

Chapter – 22

Marriage

(نكاح)

Quran:

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

{Marry the women whom you like, two at a time, or three or four; then if fear that you cannot keep two women equally then marry only one.

(04:03)}

وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْنَنْتُمْ فِي أَنْفُسِكُمْ عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَلَكِنْ لَا تُؤَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا فَوَلًّا مَعْرُوفًا وَلَا تَعْرِمُوا عُقْدَةَ النِّكَاحِ

حَتَّىٰ يَبْلُغَ الْكِتَابُ أَجْلَهُ

{And there is no sin on you if you propose marriage to women while they are hidden from your view, or hide it in your hearts; Allah knows that you will now remember them, but do not make secret pacts with women except by decent words recognized by Islamic law, and do not resolve the marriage until the written command reaches its completion.

(02:235)}

وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا وَلَا أُمَّةٌ مُّؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ

{And do not give your women in marriage to polytheist men until they accept faith; for undoubtedly a Muslim slave is better than a polytheist, although you may like him. (02:221)}

Hadith:

Narrated Anas bin Malik:

A group of three men came to the Prophet and one of them said, "I will offer the prayer throughout the night forever." The other said, "I will fast throughout the year and will not break my fast." The third said, "I will keep away from the women and will not marry forever." Allah's Prophet said to them, "By Allah! I am more submissive to Allah and more afraid of Him than you; yet I fast and also break my fast, I do sleep and I also marry women. So he, who does not follow my tradition in religion, is not from me." (Sahih Bukhari: 4720)

Narrated 'Alqama and Abdur Rahman:

The Prophet said, "O young people! Whoever among you can marry, should marry, because it helps him lower his gaze and guard his modesty i.e. his private parts from committing illegal sexual intercourse etc., and whoever is not able to marry, should fast, as fasting diminishes his sexual power." (Sahih Bukhari: 4722and4723)

Narrated Ibrahim bin Sad and Anas:

Abdur Rahman bin Auf narrates that, "When we came to Medina, Allah's Prophet established a bond of brotherhood between me and Sad bin Ar-Rabi'. Sad said (to me), 'I am the richest among the Ansar, so I will give you half of my wealth and you may look at my two wives and whichever of the two you may choose I will divorce her. I replied, "I am not in need of all that. Is there any market-place where trade is practiced?' He replied, "The market of Qainuqa." I went to that market the following day and brought some dried butter-milk (yogurt) and butter, and then continued going there regularly. Few days later, I came having traces of yellow scent on my body. Allah's Prophet asked me whether you got married. I replied in the affirmative. The Prophet said, 'Whom have you married?' I replied, 'A woman from the Ansar.' Then the Prophet asked, 'How much did you pay her?' I replied, "A gold piece equal in weigh to a date stone. The Prophet said, 'Give a Walimah (wedding banquet) even if with one sheep.'" (Sahih Bukhari: 1921and1922)

Narrated Abu Hurairah and 'Aisha:

The Prophet said, "A widow woman should not be given in marriage before consulting her; and a virgin should not be given in marriage except after her permission." The people asked, "O Noble Prophet! How can we know her permission?" He said, "Her silence (indicates her permission)." (Sahih Bukhari: 4787and4788)

Narrated Khansa bint Khidam:

My father gave me in marriage with somebody and I disliked that marriage. So I went to Allah's Prophet and complained. As a result he declared this marriage invalid. (Sahih Bukhari: 4789)

Narrated Majammi bin Yazeed:

A man married his daughter to somebody against her consent. When Prophet came to know about this he declared this marriage invalid. (Sahih Bukhari: 4790)

Narrated Abu Hurairah:

The Prophet said, "A woman is married for four things, i.e., her wealth, her family status, her beauty and her religion. So you should marry the religious woman otherwise you will be a losers. (Sahih Bukhari: 4745)

Narrated Anas:

Allah's Prophet released Safiyyah from her slavery and then (married with her) and regarded this freedom as her Maher (dowry). (Sahih Bukhari: 4741)

Important Aspects of Islamic Doctrine

Obligatory (فرض):

(1) If there is dominance of sexual impulse and have fear to occur some illegal sex then marriage is obligatory.

Essential (واجب):

(1) If there is dominance of sexual urge and if he is in a position to pay the expenses as well, then marriage is essential.

Sunnah (سنة):

(1) In normal conditions, marriage is 'Confirmed Sunnah'. (2) And for man, giving Walimah (wedding banquet).

Desirable (مستحب):

(1) Proper announcement of marriage. (2) Mutual agreement; expressing with the words "Yes I accept" from both sides. (3) At the time of marriage, finalization regarding Maher (dowry) and its announcement. (4) Not to fix extraordinary dowry that is not possible to be paid. (5) Presence of witnesses at the time of Nikah ceremony. (6) Delivering Khutbah by Qazi on the occasion of Nikah ceremony.

Miscellaneous (متفرق)

(1) Nikah with step mothers is not legal. Because Quran says:

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ

{And do not marry the women who were wedded to your fathers.

(04:22)}

(2) All blood/closed relations are forbidden for marriage. Because Quran says:

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمْ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرِّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبَائِبُكُمْ اللَّاتِي فِي حُجُورِكُمْ مِّنْ نِّسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَخَالَاتُكُمْ وَأَبْنَاؤُكُمْ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ

{Forbidden for you are your mothers, and your daughters, and your sisters, and your father's sisters, and your mother's sisters, and your

brother's daughters, and your sister's daughters, and your foster-mothers (who breastfed you), and their daughters (your foster sisters), and your wives' mothers (mother-in-law) and your wives' daughters who are under your protection, born of the women with whom you have cohabited (done sex without marriage); and if you have not cohabited with them, then it is no sin for you to marry their daughters; and (forbidden are) the wives of your own son (and foster-sons and grandsons) and keeping of two sisters together in marriage, except what has already passed.

(04:23)}

(3) Forbidden is the married woman who has husband.

(4) The marriage is forbidden with polytheist woman. Quran says:

وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّىٰ يُؤْمِنَنَّ

{And do not marry polytheist women until they become Muslims.

(02:221)}

(5) It is better that man and woman should see each other before marriage. This is the way of Sunnah.

(6) There should be two male people available for witness. However, one male and two females would also be acceptable. Anyhow, witnesses are must.

(7) At the time of Nikah a male person can execute the case on behalf of woman. Yet the final decision lies with woman.

(8) On the occasion of expressing for acceptance if the unmarried woman keeps silence even then her silence would be considered as acceptance from her side. However, already married woman has to give her concurrence on her own.

(9) Paying dowry to the wife is essential for a husband. Dowry can be paid in two ways: If dowry is paid at the time of Nikah or within a short period then it is called "Maher Mu'ajjal" (مهر معجل). Companions of the Prophet used to pay this type of dowry. However, it can be paid later but in the specified time. This type of dowry is called "Maher Mawajjal" (مهر موجل). Nowadays no time is being specified which is not desirable. It is now linked up with the time of divorce which is wrong.

(10) On the occasion of marriage different traditions are followed. Every family and every nation behaves differently. These traditions are not 'Essential' neither 'Sunnah', nor 'Desirable'. Yet such things are nor forbidden as well. The only thing that has be taken care of that any event should not conflict with the forbidden items. For example; the bride sits for few days without work (Maiyun), there is no harm in it. On the other hand if bridegroom wears silky dress, it is not good, as silk is a forbidden item for men.

