“Of Love--may God exalt you! -the first part is jesting, and the last part is right earnestness. So majestic are its diverse aspects, they are too subtle to be described; their reality can only be apprehended by personal experience. Love is neither disapproved by Religion, nor prohibited by the Law; for every heart is in God's hands.”

Ibn Hazm
Preface

The Faqeeh of Love

Imam Ibn Hazm Al-Andalusee
(384 H. – 456 H.) 994 – 1064 CE.
A Dove from Andalusia

4 books that the scholars say if you read them, you will be the perfect Aalim
   Al mughni
   Al muhalaem or muhalim
   Al talheem
   Subr wal kuburah

The other face of the Imam

1. The life of the Imam
2. The many different characters of Ibn Hazm:
   The minister.
      2 times confirmed, 1 time disputable
   The scholar.
   The Faqeeh.
   The human being.
3. ‘The Passions’ of the Imam.
5. The incomplete love story in the life of Ibn Hazm
6. A critique of Ibn Hazm’s: “The Ring of the Dove” or طﻮق اﻟﺤﻤﺎﻣﺔ

What was the name of the rival family of Ummayid - Banu Hamood
It was a personal letter response to a friend
Written in 417 Hijri/1027 A.D.
Only 2/3rds of book present – because the scribe summarized it
Fragrance of perfume (Nafathi) – by Imam Al-Makhari mentioned ring of
dove in this book
Ring of Dove – A treatise on the art and practice of Arab love
   Collar around neck
   Carries the meaning of love and passion
   Ring – symbol of obedience; naturally causes people to submit
The book for the lovers would be like rain.
Some say that the book is for obedience
When Arabs talk about love, they talk about pigeons/doves
Ibn Hazm – 34 years old when he written; about the incidents and events of
his lifetime
7. **The views of Ibn Hazm on Love.**

He has a philosophy about love, he believes that souls are scattered in the air and when they meet, they feel love.

The theory of love is based on similar characteristics. Al hubbil hudri (the love that is humble and not lustful).

The first part is jesting and the last part is right earnestness.

Love is neither disapproved by Religion nor prohibited by law for every heart is in God’s hands.

Love is not about physical attraction but it starts with it. Love just happens; it is natural.

The noble love – passions of heart with righteousness and piety.

Nature of love – conjunction between scattered parts of souls that have met in universe.

Loves is based on assimilations and similarity in characteristics.

Physical attraction not very important, but it is what leads love.

Try to find natural attributes that you both share.

He takes the literal meaning of things…..In this book he was looking for noble love not lustful love.

Love is halal, for every heart is in Allah’s hands.

Love is a sickness, ailment; its remedy depends on the degree of their love.

Ibn Hazm says that love is natural, but can Allah test us with this?

Yes, Allah always tests us to see our obedience in him.

Does Ibn Hazm agree with “opposites attract”?

Yes, these characteristics are like having similarities in love.

Ex. Hold a snowball in your hand and it will still have the same effect as holding a burning coal.

In conclusion, you will not find two people in love unless there are some similarities. Humans are born perfect and you are attracted to the perfection of the person.

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**Questions**

**In which Hijree year did Ibn Hazm rahimahullah die?**
What is the Arabic title of Ibn Hazm’s famous treaties?  
Tawkhal Hamama

“Of Love—may God exalt you! -is in truth a baffling ailment, and its remedy is in strict accord with the degree to which it is treated; it is a delightful malady, a most desirable sickness. Whoever is free of it likes not to be immune, and whoever is struck down by it yearns not to recover. Love represents as glamorous that which a man formerly disdained, and renders easy for him that which he hitherto found hard; so that it even transforms established temperaments and inborn dispositions.”  
- Ibn Hazm
Chapter One
‘Jesting about Love’ Introductions

"And among His signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts). Verily in that are signs for those who reflect.”
Ar-room 30:21.

Intro I:
Islam and Love

The Messenger of Allah salla Allahu alayhi wa sallm speaking about his wife Khadija said: “Verily, I was filled with love for her.”

Mawahdah – love/intimacy
Wa rahma - mercy

1. Love: The definition
   As a noun
   Strong and positive emotion of regard and affection
   Passion
   Any object of form or affection
   Beloved
   Dearest
   Sexual love (lust and desire)
   Love making

   As a verb – Liking for someone; having great affection
   A feeling of intense affection given freely without any restriction
   Love exists in all persons either with sensibility (for all people) or passion
   (strongly excited or a particular person)

2. The Nature of Love
   Hub - Love
Ishq – deeper love and becomes obsessive and commit haraam deeds.
Love is a human sickness (Psychological)
Spiritually: natural instinct
Sacrificial love – religious love (ex. Allah)
Muslim Scholars – Al Jaahab/ Ibn Qiyah in the book of Al Nisa (book of women) say the difference between Hub – which they think is natural and Ishq is something intellectual, going beyond for what they desire.
Muhammad Ibn Dawood – Al Zooah
Speak about the 100 qualities of Bin Udrah on how they exercised love in their life
All scholars share the same theory – about similarities of two people
Datul hadif – long conversations; hugging; kissing
Arabs say – the eye is the white gate into the heart
The three pillars
Attributes of the beloved one
Feelings of love - intention (you have choice) and inclination
Relationship similarities between two people
4 steps to develop love
Using your eye (sight of heart). You should not describe another woman to a married man
Admiration – to various characteristics
Obsession – thoughts of future, logistics
Building hope and establishing commitment – if you don’t then you are looking for haraam things

3. The categories of love
Natural love/passion
Rational/religious love
All forms of love are parallel unless one does not surpass the other (this become shirk)

4. The signs of love
The broadening gaze
Directing the conversations to a beloved one
Resemblance
Engage in a playful tug of war – breaking plates
Opposite do attract
Sometimes they fight – it is a sign of love
Hurrying to their locations
Happy/cheerful when close
Weeping
Dec. sleep and appetite
5. **The ruling of love in Islam**

Love is not in your hand, it is in Allah’s hand

Surah Al-Imran (A 14) – desire to love from women. Men to women and vice versa

Those who don’t love are the people who are hard as rocks.

They are two types

- Optional – leads to love; sudden look
- Natural - how you are going to react to this will be asked by Allah

**From the Sunnah of Prophet (s)…**

**Ibn Majjah:** A man came to Rasullah and said that "Yah Rasullah, we are taking care of an orphan girl. A man came and said that two men came and asked for the hand in marriage for the orphan girl, one rich one poor, but she loves the poor man. He said that "we liked the rich man". The man said "who should I choose?" Rasullah told him to allow the girl to marry the poor one. The mate should not be judged on their status, or wealth

Amr bin Aas came to the Prophet (s) after he gave Amr the commander of an expedition, and asked, "O Rasullah, who is the most beloved to you amongst all mankind?" Rasullah said, "Aisha". Amr said, "Then?" Rasullah said, "Her father" (Sahih Bukhari)

Fatimah, daughter of Prophet (s), came to the Prophet (s) and said for him to be just with the other wives. The Prophet (s) said that, "I love her (Aisha), so love her too". Fatimah said, "I love her".

Az-Zuhri said: "the first love recognized in Islam was the love of the Prophet (s) for Aisha"

6. **Stories of love**

Love – do not have control over it; you will not be accounted unless you pursue in unlawful way.

- Predating Islamic era
  - Arabs are considered to be lustful people
  - Antara – He was born from a female slave.
  - Al Abdah - was his cousin from a free women

He was inferior because of the way he was born. He became the strongest warrior of his tribe. He even asked for his cousin’s hand in marriage but her father refused her hand. Started to write Arab poetry.

- Islamic era
The first love in Islam was recognized by Prophet SWS for Ayesha RTA. He loved Ayesha RTA more than his other wives.

Last thing Prophet had in his mouth was Ayesha RTA saliva – because she just fixed his miswak for him.

If love happens naturally then you are not answerable to Allah.

Hub – came from many narrations

7. Scholarly works on love

Kitalb us-Zohra – by Mohammed Ibn Dawood
Zammul Hawaah – by Ibn Jowsi (condemning desire & lust)
Raudatul Muhibbin – by Ibn Al Qairi
Al Masoon – Ibrahim Al Husari (preserved, protected)

1. Al Bousseeri said in his poetry:

“Does the lover think that his love can be concealed?
While his eyes are shedding tears and his heart is glowing,
Had it not been for love, you would not have shed tears at the ruins (of your beloved), nor would you become restless at the remembrance of the cypress (tree) at the high mountain,
How do you deny love after the testimony, Borne against you by (such) reliable witnesses as your tears and your illness.”
**Intro II:**

*Falling in love*

The Messenger of Allah *salla Allahu alayhi wa sallam* was telling his uncle Al Abbas the story of Mugheeth and Bareerah, he said: "O Abbas! Isn't it amazing how much Mugheeth loves Bareerah and how much Bareerah hates Mugheeth?"

Excess of love cause loss of shyness

Prophet (s) and telling the story of Bareerah (slave girl) and Mugheeth (owner) to his uncle Al-Abbas. Aisha bought the slave girl and freed her. Mugheeth married Bareerah, but she left him. Mugheeth loved her so much and was crying in public for her. Prophet (s) was asked to intercede and he asked Bareerah if she wanted to take him back. She didn't want to take him back and Prophet (s) was fine with this, so Mugheeth spent the rest of his life crying for her. Mugheeth was acting on his own human nature - Prophet (s) did not prohibit his actions because he saw it was out of Mugheeth’s hands. Prophet (s) felt mercy for Mugheeth because of his love for Bareerah.

Ibn Hajjar said it is permissible for this feeling of human nature.

1. **The mystery of the ‘in-love’ case**
   - Love is the nutrition for the soul
   - Love is illusive - because it does not last forever and attachment to physical characters
   - The average romantic life is 2 yrs
   - “In Love” is a temporary emotion

2. **The gradual levels of love**
   - Al Mayaa – inclination of heart
   - Al Hawwa – desire
   - Al Mawaddah - love
   - As Sabawa - obsession
   - Al Walaa - madness
   - Al Guyam – craziness
Antatayyum – the highest level of admiration/love

3. The means of nurturing love. How to keep love alive

Think love is action, practice it on a daily basis
Love is like a tank, and you need to fill it periodically
Love is also like a bank account, you need to deposit in early days of marriage, that way you can withdraw it in your middle age crises.
Confession – Say “Honey I love you”, say it sincerely and don’t lie.
Correspondence is good – try doing it. Sahaba’s used to do it often. Ex.
  Gifts, flowers, post cards
Mutual obedience and respect from your spouse
Acts of amusements

4. What harms love?

Exploitation of affection
Acts of disrespect
Slanderer – creating Fitnah out of jealousy and ignorance
Long and unnecessary distance
Infidelity and betrayal
Television/computer

5. Sex, passions and love: are they synonymous?

No
Women think of love as empathy and sympathy from their husband, while men think of sex
Sexual intercourse can harm love? A sinful relationship will cause animosity and hatred, but this relationship (sex) that is halal will increase love between husband and wife

6. Decency or indecency?

The inclination to the desire is equal for the men and the women.
Both have the choice to guard their chastity.
If you expose yourself to the sinful path, you will be punished especially if you are in an area of righteousness

7. What then is: Real Love?

Intro III:
A Story of Real ‘Love’
When Amr ibn-ul Aas radi allahu anhu asked the Messenger of Allah salla Allahu alayhi wa sallam who the most beloved person was for him, He answered: “Aisha.” He then said: “From men?” He replied: “Her father.”

Imam Az-zuhri said:
“The first love story ever known in the history of Islam was the love of Rasulullah salla Allahu alayhi wa sallam for Aisha, and Masrouq used to call her The love of Rasulullah salla Allahu alayhi wa sallam.”

Ibnul Qayyim in Raoudatul Muhibbeen.

1. The most rehearsed love story in history
   The first love story ever know in the history of Islam was the love of Prophet SAS for Ayesha and Masrooq used to call her The Love of Prophet The love was not practiced

2. From the story of Romeo and Juliet
   They never got married and they were not put the test of life – marriage.

3. Infidelity in the western family life

4. Muslims at the door step of the western version of Marriage, why?
   Why love stories don’t last forever? People take wrong examples for marriage like celebrities, where marriages don’t last long
   The pre-marriage relationship – they consume their emotions, passions, love and when they start plan to marry they break and marry some place else
   Friend marriage – usually happens on the campuses – (zina)
   Divorce rates are getting high - either Denmark or Sweden, US, and Turkey
   Lack of knowledge – we just get married by the tradition, obligation, rights of marriages etc
   Feminist and independence – women are getting more independent and responsible. This would mean that men will loose the authority of the home

5. The real love story
Rasulallah – Khadeejah - Rasulallah giving meat to friends of Khadijah, and Aisha got mad and made a bad comment about her. He got mad and told her to not say anything bad about Khadijah because she was there for him in his time of need the most
Rasulallah – Ayesha
Rasulallah – The wives

Who was the most beloved wife?
Invalid question because they lived in different times so can’t compare.
Khadijah was the best for her time…
Aisha was the best for her time…

“The main concept of the Fiqh of Love is to learn, appreciate and respect as a spouse; what is your right and what is your obligation”[1]
Chapter Two
‘The earnestness of Love’ Marriage and Family
life

“O Mankind, be conscious of your duty to your Lord, who created you from a single soul, created of like nature his mate and from the two created and spread many men and women, and be mindful of your duty to Allah whose name you appeal to one another and to (the ties of) the womb. Verily, Allah watches over you.”
An-nisaa’ 4:1

The Status of Family in Islam

1. Family life: basic principles
   ✓ The family system is divinely inspired institution. Allah SWT called Marriage a (Methaakan Galidah) “strong and dangerous covenant” – serious (not easy contract) regulation of divorce, child custody
   ✓ Social contract: lends to relationship beyond contracting parties. Children with marriage – no legal relations (no right of inheritance)
   ✓ Faith and family
     Men are also respectable for children
     Marrying non-muslims is forbidden for Muslim women, but for man its ok
     Faithful people should marry each other.
     Faith matters when it come to inheritance
     Forbidden outside marriage relationships
     Free mixing is not allowed as it leads to haraam things and you might get married with out the extended family

2. Structures and rules
   Even if you are divorced the family remains intact
   Closest fold - Husband and wife, their children’s, their parents, and slaves
   Central fold – close relative who have special roles and who move freely inside the house and marriage is forbidden. Hijab is not required
Other fold – really extended family, maternal uncle and aunt, nieces and nephews, step kids
Distance fold - Collateral relatives like cousins

Men
The oldest member of the family is considered the head of the family – they are considered more wiser, more respected etc
The man’s major responsibility lies outside the family

Women
The major responsibility is at the house
The eldest female is the head of the social life
Equal right and responsibility or even rights or responsibility – it is more inclined towards even rights

3. Love, Marriage and Family life
Family life has to be established by marriage
Marriage in Islam is the only legal way to express love to your spouse. So if you have an illegitimate affairs it has to go through with marriage to be legal

4. The Family and society
Islamic law came to protect the structure to protect sex out of marriage to protect the family
It is important for the Ummah and the community.
It is based on Deen and faith and should be looked at as an ideological society

The structure of Family law

1. Family law: The definition
The ruling (Ihkam) of fiqh the regulates the relationship of a man and women starts with marriage and ends with the distribution of estates and inheritance

2. The characteristics of Islamic law
Nobility of the goal and the end; can never change the law because it is from Allah
✓ Human being should recreate themselves by the rule of Islam
✓ The divine inspiration for family law (not made by humans)
✓ The application is the act of worship
The generalization and comprehensive are regulated by relationship of Allah and everyone in the family system
3. The areas covered by Islamic family law
   Marriage and its rulings
   Contract, dowry, match, etc
   Separation forms and its rulings
   Death, divorce, ghulm (divorce by women), Al lian (spouse accuses of adultery and they only know themselves)
   Child rights and its rulings
   Inheritance Law and its rulings

History of Marriage

1. Marriage: The definition
   It was redefined from all mankind.
   It is a legal union between one man and one woman
   As set of cultural rules for bringing men and women together to bring the family together
   An ancient practice as taken a life’s term companion for sexual partner
   A civil contract between a man and a women
   A man and women living as husband and wife together
   A legally recognized and or socially approved arranged between two individuals that carries certain rights and responsibilities that involves sexual activities

2. The first marriage ‘Adam and Eve’
   Zoug – spouse
   Scholars say they did not have intercourse in Jannah, because they did not know about their private parts
   Marriage was first established when he created Adam and Hawwa. The details of this marriage only Allah knows best.
   The oldest family known to mankind is the marriage of Adam and Hawwa

3. Marriage before Islam
   ✓ Marriage in ancient history
   ✓ Marriage in other religions
   Jews - contract of marriage is almost similar to the Islamic contract. They should be relatives, legal obligations etc. Also similar because of Musa (AS) who brought the shariah.
   Christian – when Isa (AS) did not bring any ruling when he came. The perfect way was to get married is to have a church wedding. They did not have a concept of family.
Marriage was not clear cut and the Christians were following Jews – after parted from Jews, didn’t have anything, except getting married in a church – have no mahr, no concept of family; not a religious marriage

Marriage in the Arab culture

Ayesha RTA said that the way to get married is as similar currently like asking for hand in marriage from the family

Shigar – I get married to your sister and your sister gets married to my brother. This is haraam in Islam

Zina in group – with the women’s approval and after she is pregnant she gets married to the person who she had sex with. Another concept is the after having intercourse she would get pregnant, deliver the baby the would go to the persons with genealogy experience and she would call all the guys who she had sex with and say that the child would belong to person and then get married. This practice is haraam in Islam now.

Group intercourse – after baby is born; genealogy picks father

4. Polygamy or Monogamy?

Monogamy – marrying only one wife

Polygamy – the practice of having more than one spouse at one time.

Polygyny – more than one wife at one time

Polyandry – more than one husband at one time

The Christians don’t have the concept of Polygany, or polygamy, however, some say that they have this concept.

5. Heterosexuality or Homosexuality?

Homosexuality - The attraction to the same sex.

It was first known in the times of Luth Alaihisalam about 5000 to 6000 yrs ago.

It was practice in ancient China, native Americans, ancient European times, Africa etc

This is accepted in Holland, Netherlands, and Canada.

Heterosexuality – attraction to the opposite sex.

Islam and Marriage

قال صلى الله عليه وسلم: "...أتزوج النساء، فمن رغب عن سنبي فليس مني"
The Messenger of Allah salla Allahu alayhi wa sallam said: “…and I marry women. Therefore, one who shows disinterest in my Sunnah is not from (my true followers).”

1. The legal definition of Marriage
   Marriage is a contract between a man and a women, which allows both to enjoy the person of one another, their cooperation and decides the rights of each and their obligations
   Arabic word for marriage is - Zawaj
   In Quran – Nikkah – meaning physical relationship between man and women (intercourse). Also, it means a contract of marriage which makes the relationship lawful.

2. Preserving the ‘Five Necessitates’ (Ad Daurat Al Khams)
   Faith
   Shadah (have own identity)
   Life/Blood (Arridah) – prohibited killing, physical abuse
   Intellect (Al Atal) – prohibited intoxications
   Progeny (An Nasial Duriah) – prescribed marriage, prohibited Zina
   Wealth - prohibited the waste of money, haraam resources, like Ribah, Give charity, Zakath etc

3. The purpose of marriage
   Advantages:
   Seek in the pleasure of SAS
   Pleasure – the natural inning, the inclination of the opposite sex
   Procreation - Children – people like to be fathers and mothers. The kids are the dormant of this life
   Seeking intercession of the righteous child – when you leave this world to leave a righteous child
   Protection from evil – it helps you protect from gaze and zina
   To free sometime from the responsibility of this life
   Mujahadatun Nafs – Hardship of bringing up a righteous family.
   Disadvantages:
   Inability to maintain the rights and responsibility of their spouses
   Distraction from worship ex. Going to tarawih/Juma prayers in Ramadan because of children, unable to go
   Being unable to support family financially – doing haraam things like taking loans etc

4. The ruling of marriage
   Fard (obligatory ) – financially capable and can treat wife properly
   Waajib
If a man is financially stable and can treat wife properly
But, will commit Zinna if he doesn’t marry
Mustahab (recommended)
  Similar to waajib
  If he has the means and can treat wife properly
  But no fear of committing Zinna
Makrooh
  A person has the financial capability
  But knows they will not be good as father/husband
    → Ex. will be away from home for long periods of time
Haraam
  A person does not have financial capability
  Knows that they cannot treat wife properly and will commit Zinna

5. Marriage as an act of worship
   It is an act of worship
   Iman-e-shaafi - say that it is not an act of worship as it is a worldly thing

6. The different categories of marriage

Questions
What does the first Aayah of Soorah An-Nisaa’ talk about?
Marriage of Adam and Eve

What are the five necessities?
  Faith
  Life
  Intellect
  Progeny
  Wealth

The definition of legal marriage:
“Marriage is a contract between a man and a woman, which allows both to enjoy the person of one another. It is their cooperation and understanding of the rights of each and their obligations.”
Chapter Three
‘In the pursuit of virtue’ The Rules of Betrothal

“There is no blame on you if ye make an offer of betrothal or hold it in your hearts.” Al Baqarah 2:235.

Engagement (Qhutbah) & Proposal

1. Definition of the legal engagement
   Khutbah – engagement/betrothal
   Expressing ones desire to marry a specific women by informing her waali (guardian), whether expressed directly from suitor or representative
   The engagement comes from a man always and a proposal can come from a man or woman

2. Legal status of the engagement
   This has been approved by SAS and Quran

3. The wisdom behind the engagement
   To get acquainted with the person you will be engaged
   Give a clear cut judgment on the status of both parties
   Getting idea of physical appearance and attraction

4. The categories of the engagement
   Explicit one – by using the word khutbah – you should mention the name of the person who you want to get engaged to
   Indirect proposal – it’s the indirect way of proposing like sending chocolates etc. Used for Widows/ divorces

5. The effect of the engagement
   Is it considered a marriage contract?
   It is not a marriage contract, but it is a promise of marriage
   Both parties are still considered non-mahram
Women should still wear hijab
Can accept rewards
He/she can disapprove of the proposal at any time
If a proposal is already accepted you cannot go and propose again

6. Unlawful engagement proposals
   Proposing to a married woman
   It is strictly haraam
   Since they under the contract of marriage this is not permissible
   Proposing to a woman in her waiting period (Divorce/Widow)
   This is also strictly prohibited
   She is still considered as a married women
   Proposing to a woman over another proposal
   If you get a proposal and you say that you will think about it, you (second person) can still propose. However, if your proposal is already accepted then you cannot do it
   If you accept the second proposal and then you get married, then it is halal

Conditions of a Prospective Bride
1. To be free from any legal prohibitive
   You cannot marry a mahram

2. To be free from any other engagement
   Already married
   Is in the waiting period

Characteristics of a Prospective Spouse
1) Desirable Characteristics in a Bride

"A woman may be married for four reasons: for her property, her status, her beauty, and her religion; so try to get one who is religious, may you be blessed."

*If you are a religious man then you still should look for everything else also like status, beauty, and property*
What are the qualities in the bride?
1. To be of good manners and religious
2. Fertile and affection
3. First time marriage – to be maiden
4. To be content or pleased – not with the pleasure of this life
5. To be of a good linage
6. Beauty – something relative; what is inferior to you might be superior for someone else
7. Age – recommended for her to be younger than him
8. Easy dowry (Mahr)

2) Desirable Characteristics in a Groom

"If somebody comes to you and you are pleased with his character and religion then marry him. If you do not, there will be discord on earth and widespread corruption.” Ibn Majah

To be religious
Marry your daughters to someone who fears Allah because if he loves her he will be generous to her and if he hates her, he will not commit any justice towards her

3) Importance of Piety and Righteousness
a) In the bride
b) In the groom

Selecting a Prospective Spouse

1. Preference of a relative or a non-relative?
The prophet set the example he married both relatives and non-relative
Ex. Prophet married Zainab daughter of Sophia, who was first cousin through his aunt
Relative
Strengthening the ties
A better chance of getting early marriage
It helps relieves the pressure
Keep the wealth inside the family
2. **Set up family marriages, is it allowable?**
   It is allowed to for pre arranged marriage (usually happens among relatives)
   2 types
   - Consummated marriage
   - Celibate marriage – young; unable to consummate marry

3. **Engagement by commissioning**
   You are allowed to tell someone to find you your spouse. You have to give them the specification to find the spouse

4. **Why is dating Haram?**
   Because it leads to being in privacy with a non-mahram person
   It can lead to unlawful acts – touching, kissing, coming close to each other
   It is illusive; still a new adventure
   Exhausitng their emotions before getting married
   Damages reputation of culture

5. **Matrimonial services, what is the ruling?**
   Yes, it is allowed as long as it with the Islamic rulings

6. **The engagement ring**
   Gold for men is haraam
   Gold for women is allowed
   Engagement ring in Islam is not allowed (bidah)

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**The Procedure of Selecting a Bride**

1. **The role of female family members**
   Take delegation of women family members
   Community women know each other
   Interested in the physical appearance

2. **Direct proposal to a female, is it allowable?**
   There is no ruling that prohibits this, but you have to be modest

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**The Procedure of Selecting a Groom**

1. **The right of the woman to select her prospective husband**
   It is allowed for her to ask her father to see if the guy that she likes would be interested in getting married with her
According to the culture it is forbidden

2. **Offering ones female family member to a righteous person**
   Like father asking the guy if he would be interested in getting married to her daughter
   It is permissible
   Ex. Umar bin Khattab and his daughter Hafsa
   Umar went to Uthman and asked him to marry her, Uthman said no. Umar want to Abu Baker, Abu Bakr didn’t say anything. Prophet asked to marry Hafsa, and Umar said yes. Abu Bakr then told Umar that he heard the Prophet wanted to marry her, so he did not want to respond and say yes.

3. **Direct proposal to a man, is it allowable?**
   It is permissible

**Looking at the Opposite Sex**

1. **The ruling of lowering ones gaze**
   They have to lower your gaze, do not look into the eyes
   If you don’t lower your gaze, it will lead to haraam things
   It starts with a look, turns into an obsession, and leads to sins
   Ali RTA - Do not follow a look with another look, if it is a first look and look away its ok, and the second look would be considered as intentional and this is wrong
   This applies to both men and women

2. **The ‘Awrah’ of a non Mahram man**
   From his navel to his knees

3. **The ‘Awrah’ of a non Mahram woman**
   The Awrah is all her body

4. **Awrah of members of same sex**
   Men - from his waist to his knees
   Women from her waist to her knees

5. **Awrah of a Muslim woman in front of a non-Muslim woman**
   Some scholars say that a Muslim cannot go a public restroom/bathroom with a non-Muslim women; this is because a non-Muslim women might speak about them
Some scholars say that Muslim women can remove Hijab in front of the non-Muslim women, as long as they are trustworthy.

6. **Awrah of a male and female Mahram**
   Hands to elbows, legs to knees, and neck

7. **Awrah in front of children**
   Only during the time that kids cannot recognize the Awrah, then its ok
   It would be the same as with Muslim women
   However, if they can recognize the Awrah then you cannot

8. **Exemptions?**
   Men that do not have desire to women, but if they have any desires then you cannot
   People with no gender that have desire

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**The Rulings of Hijab**

"يا أبها النبي قل لأزواجك وبناتك ونساء المؤمنين يدنين عليهم من جلابيبهن ذلك أدي أن يعرفن فلا يؤذن"

“O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments over their persons (when abroad): that is most convenient, that they should be known (as such) and not molested. And Allah is Oft-Forgiving, Most Merciful.”

Al Ahzaab 33:59.

This is also mentioned in surah Noor Ayah 30 & 31

1. **Hijab: The definition**
   Covering the body in general
   Covering women’s body in front of the non-mahram people
   The real definition – a collection of legal rulings and etiquettes which regulates relationship between men and women who are not related (non-mahram)

2. **Hijab: Islamic or religious injunction?**
   Religious practice, its not Islamic
   Jews and Christians also practice Hijab, but their way is just different
   The Omish people also practice Hijab

3. **Purpose and reason**
According to SAS, he told women don’t go out and behave like non-believing women (this differentiate it between a non-believing women and a believing women).

Hijab purifies the soul
No reason to go out if unnecessary
It was prescribed to protect the women to identify them and not harm them.

Modesty

4. Proofs and evidences
   Surah Al-Noor
   Surah Al-Ahzaab

5. Rulings of legal apparels
   To cover the whole body
   It depends on the culture you are brought up in
   The clothing should be loose
   No specific color. However, it should not be too bright to attract anybody’s attention
   The feet is also part of the Hijab

6. Ruling of Niqab ‘face cover’
   Disputed

7. Legal age of Hijab
   Training age of 10
   And mandatory after they reach the age of puberty

8. What is the male legal dress code?
   To be modest
   Clothes should not pass ankles
   To cover the whole Awrah
   No short clothing
   Cover their heads – with culture
   Not to show off
   Avoid silk and gold
   Artificial silk is OK
   Not to be similar to the dress of women – its custom
   Having a beard
Looking at One’s Prospective Bride

1. The legal ruling
   Mustahab (recommended) and highly recommended by SAS
   Majority of the scholars recommended to see the spouse

2. The reason of permissibility
   Physical features of both and men and women to get attracted. Initially
   they were only allowed to see the face and the hands. But when she is
   visited by women then she can show her full beauty

3. The eligible time for looking
   It should be before proposing. Sincere and genuine intention
   Need to know if she is married or not and then go and have a look at her

4. The condition of permissibility
   The real and the genuine intention to marry her

5. The procedure
   It doesn’t have to be with her permission as long as they have the right
   intention
   Some scholars say that they should ask her
   Some say to propose to her and see her later

6. The allowable amount
   Majority of scholars say
   He is allowed to see her face and hands only
   Female members of his family/friends can investigate
   Abu Haneefa
   Can also see the feet
   Imam Ahmad
   Can see what is revealed in her regular day’s activities
   Imam
   Generally, to look at her from top to bottom
   Imam Hazm
   Can see everything

7. The allowable duration
   According to the custom; reasonable amount

8. The number of times
   No specific time
Generally the amount that it will take him to propose to her

**Questionable Ways of Looking**

1. **Sneak a peak** - NO
2. **Hidden cameras** - NO
3. **Looking at a picture** – Yes, if intention of proposal
4. **Looking through the internet** – (Webcam) very controversial (you don’t know who is watching), personally not allowed
5. **Being in privacy without Maharam** - NO
6. **Being alone in a public place without Mahram** - NO
7. **Setting up a casual situation without her knowledge** - YES

**The Betrothals of the Prophet salla Allahu alayhi wa sallam**

1. **Umm Al Mu’mineen Aisha**
   Most beloved wife
   SAS wanted to see Ayesha RTA and Abu Bakr Siddique RTA said to SAS that he will send her to his house and then he can tell him if he like her or not. He sent her with dates and SAS replied that he liked the dates and told her to tell him that the dates were really sweet. This was SAS proposal to Ayesha RTA

2. **Umm Al Mu’mineen Hafsa**
   Hafsa RTA was a widow and her father Umar RTA took the proposal to Umar Bin Quattab and he said no. Later he went to Abu Bakr Siddique RTA with her proposal and he said nothing. Later SAS proposed to her and later Abu Bakr Siddique RTA said that he had found out before that SAS was going to propose to her and that’s the reason why he did not say anything

3. **Umm Al Mu’mineen Umm Salama**
   Hind bint Abi Umaiya married to Abu Salamah who passed away
   SAS proposed to her and she told that she was old, had many kids and that she is a very jealous women. As for age SAS that I am older than you and I will take care of your kids, and ask Allah to take her jealousy away.
4. **Umm Al Mu’mineen Umm Habiba**
   Ramlah Bintu Abu Sufian RTA was married to Obaidillah Bint Jahsh
   She went with her husband and she had a bad dream that her husband converted to Christianity
   SAS told Annajasi to propose to Umm Habiba on his behalf. She was the only wife not present when the marriage contract was completed.

5. **Umm Al Mu’mineen Zainab**
   Allah ST was the waali to this marriage, after her husbands (Khalid bin Zayed) death
   She would brag to all the wives that all of them got married with their waali (relatives) and she was the only one that Allah ST was her waali

**Breaking Off**

*The Consequences of Revoking the Engagement Agreement*

Sometimes things don’t work out as planned so there are the ruling on how to break off the relationship.

1. **Is the engagement a revocable contract?**
   It is a promise to get married when you said that the engagement will be done after a certain time, you can later be revoked because it is just a promise
   Even though it is not binding, it is highly recommended to keep it
   If the agreement is broken then it should be done as soon as possible.
   Don’t wait longer. Waiting long could get personal
   Do not need to provide reason, but be considerate

2. **The betrothal gifts**
   All scholars say
   If part of the Mahr or dowry – it is an agreement, and it should be given back to him. If it is consumed that something equal should be returned to him
   It doesn’t matter who broke it off
   What if the gift was used
   Hanafi – he receives it back with the original condition. If it is damaged then he looses it.
   Maaliki – the man doesn’t receive anything if he revokes it. However, if the girl’s side revokes it then all the gifts should be returned in the original conditions. If it was damaged then it has to be compensated.
Shafi – if available he takes it back, if damaged, give money or something of equal value
Hanabila – not allowed to get anything back, because it was given as a gift.
Hadith - if you take the gifts back it is like eating the dog’s vomit

3. **Compensation for potential harm and damage**
   Some scholars say that it should be compensated
   Some say that it should be taken as a part of charity for the marriage – wallahuaalam
Chapter Four
‘In a Golden Cage’ the Rules of Marriage

In the farewell khutbah the Messenger of Allah salla Allahu Alayhi wa sallam said: “Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah.”[6]

The integrals of a marriage agreement أركان عقد النكاح

1. The spoken form
2. The two contracting parties (The bride and the groom)
3. The witnesses
4. The bride’s guardian “Wali”

Hookum – side of structure that holds the roof on it

Hanafi – Existence of matter is dependent on its presence and has to be part of its essence.

What would be the integrals?
Just the spoken form

Junabili – Existence of matter is dependent on its presence and not has to be part of its essence

What would be the integrals?
The spoken form, the two contracting parties, and the Wali

First: The Spoken Form الصيغة

1. Definition
The formal spoken offer by one party (Al Ijaab)
The acceptance by the other party (Al Kubool)
2. Rulings of the spoken words

Accepted words on which there is agreement

Zawaj
- in Surah Al Ahzaab Ayath 27
- immediate possession of relationship

Nikah
- Surah Al Nisaa Ayath 22
- To be continuous through lifetime

✓ Rejected words on which there is agreement

Any word that does not imply the immediate possession or life long agreement

Ex. of words
1. Ibaha (permissibility)
2. lending
3. enjoyment
4. Wassiyah (will)
5. Rahan (mortgage)
6. Trust

✓ Words on which there is disagreement

Al Bayer – Selling
Al Qeeba – Gift
As Saadaqa – Charity
Al Adiyah – Present

✓ Using writing or sign language as an alternative

Not acceptable if both parties were present and able to speak
Acceptable if person cannot speak, if it was clearly understood and expressed with intention of marriage
Any contract should have Al Ijaab and Al Khabool
Muatadh – without interaction with another person, not allowed in marriage

3. Conditions of the spoken form

The language

There is an opinion that it has to be in Arabic because the words used (Zawaj and Nikah) has to be used in marriage contract

If one person does not understand then you can use language that is understandable

In English the word used should be in past tense. Ex. I have already given you my daughter in marriage (Zawajtuka Binti) and the guy would say I have accepted (Khabilta)
The intention has to be clear – Ex. If the guy says “I will”, some scholars say that it’s ok and some say that it’s just a promise.
Both statements Al Ijaab and Al Khabool should be done in the same session.
It should not be interrupted outside the marriage contract. It should be done immediately.
No specific ruling on silence interruption – depends on tradition of community/culture.
The exact correspondence of the Al Ijaab or Al Khabool should match.
The one who gives the proposal have to be on the offer until you receive the answer. You cannot revoke the proposal. Ex. If you are interrupted and the person come back to answer the question he has to ask for it again.
The spoken form should imply immediate after the fulfillment of contract. Should not use the word Inshallah unless you refer to Inshallah for Barakah.

4. Stipulating a grace period of choice in the contract
An optional close after you make contract Ex. See if it works for 3 days – it is not allowed

Forms of Marriage contracts which violate this rule
The temporary marriage (Zawatul Mutaa)  "زواج المتعة"
It was acceptable in the early times. Abdulalh Ibn Abbas felt it was permissible he was complaining that people twisted his words and he said it was wrong and was allowed only as a necessity just when we know like allowing eating pork in dying necessities.
It is practiced now only by Shia
This is forbidden because it does not have implication of life long relationships.
Its another form of Zina

Marriage with an intention of divorce
If he mentions that he will get married to her only for two months
It is harram for him for him to have an intention of divorcing her.
But if the marriage takes place and no one knows except for him, it is still haraam for him, but marriage is till vaild

‘The borrowed goat’
Marrying someone to make her halal for an ex husband
You have to have intercourse for the second marriage to be halal
It is completely forbidden.
The marriage is null if the person knows the intention

Marriage of convenience
   If fulfills all legal requirements it is acceptable; Unless a time period was stated that he will divorce

**Second: The Two Contracting Parties**

The Bride and The Groom "العاقدان"

1. **Conditions of the two parties**
   Specification of the bride and the groom
   You know them by name – who is marrying whom
   Legal competence
   Person has to know legal contract
   You cannot get a 2 yr old married because she is not competence enough.

What is the age limit for a legal marriage contract?
   There is no age limit for the man and women. However, they could be some traditional ways of doing it. Like pre arranged marriage
   If it is pre arranged marriages the kids had the right to revoke it after puberty

Listening to the other part of the spoken form
To be free from any defects that prevent the fulfillment of the essence of the contract
   The guy is sick and wants to get married before he dies
Not to be in a state of Ihram
Mutual consent
   Both parties are in full agreement

1. **Conditions of the Bride** "الزوجة"
   To be a definite female
   No doubt in her sex
   Not to be of his Mahram (Unmarriageable kin)
   Surah Al-Nisaa A-23 to 24

   The unmarriageable kin (Al Muharamath) "المحرمات"
1. The permanent prohibited relationships

By blood relationship
- His Ancestors – mother, grandmother….
- His Descendents – daughters, granddaughters…
- Parents descendants - sisters, nieces,
- The first generation of grand parents offspring’s - auntsides

By affinity (by marriage)
- Wife of his ancestors
- The wives of his descendents – daughter-in-law
- Ancestors of the wife - grandmother
- Descendents of the wife

By breast-feeding
- All the above; he is considered as the child
  - Ar-Radaah – breast feeding
    → should be for the first two years
    → The amount of milk that he drinks
    → The number of times his drink
    → Scholars have different opinions on this.
      a. Ayesha RTA said that first it was 10 times. Later
         she said that it was obligated to five sufficient
         times
    → There was an exception to this rule. Abu Hudaifa was
      very jealous that Saelem (salve) would move around her
      house freely. So SAS told her to feed him and she did.
      He was 13 yrs old.
    → The milk that is caused by one man – if one wife breast
      feeds one girl and the other wife feeds another boy. The
      boy and the girl are not related. This is still haraam.

2. The temporary prohibited relationships

A divorcee from a final divorce
- For the same man who divorced her. She has to marry
  someone else divorce him to get married to her first husband

A woman related to another husband
- Legally married but not consummated
- Consummated marriage
- A women in her waiting period after her divorce

Disbelieving woman
- Except Ahle Kitab (Jews & Christians)

Sister in law and her Mahrams
- Sister of your wife, her aunts etc

A fifth wife
You cannot marry for the fifth time. Unless he divorces one of his wives and fulfills his Iddah (same as women 4 m and 10 days)
He has to wait if he wants to marry his ex-wife’s sister.
He has to wait for the Iddah for the divorcees, widow until her Iddah is finished.

Marrying from Ahlul Kitaab
‘The people of the book’

- Definition of the people of the book
  Any women who believes in a revelation - Judaism and Christianity
- The Fiqh opinion
  Majority of Fuqaha
  - It is allowed to marry people of the book
  Opinion of Umar RTA
  - Marrying Ahlul Kitaab is forbidden
  - In Qur’an – do not marry polytheists until they are believing
  - Most scholars are against this thought
  If marrying Ahlul Kitaab – make sure she is a chaste woman (not a prostitute, or repented for other relationships they have had.
- Consideration of the Muslim welfare
  Should be careful of the consequences
  Woman does not have to become Muslim

2. Conditions of the Groom "الزوج"
To be a definite male
To be a Muslim
Not a Mahram

Prohibited marriages
1. A Muslim woman to a non-Muslim man
2. A Muslim man to a non-Kitabi woman
3. A Muslim man to a woman of one Kitabi parent – if there is haraam and the halal it is leaned towards haraam more. So that is the reason you cannot marry
4. Marrying to a Murtadd (apostate)
5. Marrying to an adulterer

Forms of marriages which violate this rule
1. ‘Barter trade’ marriage
   giving one daughter for another daughter with no mahr
2. Pre-arranged marriages
Valid contract – after puberty have the right to cancel the contract

Third: The Witnesses

1. The wisdom behind this stipulation
   To show its importance of marriage
   To avoid the people being accused of anything haraam
   To recognize the halal and haraam matters
   For confirmation of marriage

2. The Fiqh opinion
   For the four Mazhab it is Shirth – have to have a witness
   SAS Aalimul Nikah (announced marriage). You have to take it out to the public
   The Nikah is invalid unless there is two witnesses

3. The time of this testimony
   The shahadah – Al Jummor at the time of the contract (the spoken form)
   Malikis – it is recommended at the time of the contract, but delaying till the time of marriage is OK

4. Conditions of the witnesses
   Legal competence - to be Muslim, to be full of sanity, above the age of puberty
   Witness should be two men
   They have the ability to hear the spoken form and reply

Forms of marriages which violate this rule

1. The ‘Secret Marriage’
   Most scholars say that it is Makrooh (disliked)
   Maaliki – They say it is not allowed

Fourth: The Bride’s guardian ‘Wali’

1. Definition of guardianship
   It is a legal competence and the ability to own the authority to dispose ones affairs. Father for son and daughter.

2. Categories of guardianship
Wilayah Wannas – guardianship over one person – father and his father (grand father)
Wilayah Tu Ijbaab - Those who may compel the female charges to someone
Those who may not compel the female charges to someone. They can represent on her behalf.
Guardianship over one’s property – father, grandfather, and the judge
Guardianship which combines the both -

3. The Fiqh opinion
   Al Jumhoor – they say it is rukoon. The marriage contract is valid without the name of the wali
   Other scholars say - The women can speak for herself – she does not need her wali on one condition – the man has to be the suitable match
   Unmarried woman is more worthy to have control over herself

4. Conditions of the Wali
   Legal competence
   To be a Muslim
   To be a Man/Male – majority of scholars say this
   To be trustworthy
   Maturity – understand what they are doing
   Being free from the state of Ihram

5. The order of the guardianship among the bride’s relatives
   The wilaya should follow the inheritance law system. The paternal side only applies – unless none are available
   1. Father
   2. Grandfather
   3. Son (age of puberty) from previous marriage
   4. Brother

6. In the absence of the Wali
   You wait. Try to communicate with him. If he does not turn up then it goes to the second wali, then to the children, brothers, and then uncles.
   Some scholars says that uncles comes before brothers
   The foster father cannot be a wali because she cannot inherit the wealth
   In the absence, an Imam can be Wali

Rulings of the bride’s consent
   1. Consent of a maiden bride
      If she is young then you do not need her consent
Silence is taken as a yes  
If she leaves it to her wali

2. Consent of a non-maiden bride  
She must say either yes or no  
It is very essential and important

3. Marrying a bride under the age of puberty  
it is permissible  
At the age of puberty they can revoke it

Rulings of the guardianship
1. Abusing the right of guardianship  
Ex. he retires and does not allow anyone to marry her, so he can be supported
2. The guardian of a non-Muslim bride  
Can be her non-Muslim wali  
A Muslim can’t be a wali to a non-Muslim

3. The non-Muslim guardian of a Muslim bride  
This is not acceptable. She must have a muslim wali  
Surah Al Nisaa – A – 141

4. The guardian of someone who has no legal guardian  
The Ameer would be the wali

Commissioning in marriage contracts
1. Definition of commissioning  
Act on behalf of someone with authority received from him/her.  
Jumhoor – says no  
A man is allowed to commission another man  
The father can just authorize her brother to perform on his behalf
2. The Fiqh opinion  
Hanifi – commissioning is permissible for a woman  
Majority of scholars say women are not allowed
3. Conditions of the commissioner  
Legal competence  
To be a Muslim
To be a Man/Male – majority of scholars say this
To be trustworthy
Maturity – understand what they are doing
Being free from the state of Ihram

4. The authority of the commissioner
   Limited commissioning – Ex. Marriage of Ayesha to Mohammed and
   bring someone as witness
   Unlimited commissioning - ex. Father telling her son to take authority to
   get his sister married to who ever he thinks is right for her

Rulings of commissioning
   1. Can the commissioner issue the marriage for himself? Yes, if the women
      accepts the proposal. Others say that you cannot because of the conflict of
      interest
         ✓ Commissioner can be same for both parties

   2. Can the original commissioner commission another for the same
      contract? No, you have to go to the person and tell them, don’t just pass
      on the job.
      Cannot commission someone to fulfill your duties as a commissioner

Forms of marriages which violate this rule
   1. Az-zawaj Al-orfee “customary marriage”
      Not haraam, but makrooh

   2. The friend marriage
      Often happens usually at campuses, one act as a wali, the other as Imam,
      and they just get married.
      It is not a valid marriage contract
      It is close to zina

   3. Common law marriage
      If you live with a person for six months. This is pure zina.

Part two:
Essential requirements for the marriage contract

واجبات عقد النكاح
First: The rulings of the dower

1. **Definition**
   - Two words – Mahr or Sadaaq
   - Mahr – something in exchange of marriage – be it required by the judge or agreement between the two parties.

2. **The Fiqh opinion**
   - It is not a pre-requisite or essential component to validate marriage contract, but it is still a ruling

3. **Nikah At-tafweed**
   - They agree on canceling them out. Eliminating the Mahr – it is permissible. If the marriage consummates you still have to pay the Mahr

4. **Conditions of the dower**
   - Valuable and not haraam

5. **The amount allowable for a dower**
   - Something valuable (Islamically) – material or moral
   - There is no maximum amount for Mahr
   - Minimum - diff opinions
     - Hanafi - 10 dirhams
     - Maliki – 3 dirhams
     - Shaafi – anything that can be called as wealth
     - Others – anything that is called a thing as long as it is halal
   - Non-material Mahr – Quran, promise for Umrah or Hajj
   - SAS recommended the smallest amount, as easy as possible – the reason is that the guy will not ever forgive her
   - This is a form of a debt (deferred) unless the wife forgives her Mahr
   - Most of the Prophet’s wives had just almost 500 dirhams
   - Even his daughter he did not ask for more than 500 dirhams

6. **Extravagant dowers**
   - The dower is a debt that must be paid, so requesting dower is putting a large debt and burden on someone

7. **When the woman is entitled to her entire dower?**
   - Different opinions
At the actual time of the consummation (intercourse)
A true seclusion – complete privacy
The physical enjoyment in a manner less than sexual intercourse
A Mahr is due if marriage takes place but man dies before consummation of marriage
✓ Mahr is due even if divorce is pronounced when he is on his death bed

8. The customary dowry
✓ Mahrul Mithr - If they did not agree on a specific amount for the Mahr, then go by the customary dowry in the social class of the girl’s relatives

9. Dividing a dower
✓ Can pay part of it right away and the rest could be deferred

Second: The rulings of the suitable match (al Kafaa)

1. Definition
   Equality or similarity
   Legally (Islamically) – Equality or similarities in different characteristics
   This is required for the stability in the marriage

2. The Fiqh opinion
   The four Imams – it is condition (shart) to make the contact binding. It is valid but suspended until it is accepted
   The daleel for it – hadeeth - three things should not be delayed – salath, the janazah prayer, and the girl that has a suitable match but not married.

3. Who has the authority to demand suitability?
   It’s the women is the one who demands the suitable match
   If her guardians object, then it will not be a suitable match
   The girl’s family posses the right to nullify the marriage because it is not suitable for the girl

4. To whom suitability is sought, the bride or the groom?
   Groom to the bride
   Man can marry any women
   But women may marry only suitable match

5. Considering the qualities of suitability:
   Faith
   Deen
Eeman
Good manners
Chastity
Linage and ethnicity
Tribe and clan are very important
Wealth – rich to poor
Profession – If he is not a doctor then forget it
Soundness – intelligent to less intelligent
Age – don’t marry with too much age difference
Freedom
Health conditions – is the husband is disabled, but if she does not have any problem then its OK

Part Three:
The Prerequisites of the marriage contract

1. Prerequisites of the validity

The bide is not mahram to the groom
The presence of the wali at the time of the contract
The presence of the witnesses
If the marriage contract lacks 1/3 it is invalid

2. Prerequisites of the effectiveness

The contract will be valid but suspended (until something external effect)
Competence of both parties
To have the authority to perform the contact.
If the brother finds a guy for his sister, and both agree, the marriage will be valid but suspended until her nearest wali (father) completes it

3. Prerequisites of a binding agreement

It is valid because it fulfilled the prerequisite of validity and effectiveness; but one thing is lacking
To be free from any final clause Ex. I will try for 3 days and then Inshallah then I will agree
To be free from any deceit or defect Ex. If the girl lies about her age before marriage, then the guy can cancel the marriage. You just give all the gifts back. However, if he does not mind, then the marriage can take place
Adding stipulations to the marriage contract

The Messenger of Allah salla Allahu alayhi wa sallam said: “Indeed, the conditions that are the most worthy of fulfillment are the ones which you stipulate to make intercourse with women lawful to you.” Bukhari and Muslim[

1. Stipulations which are obligatory to be fulfilled
   Part of the requirement in general.
   Mahr does not fall in this category – it is already stated and has to be paid

2. Stipulations which are legally nullified
   Any condition that contradicts some of the integrals of marriage contract.
   Ex. You sit with the wali and he has one condition – you will not touch her, he can say yes or no. This will nullify the marriage

3. Stipulations made for the interest of the wife
   Ex. She can put one condition like I will not leave Houston after marriage, I don’t want to marry another wife, she can ask for the right of divorce and not Qula etc.
   Majority of the scholars say that the condition is nullified.
   Hanabila say these conditions need to be fulfilled. If you agree to these conditions then you have to fulfill these conditions

4. Stipulations that are prohibited
   Anything that is stipulated that is haram or something that leads to haram
   To cut the ties and relationship with his/her family

The different status of a marriage contracts

1. Valid and binding contract
   After fulfilling the integrals, stipulations of effectiveness and validity

2. Valid and non-binding contract
   After fulfilling the conditions of above, but lacks the condition of a binding contract

3. Suspended contract
   After fulfilling validity and bidding, still need approval of both parties
4. **Invalid contract**
   Missing one of the integrals of the marriage contract

**First: The consequences of a marriage contract**

**First: The consequences of a valid and binding contract**

1. **The conjugal right ‘enjoying the spouse’s person’**
2. **The move to his residence**
3. **The dower (Mahr)**
4. **Sustenance and spending**
5. **The establishment of affinity (unmarriageable kin)**
6. **The verification of the child lineage** - if the child is born after 6 months of the pregnancy then the child is legal. However, if the child is born healthy before 6 months then the child is illegitimate.
7. **The establishment of the inheritance right**
8. **The right of obedience to the husband** – obeying husband takes precedent over obeying parents
9. **The right of husband to chastise his wife** – it has to be an emotional treatment and not physical. When you hit your wife it should not leave any hits or bruises on you.
10. **The kind treatment** - from both parties

**Second: The consequences of a valid and non-binding contract**

1. **The same consequences of a valid contract**
   All mentioned above applies
   Right to call for the annulment of the contract

2. **The right to call for disintegration of the contract**
   If you find anything, like you found him to be disabled, or her disabilities you can disintegrate the contract

**Third: The consequences of a suspended contract**

1. **No consequences until it is approved**

**Fourth: The consequences of an invalid contract**

1. According to Madhab Imam Abu Haneefah
2. According to Madhab Imam Malik
3. According to Madhab Imam Ash-Shafi’ee
4. According to Madhab Imam Ahmad

**Second: The protocol of the Marriage Contract**
The documentation of the marriage contract – the rights of the spouse

1. The Fiqh opinion
   It is recommended - It is not waajib
   Surah Bakaraa – A- 282 (longest ayah). Allah ST recommended to document these contract

2. The importance of documentation
   To preserve the rights of the two parties
   10 consequences of a valid and binding contract

3. The legal requirements for this documentation
   ID’s of both the parties (bride and groom)
   Request to bring the marriage certificate from the city

4. The wording of this document

5. Islamic centers and marriage documentation

6. Charging money for documentation
   It has to be done in a standard format

The ceremonies of a marriage contract

1. Who should perform the ceremony?
   An authority in the area (Imams)

2. Marrying outsiders
   One of the contacting parties should be from the area
   If both of them are out of towners then avoid

3. The place where the ceremony should take place
   Recommendation – Islamic centers

4. Seating the contracting parties
   Have them sit together
   The bride does not have to be there, her wali should be there

5. The different words of the spoken form
   Be specific – Ijaab and Quboor

6. A marriage contract: step by step
Go to the bride and confirm her with the ID provided, ask her about the Mahr, ask her if she needs to include any conditions, then go to the groom and ask if he needs to include any conditions. If they both agree then go and get the signatures and the Iman later signs the marriage contract.

Example of the declaration of marriage contract:

**Declaration of bridegroom:**
“I ………………., a Muslim, born on ……………. residing in ………………………., phone # (                       ) SS# / DL # ............................accept Miss ………………… as my wife according to the precepts of the Qur’an and the Sunnah of Prophet Muhammad salla Allahu alayhi wa sallam. I declare to abide by the laws of Islam as a Muslim husband in the presence of the gathering and the witnesses and Allah is the best witness of all.

I also promise to give ………………………………as Dower to my wife.

**Declaration of bride (or wali)**
I ……………………… of …………….faith, born on …………………… residing in ….. phone # (             ) SS# / DL # ……………………….. accept Mr. ………………. as my husband according to the precepts of the Qur’an and the Sunnah of Prophet Muhammad salla Allahu alayhi wa sallam. I declare to abide by the laws of Islam as a (Muslim) wife in the presence of the gathering and the witnesses and Allah is the best witness of all.

I also accept conditions and Dower specified.

**Third: The marriages of The Messenger of Allah Salla Allahu Alayhi Wa sallam**

**Ummahtul Mu’mineen**

1. **The total number of the wives of Rasulullah** –
   14 in general - scholars agree that he had 11 wives and 2 wives died in his life time. There is a dispute he had 3 more wives.
   Maria Qibtityah - was a concubine or wife (disputed)
   Asma bintu Noman – he found a defect in her so he sent her home
   Amrah bintu Yazi - he just let her go because she said “I seek refuge in Allah from you”.
2. Marrying Ummahtul Mu’mineen

Khadija bintu Khuwailid *radiya Allahu anha* –
- Died during his lifetime
- Had all of his children except Ibrahim
- Daughters – Zainab, Ume Kulsum, Roqeyah (Died during his lifetime) and Fatima
- Sons – Abdullah and Kasim – died during his lifetime

Souda bintu Zam’aa *radiya Allahu anha*

Aisha bintu Abi Bakr *radiya Allahu anha* - he contracted with her father in Makkah and they consummated the marriage in Madina at age 9 or 10. She was the only Maiden women that he married.

Hafsa bintu Omar *radiya Allahu anha*

Zainab bintu Khuzaima *radiya Allahu anha* – *Ummul Maasakeen* –
- Died in his life time

Umm Salam bintu Abi Umayyah *radiya Allahu anha*
- She was the one who complained that she was old, had jealousy, and she had children.

Zainab bintu Jahsh *radiya Allahu anha*
- Who was the wife of his adopted son and his cousin

Juwarriyyah bintu Al-Harith *radiya Allahu anha*
- She was captured and she became the women of high rank. She was recommended from him. She came to SAS to tell him to free her from the tribe, and he paid the ransom and married her.

Umm Habibah bintu Abi Sufyan *radiya Allahu anha*
- In Makkah period, the consummation of marriage was in 7th Hijri. Abi Sufiyan was a Kaafir, and he was very happy when SAS was married his daughter.

Safiyyah bintu Huyay *radiya Allahu anha*
- She was a Jew. She was the daughter of the Jewish community. He proposed to her and she accepted.

Maymoona bintu Al-Harith *radiya Allahu anha*
- She was the sister-in-law of the Ibn-Abbas.

3. The lineage of Ummahtul Mu’mineen

Those from Quraish

Khadija bintu Khuwailid
Aisha bintu Abi Bakr
Hafsa bintu Omar
Umm Habibah bintu Abi Sufyan
Umm Salam bintu Abi Umayyah
Souda bintu Zam’aa
Plural Marriage تعدد الزوجات

1. Polygamy or Polygyny?

2. Ruling of Polyandry

3. What is the default in marriage; monogamy or polygyny?
   The default in marriage is monogamy
   Is there any preference – some scholars say it is recommended to marry more than one wife. If you can do justice to all your wives then you can marry more than once. Some say that is recommended to marry only one.

4. The justification of polygyny
   General reasons
   Solving the social problems of women in numbering men
   The need for this Ummah to increase the population
   Establishing more and stronger affinities
   Specific reasons
   If the wife cannot carry any babies
   Sometimes the disability to fulfill the husband’s rights
   Hatred between husband and wife
   Stronger sexual drive of men when compared to women

5. Limiting the plural marriage up-to four
   Allah’s command – he knows best
   Some scholars say – to achieve extreme satisfaction (sexually)
   If he can do justice to all his wives then he can marry up to four.

6. Rulings of plural marriage
   All marriages are equal and binding
   Wife one is not the chief of the gang
   Wife 4 should not have preferential treatment except for the first week if she is a maiden
   Do justice
   Prophet SAS said if you prefer one wife, then will come to day of judgment leaning towards one side
   His time and wealth should be just; heart does not have to be

The Messenger of Allah sala Allahu alayhi wa sallam and plural marriage

1. Muhammad sala Allahu alayhi wa sallam as a man
   Until the revelation, he was only married only Khatijah RTA
After the revelation (age 50), he then married his later wives

2. Muhammad salla Allahu alayhi wa sallam as a Messenger of Allah

3. The reasons for plural marriages in the life of Rasulullah
   Educational reasons
   Legislative reasons – like marrying Zainab to stop adoption rulings
   Social reasons - marrying Sauda and Salama
   Political reasons
      Marriage of Habiba
      Marriage of Juwayriyah

Chapter Five
‘Uniting in goodness’ Wedding and Intimacy

First
Announcing the Marriage

The Messenger of Allah salla Allahu alayhi wa sallam said: “Distinguishing between the forbidden and the permissible (with regard to marrying a woman) is the voice (of singing) and the beat of the duff.” At-tirmidhi.

The wedding party الزفاف

1. The Fiqh opinion
   Mustahab – highly recommended to announce wedding
   Imam As Zuhir – says it is Wajib

2. The meaning of announcing the marriage
   Take it out to the public

3. Weddings and customs
   Everything is permissible unless it is not mentioned in the Shariah
Using fireworks – it is OK
Religious customs that copy other religions – like tossing the bouquet before she leaves

4. **Singing in the wedding party**
   It should display good manners between people
   Songs that say haraam things are prohibited

5. **The use of instruments**
   Instruments other than duff is haraam

6. **Dancing in the wedding**
   Belly dancing is prohibited
   As long as it is folkloric

7. **Rulings of different customs in wedding parties:**
   Extravagance in wedding parties
   It is haraam
   If they can afford it then they can have it

   Free mixing
   It is haram
   If the women are in full hijab, and the men lower their gaze then it is ok

   Wedding rings
   The same ruling applies like the engagement ring

   Presenting the bride and groom

   The groom in the women section

   Recording the wedding party
   As long as they do full hijab it is OK

   The wedding procession

   Gowns and Tuxedos
   There is no limit to the customs, unless it goes against the shariah

8. **Weddings at the time of Rasulullah salla allahu alayhi wa sallam**
The congratulations upon marriage

"بَارِكَ اللَّهُ لَكَ وَبَارِكَ عَلَيْكَ وَجَعَلْنَاكُمَا مِن بَيْنِيَّ وَجَمِيعَ بَيْنَكُمَا في خَيرٍ"

“Allah’s blessings for you and blessing upon you. May you be joined together in goodness.”

The wedding dinner ‘Waleemah’

1. **Definition**
   Title of the meal served for marriage

2. **The Fiqh opinion**
   Majority of the scholars says it is recommended
   Imam Zahir – Wajib

3. **Time of the Waleemah**
   It is the next day – recommended

4. **The amount of Waleemah**
   Does not have to be specific
   Just bring people to celebrate with you

5. **Sending invitations for the Waleemah**
   YES, you can invite people

6. **Responding to Waleemah**
   it becomes waajib to respond – positive or negative – it is recommended for a positive response

7. **Extravagance in wedding feasts**
   It is haraam, unless you are sure that the food leftover is not wasted

Second

Marriage and Intimacy

“At the heart of mankind’s existence is the desire to be intimate and to be loved by another. Marriage is designed to meet that need for intimacy and love.”

In Islam marriage is the way to fulfill this relationship

Islam and Sexuality
1. A conservative look between excessiveness and liberalism
   Conservative – middle (Wassath) of two extremes
   Excessiveness – al Wuloo
   Liberalism - Tafriq
   Surah Bakhara – Metaphor expression – the wives are like fertile land and you can do whatever you wish with them. Practice sex in any position that they want (most explicit statement in Qur’an)

2. Understanding sex from a western perspective
   Other religions may thing that intercourse is not for pleasure – something you have to do
   Liberalism – complete opposite

3. Understanding sex from an Islamic perspective
   It is natural instinct – part of fithra
   In Islam sex is not a sin nor it is an punishment
   It is a pleasure of this life
   Physical – share it with animals
   Illusive – when someone is position/status (like becoming a Ameer, etc)
   Spiritual – pleasure of being honest, decent etc

4. Sexuality in religious texts and Fiqh works
   When they talk about the Nikah etc they talk about this

5. The sexual drive between man and woman
   Man has a stronger desire for sex
   Women go through pregnancies

6. Ibnul Qayyim on the virtues of legal intercourse
   It has its own benefits
   It gives tranquility and peacefulness to the mind
   Lust and desire
   It is also an act of worship
   It bring the lovers together
   SAS said, “Nothing is better than Nikah for the people who are in Love”

7. Sexual hygiene in Islam
   Regular shower
   Circumcision
   Shaving the pubic/underarm for both men and women
When men think about sex and intimacy, they discharge so according to SAS you just wash the private parts and make wuduh
Sperm - It is pure

**Etiquette of the wedding night**

1. **Treatment with kindness**
   To be prepared – the environment like preparing the apartment (not the bed). Like flowers, chocolates, cookies, etc.
   Try to prepare a special gift to be give that night

2. **Reciting the supplication**
   Oh Allah I ask you for the good and goodness and refuge from her evil

3. **Praying two rak’as**
   It is recommended that the husband lead the prayer to set the foundation

4. **Considering general hygiene**

5. **Taking time for satisfying foreplay**
   SAS recommended it

6. **Observing the permissible intercourse**
   In the legal place

7. **Giving equal time to arrive at full satisfaction**
   Give an equal time for equal satisfaction – do not be hasty. Make sure that your spouse is equally satisfied

8. **Keeping the secrets of the sexual life**
   Don’t dispose it to any one
   Does not have to take place the first night

**Intimacy in the bedroom**

1. **The default ruling of sexual acts**
   Anything in the bedroom is acceptable unless there is something that prohibits it
   Treat them kindly

2. **The permissible sexual acts**
   During menstruation
   Do everything lawful, except intercourse
   Majority of scholars say oral sex is OK
Different positions except for anal sex
Mutual masturbation permitted
Does not have to be in the bedroom, just need to be modest
Taking shower with your wife
If pregnant – it is still permissible (make sure it does not cause any harm to her)
Fulfilling fantasies, Lighting candles etc – it is allowed as long you are not doing anything haraam

3. The impermissible sexual acts
   - Intercourse with women during menstruation
   - Taping or recording
   - Watching porn
   - Adult toys - disputable
   - Individual masturbation - disputable

**Contraception methods and birth control**

1. Contraception methods
   - Al-Azaal – withdrawal method
   - Any form of family planning is allowed

2. Abortion
   - To use it as a birth control is haraam
   - If the soul is blown into the baby, after 4 months, then it is haraam unless harm to mother
   - It is a crime in Islamic law

3. The Fiqh opinion
Chapter six
‘On a footing of kindness’ marital rights

"وَهى مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعَرُوفِ وَلِلرَّجُلٍ عَلَيْهِنَّ درْجَةً"

“And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them.” Al Baqarah 2:228.

First
The Story of women’s rights

The Women’s rights case
1. Definition of women’s rights
2. Why calling for women’s rights
3. The evolution of feminism
4. Islamic perspective
   All of the rights and obligations that women in the West fight for, were there hundreds of years ago

Gender equity in Islam
1. Are men and women equal?
   Invalid question
   It depends on the area one is discussing

2. Differences or preferences?
   Men and women were created different for a unique and different role
   Men will not be able to do a job that is designed for woman and vice versa

3. The natural differences between man and woman
   Physiological differences
   Men don’t like to talk about their problems
   Women like to talk to discuss it with their husband
   Men don’t know how to express their crises – like happiness or sadness. While women are better in using their words

   Emotional differences
   Neurological differences
Hadith Abi Said Al Khudri radiya Allahu anhu

Hadith: "I have not seen anyone more deficient in intelligence and religion than you. A cautious sensible man could be led astray (I say: loose his firmness) by some of you. The women asked: O Messenger of Allah! What is deficient in our intelligence and religion? He said: Is not the witness of two women equal to the witness of one man? They replied in the affirmative. He said: this is the deficiency in your intelligence. Isn't it true that a woman can neither pray nor fast during her menses? The women replied in the affirmative. He said: this is the deficiency in your religion."

Re-phrasing the translation:

"I have not seen anyone more deficient in intelligence and religion than you. A cautious sensible man could be led astray (I say: loose his firmness) by some of you. The women asked: O Messenger of Allah! What is deficient in our intelligence and religion? He said: Is not the witness of two women equal to the witness of one man? They replied in the affirmative. He said: this is the diminution in perception. Isn't it true that a woman can neither pray nor fast during her menses? The women replied in the affirmative. He said: this is the diminution in your religion."

Rights and obligations between man and woman

1. Differences of rights or preferences?
   It is to have even rights but with different ratios
   In some religions, women don’t have the right to be religious

2. Rights and obligations in Islamic law
   They are equal in pursuing the Deen and Aaqirah

3. Equal rights and obligations between man and woman
   The right of humanity – Yes they are equal
   Education – Yes they are equal
   Financial – Yes they are equal
4. Different rights and obligations between man and woman
   Al Qiwamah (Guardianship) – not just as a right, but as an obligation for a man
   Al-Miraah – they are financial responsible, that is the reason why men do get more part in the inheritance

Second
The rights of spouses

1. Mutual rights
   Having the right to enjoy one another – intimate relationship
   Treating each other in good manners
   Establishing the right of inheritance - if he dies she get part of the estate

1. The rights of the Husband
   Obedience
     If he ordered you to do something haraam you shouldn’t do it
   Remaining in the house, and leaving with permission
     If he gives you a general permission, then YES
   Responding to his call when he calls her to bed
     Need to be understanding and obey her
   Protecting his house in his absence – his property etc.
   Serving the husband – according to the customary condition
   Protecting his honor, children and wealth – not to allow anybody (male members) without his permission
   Being thankful to him – usually women do not thank their husbands and this is the reason why SAS said that woman will be in hell because of this
   Chastisement

2. The rights of the wife
   Treating her in kind and good manner
   Teaching her the matters of the religion and worship
   Maintaining her chastity – protecting her
   Financially maintaining her – perfectly

3. The rights of the in-laws
   Establishing the forbiddance of marriage to relatives
   The right of hospitality
   The nature established relationship
Chapter seven

‘The languages of love’ Maintaining Love and marital life

From the life of the Messenger of Allah Salla Allahu alayhi wa sallam

“We must be willing to learn our spouse’s primary love language if we are to be effective communicators of love.”[11]

All his wives loved him very much. Ex. Jealousy and usual fights between husband and wife

Love after the wedding

1. Does marriage kill love?
   Statistics in west say yes – 48% end up with divorce after marriage.
   Chances of second marriage ending up in divorce are 62%. Chances of third marriage is up to 75%

2. Communicating love to your partner
   Need to know the spouse primary language - appreciation, verbal, physical etc

3. Rationalizing love in marital life
   Emotion plays a vital role in this matter
   Love is a statement – it is an action. Show it through the actions, show support, express things, write letters emails etc.

The many different languages of love

1. Words of affirmation
2. Quality time
3. Receiving gifts
4. Acts of service
5. Physical contact
Understanding the differences

1. Men are from Mars and women are from Venus
   Men are more into hardware stuff like gadgets, tools, computers etc
   Women are more into social relationships like meeting people and talking
   Fulfill each other value and grow in this manner

2. Understanding the different values
   Men don’t like to be criticized
   Women like to grow and make everyone grow around them

3. Crises approach, and coping with stress
   Men like to withdraw – that’s their nature – don’t chase him he will come back to you later
   Women like to go outside and speak – just listen to her – sometimes she just wants you to listen to her and not give her solutions. Sometimes she might as for solutions as well

4. The motivation power
   Men need to see that she need her help – he feels comfortable with this.
   Women should submit to this.
   Women usually give because they care and they don’t give unless they feel confident (emotionally)

5. Expressing feelings through different languages

6. Our emotional differences
   Men work like rubber bands and they will eventually come back
   Women are like waves

A Final Advice

How to win the heart of your wife?
How to win the heart of your husband?
Exchange gifts
Give her quality time – FULL ATTENTION
Exchange looks – eye language, give her a smile, Use poetry if you know it
Make leaving and coming special for her
Try to work things together
Going out together

JUST DO YOUR BEST

"Umar Ibn al-Khattab – May Allah be pleased with him - invented eighteen wise maxims for the people, among them is the following: "Put your brother's affairs in the best light that he may not act towards you in a manner obliging you to take a contrary opinion. Think not evil of any word that has proceeded out of the mouth of a Moslem, if you are able to find a good construction for it." Such-may Allah exalt you-is the manner of conduct enjoined by Allah, the Messenger of Allah, and the Ameer of the Faithful. Ibn Hazm