her will, then she has the choice in the court to either ask for a khula' (rescission of the nikkah contract by the judge) or to accept the guardians choice of partner;
2. It is very important the guardian of the boy or girl take their wards advice and consult them in the choice of marriage partner;
3. The mahr amount in any nikkah contract belongs to the girl. The mahr is used to help with wedding preparations and to set up a new life with her partner. It is Haram (prohibited) for the father to take any part of the mahr amount without the consent of his ward.

#842

Comments:

1. The scenario described in the hadith occurs when the original guardian i.e. the father has passed away and authority transfers to the girls two brothers (equal authority);
2. Validity is for the first nikkah only.

#844

Comments:

1. Marriage to a woman and her mother is forbidden in Islam. Likewise, marriage to two sisters is also forbidden;
2. The wisdom in this ruling is linked to the reality of polygamy (having multiple wives). It is a fact that in polygamous relationships there will always be dispute between the wives. If the wives are related i.e. mother and daughter or two sisters, the dispute will enter the whole family—and create a fitna. Islam came to resolve disputes and make love between the families (e.g. silah al-rahn) and not tear families apart, hence the prohibition mentioned in the hadith.

Three Types of woman when it comes to the issue of Polygamy

1. **Like Fire** – there is no way for the woman to accept her husband taking a 2nd wife (she will destroy herself, his 2nd wife, and his family);
2. **Like Coffee** – the 1st wife will initially reject the 2nd wife but then eventually with the passing of time will accept her;
3. **Actively searches for a 2nd wife for her husband** – this kind of woman is very rare and unusual – this behaviour is indicative of the women knowing her husband very well and being honest and understanding of his physiological needs and not being selfish;
4. Our mother (Ummul mumineen), Aisha (ra), when she heard that the Prophet (s) was getting married again got very angry. The seerah shows us on many occasions the arguments, open hostility and infighting between the wives of the Prophet (s) e.g. primarily between Aisha, Hafsa and Zeinab.

#845, 846

Comments:

1. To conduct a nikkah contract while in a state of ihram is permissible, but to have relations is prohibited (haram) – in this way we can reconcile both ahadith;
2. The start date for hajj is the 8th of Dhul Hijjah. The pilgrim travels to Mina on the 8th, then to Arafat on the 9th. After sunset, the pilgrim moves to Muzdalifah and then soon after midnite moves back to Mina (10th Dhul Hijjah). On the 10th, the pilgrims stone the large Jamrat, slaughters a sheep (hadi), cuts their hair and then finally makes tawaf ifadah. After the tawaf ifadah, the pilgrim is out of the state of Ihram and everything is now Halal for him/her and he or she is allowed to consummate the marriage;
3. The sahabah liked to get married after tawaf ifadah—the rationale was that they were free of sins and any child conceived at this time would be blessed.

#847

Comments:

1. Conditions in a nikkah contract are permissible;
2. Allah is a witness to the nikkah contract and will protect the oppressed woman if conditions are broken by the male party in the contract;
3. Some acceptable conditions include: (i) I won't travel with you; (ii) I don't want you to take a 2nd wife (polygamy); (iii) I don't want to work; (iv) I want to study
4. Consult a scholar before drawing up specific conditions to check their validity in the shariah;
5. The payment of the Mahr is obligatory (wajib), however the payment can be deferred to a later date (by agreement of both parties). If the mahr was not paid in

the life of the husband. The wife can claim the mahr amount from the estate left behind by her husband before the shares are divided amongst the fixed share inheritors.

#848, 849, 850, 851

Comments:

1. These series of ahadith discuss the issue of temporary marriages (muta nikkah);
2. A temporary marriage is a marriage for a limited time period, without a guardian (wali), without a mahr (bridal gift), without witnesses (shahidain);
3. Hadith #848 initially permitted temporary nikkah in order to minimise Zina (unlawful sexual intercourse) of the new Muslims. Later on, when the Iman had become more embedded in the hearts of the believers, the Prophet (s) forbade Muta' and confirmed the prohibition many times and on many occasions (see hadith #849, 850) because the practise had become widespread in the community. After the death of the Prophet (s), Umar (ra) confirmed the prohibition of muta' nikkah;
4. The shia continue to practise muta' nikkah till this day (especially amongst their clergymen and ayatollahs) as they reject the prohibition of the Messenger of Allah (s) and the sayings of the Sahabah, May Allah be pleased with them all. They reject the statements of Umar and others because they believe they apostated from Islam after the death of the Prophet (s) by conspiring to usurp the authority of Khilafah away from its rightful heir Imam Ali and direct it towards Sayyiduna Abu Bakr (ra);
5. Muta nikkah is a filthy practise and leads to numerous illnesses for both men and women alike;
6. Muta' nikkah is Zina.