



Bulugh Al Maram

The Book of Marriage (Kitab al-Nikkah)

#824

Comments:

1. In the Islamic marriage, we need to implement both the shariah rules and the manners (akhlaq) together in order to build a strong, long lasting Islamic family
2. The ability to marry is based on two conditions:
 - a. The ability to provide
 - b. The ability to have sexual relations with a woman
3. The ability to provide includes: (i) the ability to provide at least one meal a day; (ii) to be able to provide two dresses for your wife – one for the winter and one for the summer; (iii) To have at least one room to protect the family from the heat of the summer and the cold of the winter
4. Regards 2(b) above: Not every man has the ability to have sexual relations with a woman – some men have an illness called Al-Ineen (erectile dysfunction). Erectile dysfunction can either be partial or complete. Partial dysfunction requires the use of certain medicines to recover whereas complete dysfunction has no medicinal cure. In the latter case, the wife has the right to ask for a divorce. The male is obliged prior to getting married to inform the guardian of the woman about his illness. In order to pass a divorce, the judge (qadi) will need a doctors report certifying that the wife is still a virgin (no penetration) and the husband has erectile problems.
5. Some other legitimate grounds for divorce include:
 - a. Either party suffering from chronic skin problems – e.g. colour of skin starts to disappear or whiten (Al-Baras or leprosy)
 - b. The male has no penis or a very small penis (Al-Majbou’) which inhibits him having sexual relations with his wife
6. As Muslims we need to protect our eyes and moderate what we look at. No illegal sexual relations (zina’) is committed without looking in the first instance.
7. If a man is not able to provide for a wife then he should not make a proposal for marriage. The best way to control his desire in this instance from the Sunnah is to fast as the hadith states. However many Muslims claim to have fasted yet it doesn’t seem to lower the libido. Why is this? The answer lies with the misapplication of the Sunnah of fasting. Very often, our fasting is based along cultural lines and at odds to the authentic sunnah. The sunnah at iftar is to eat a little. Instead we find many brothers and sisters eating a lot, and so we benefit nothing by our fast. Fasting works by weakening the desire in the body by reducing the food intake. The cultural or traditional type of fasting will make the desire in the body greater.

#825

Comments:

1. There are four different rulings (hukms) for marriage :
 - a. Wajib (obligatory): For the male - he has money, he has accommodation, he has a lot of desire for the opposite sex in his body (and is finding it very

difficult to control that desire e.g. needs regular masturbation to reduce the tension build up). For the female – if the right man proposes to her, it is obligatory for her to accept his proposal

- b. Sunnah (recommended): see 1(a) above. The only difference between an obligatory ruling and a recommended ruling is the ability to control the desire by the male and the female
- c. Makrouh (disliked): One of the three elements described in 1(a) above are missing e.g. he is poor and has no ability to provide but he has a house.
- d. Haram (prohibited): The man is not able to provide, he has no accommodation and suffers from erectile dysfunction or he has very bad manners and will mistreat his wife
- e. “*..I shall outnumber the prophets by you on the day of resurrection.*” indicates that it is prohibited (haram) to not want children at all in a marriage (the Prophet wants to increase the size of this Ummah), however to delay having children is permissible e.g. delay having children until after your studies are completed.

#827

Comments:

1. The first condition most human beings desire in a marriage partner is beauty and looks, however the Prophet (s) asked us to put the adherence to the Islamic religion (deen) as the first criterion in selecting a partner and thereafter other criteria's such as beauty, wealth, lineage etc;
2. The beauty of any person will last 15-20 years (maximum). For a woman, her peak time for beauty is between the age of 16 to the age of 35. The cosmetic industry is there to preserve our beauty and is a multi-billion pound industry;
3. It is obligatory that a women take care of her beauty in Islam, especially after she gets married. Taking care of beauty is 2nd only to the salah (the muslim prayer) in the life of a Muslimah.
4. Beauty is different from person to person (beauty is in the eye of the beholder)
5. “*..for her wealth...*” indicates this too is a criterion for some people, however wealth is temporal and goes up and down with life. To marry someone for their wealth is a weak foundation indeed
6. “*..so get the religious one and prosper (taribat yadaak)*” indicates the Muslim will be successful and prosperous in this transaction if he targets a woman with a true deen (not a pretend deen)

#828

Comments:

Blessing and dua' for the man who gets married.

#829

Comments:

1. It is sunnah to perform a Khutbah in the Nikkah.
2. It is sunnah to recite any three verses from the Qur'an as part of the Khutbah e.g. recite surah al-fatihah and the beginning of Surah Nisa
3. The recitation of the Qur'an will bring the barakah (blessings) to the occasion
4. To recite a portion of the Qur'an is not an innovation (bid'ah) as some people claim

#830

Comments:

1. “..if he is able to look at what will induce him to marry her, he should do so...” indicates that it is permissible to look at the hands and face of the wife-to-be. The face is the base of beauty and the hands is the base of illnesses. The hands indicate towards the health of the whole body. The hands also point towards the age of a woman;
2. Ibn Hazm (zahiri) said it was permissible for a man to see a woman’s hair, her body, her legs. However, there is no evidence for this opinion in the sunnah and is rejected as being a Munkar opinion
3. The best way to get an indication of the beauty of the woman is to send on your behalf a woman from amongst your own family. She will visit the potential bride and see if she matches your particular requirements. It is not allowed for her to describe the woman’s body to the potential suitor.

#831

Comments:

1. This hadith is about Jabir ibn Abdullah (ra);
2. In choosing a partner for marriage, Jabir looked to the side of his family and not to the side of his desires. He was concerned that the woman he marries must have the necessary experience in order to look after his seven younger siblings and so opted for an older wife (divorcee) instead of a younger virgin bride.

#832

Comments:

1. This hadith is about organising the issue of proposals
2. To propose on top of an already existing proposal is prohibited in Islam. If this behaviour trait is made permissible, it will lead to conflict between Muslims and will affect the unity of the muslim ummah
3. it is prohibited to propose to a girl unless “..(he) gives her up, or gives (him) permission to make a proposal...”.

The Marriage contract

The pillars (arkan):

Pillar 1– the offer and the acceptance (ijab wal qabul) must be in the past tense (e.g. zawajtookah)

Pillar 2 – Witnesses (shahidayn): 2 x man or 1 man + 2 x females

Pillar 3 – Mahr (bridal gift): the mahr must have some monetary value (and considered by the shariah to be of material value). It is not allowed for the bridal gift to consist of Pork or Alcohol – these items are considered to have no value in Islam

Pillar 4 – Wali (the guardian): The hadith is explicit in which it says there is no nikkah without a wali (guardian) and two witnesses. The majority of the ulema (jumhur) from amongst the four Imams of Fiqh require the father to give permission for his ward to get married. However, Imam Abu Hanifa (rahimullah) allowed the transfer of the guardian status from the father to another person who is better suited to looking after the interests of the girl in the event the guardian violates his position of wilayah or is absent for a long time or is incontactable

Kafa’ah (compatibility)

It is important in any choice of partner that either side look into the backgrounds of each other and their respective families prior to getting married. This is a marriage between individuals and a marriage between two families.

Sheikh Arwani is of the opinion (based on 15 years of experience inside the UK) that the only one suitable for a revert is a revert themselves. Imam Abu Hanifa, rahimullah, looked in to the issue of compatibility (kafaah) in quite some detail—as marriage is forever and not for a temporary period of time.