

MARRIAGE

Marriage is the union of two souls for love and two bodies for procreation and legalizing of children. Marriage contributes to many-sided progress of a man - physical, mental, social, moral and spiritual. Free love creates no responsibility, no ownership of property and no kith and kin. A Muslim marriage is a civil contract based on mutual consent of the bride and bridegroom, as distinguished from the sacramental form of marriage. A woman has got absolute right in her acquired properties before and after her marriage. In addition, she has a distinct lien upon her husband's property for her ante-nuptial settlements.

The Holy Quraan gives the order of marriage in the following verse: *“And marry those among you who are single and those who are fit among your male slaves and your female slaves. If they are ready, Allah will save them from want out of His grace. And Allah is Ample-giving, Kind. And tell those who do not find a match to keep chaste until Allah makes them free from want out of His grace”*. (24:30)

Sayyidah Ayesha was married to Sayyiduna Rasoolullah (Sallallahu Alaihi Wassallam) in the month of Shawaal and she was taken to the Holy Prophet's (Sallallahu Alaihi Wassallam) company some years after in the month of Shawaal. So, some hold that celebration of marriage in this month is Mustahab or laudable.

Sayyiduna Abu Hurayra reported that the Holy Prophet (Sallallahu Alaihi Wassallam) said: *“No man shall seek in marriage upon the seeking of his brother until he marries or leaves”*. (Agreed) This means that none should seek the hand of one in marriage who has already been sought by another Muslim. He is, however, allowed if the former candidate finally leaves the negotiation.

Sayyiduna Abdullah Bin Mas'ood reported that the Prophet of Islam (Sallallahu Alaihi Wassallam) said: *“O Assembly of youths! Let him*

marry who amongst you is able to have sexual intercourse, and verily greatly shuts up eyesight and protects private parts. And whoso is not able, he should keep fast; and verily it is (as it were) castration for him". (Agreed)

According to Imam-e-A'zam Abu Hanifa, the age of strong sexual passion is up to 40 years; and according to Imam Shafi'i, it is up to 80 years. It seems no age can be fixed reasonably during which there remains the sexual urge.

Sayyiduna Anas reported that the Messenger of **Allah** (Sallallahu Alaihi Wassallam) said: *"When a man marries, he indeed makes his religion half-perfect. Then let him fear Allah for the remaining half"*. (Bay'haqi)

The foremost qualification of a bride is as the Holy Quraan says: *"Marry such women as seem good to you"*. (4:3) It appears, therefore, that the bridegroom and the bride's mutual choice has got the greatest consideration.

In traditions, we find that the following qualifications of a bride should be sought. The bride should be:

1. a Muslim,
2. chaste,
3. virgin,
4. beautiful,
5. accomplished,
6. having sweet tongue and good manners,
7. possessing property,
8. having child-bearing capacity and affectionate nature, and
9. equal respectability.

According to Hanafi Law, equality is an important condition of marriage in points of family, religion, freedom, character, fortune and profession.

18.1 Females unlawful for marriage:

The females prohibited for marriage are the following. The Holy Quraan says: (4:23): *“Forbidden to you are your*

1. *mothers,*
2. *and your daughters,*
3. *and your sisters,*
4. *and your paternal aunts,*
5. *and your maternal aunts,*
6. *and your brother’s daughters,*
7. *and sister’s daughters,*
8. *and your mothers that have suckled you,*
9. *and sister’s daughters,*
10. *and mothers of your wives,*
11. *and your step daughters who are in your guardianship born of your wives to whom you have gone in, but if you have not gone into them, there is no blame on you,*
12. *and the wives of your sons who are of your loins,*
13. *and that you shall not have two sisters together except what has already passed,*
14. *and all married women except those whom your right hand possess.”*

Islam allowed a man or a girl to select his or her mate after sights and glances and not beyond that. This instruction is neglected in Muslim societies generally in India, following strict notion of Pardah. Guardians should arrange for a sight ceremony so that the bridal parties may not repent afterwards.

According to Imam-e-A’zam Abu Hanifa, it is lawful to have a sight of the bride and bridegroom before marriage.

Sayyidah Ayesha reported that Sayyiduna Rasoolullah (Sallallahu Alaihi Wassallam) said: *“Whoso female gets herself married without permission of her guardian, her marriage is void, her marriage is void, her marriage is void. If he had intercourse with her, there is*

dowry for her on account of her private parts having been made lawful. If they dispute, then the King is the guardian for those who have got no guardian". (Abu Da'ood)

In a contract of marriage, two witnesses at least are essential. Sayyiduna Ibn-e-Abbas reported that the Beloved Habeeb (Sallallahu Alaihi Wassallam) said: *"The fornicators are those who marry by themselves without witnesses"*. (Tirmidi)

18.2 Dower:

Dower is a consideration of the contract of marriage. It is essential to the validity of a marriage. The Holy Quraan says: *"O Prophet! Surely, We have made lawful to you your wives whom you have given their dowries"*. (33:50) Another verse says: *"And there is no blame on you to marry them whom you give them their dowries"*. (60:10)

Dower is an essential part of marriage, but it is not invalid if it is not paid or contracted before marriage. The Holy Quraan says: *"There is no blame on you if you divorce women when you have not touched them or appointed for them a dower."* (2:23) The Holy Quraan also says: *"And your women - give their dowries as a gift, but they of themselves be pleased to give up to you a portion of it, them eat it with enjoyment and pleasure."* (4:4) Islam has prescribed dower as a great check for free use of husband's oppression.

18.3 Amount of Dower:

The Holy Quraan has laid down no hard and fast rule about the amount of dower. It is to be adjudged according to the social position of the parties, their wealth, their personal qualifications, and conditions of the human society. The Holy Quraan says: *"One wealthy according to his means and one straitened in circumstances according to his means"*. (2:236)

The dower of Sayyidah Umm-e-Habibah in marriage with the Glorious Prophet of Islam was fixed at 4000 Dirhams. Dowry of Holy Prophet's (Sallallahu Alaihi Wassallam) daughters was nearly 500 Dirhams for each. Dowry may be increased or decreased after marriage by mutual agreement. (4:24)

The Jurists divided dowry into two portions: one payable on demand called *Mehr-e-Mu'ajjal*, and another payable at death or dissolution of marriage by divorce called *Mehr-e-Muajjal*. Where no dower has been fixed, it is to be adjudged according to the amount settled in one's family and the condition of the husband. After consummation, the wife becomes entitled to full dower, and before consummation only half, or a mere present in case of separation before consummation.

18.4 Marriage Feast:

Walima is a feast arranged on the occasion of marriage. The husband should invariably give the feast.

Sayyiduna Anas reported that the Messenger of **Allah** (Sallallahu Alaihi Wassallam) noticed a sign of yellow colour on Abdur Rahman Bin Awf. He asked: "*What is this?*" He replied: "*I have married a woman for a measure of 5 Dirhams of gold*". He said: "*May Allah bless you. Give a feast even though with a goat.*" (Agreed) Same reported that Sayyiduna Rasoolullah (Sallallahu Alaihi Wassallam) did never feed for any of his wives what he fed for Sayyidah Zainab. He gave feast (for her marriage) with a goat. (Agreed)

Sayyiduna Abdullah Bin Omar reported that the Holy Prophet (Sallallahu Alaihi Wassallam) said: "*Whenever one of you is invited to a feast of marriage, attend it*". (Agreed)

Sayyiduna Abu Hurayra reported that the Glorious Prophet of **Allah** (Sallallahu Alaihi Wassallam) said: "*The worst of feasts is a feast of marriage where the rich are invited and the poor are left. Whoso does*

*not attend the invitation, disobeys **Allah** and His Prophet(Sallallahu Alaihi Wassallam)”. (Agreed)*

18.5 Sexual Intercourse:

The following rules of sexual intercourse should be observed:

1. Before actual coition, hold conversation of sexual love and give caresses and kisses. Play and toy in order to rouse sexual organs for easy cohabitation.
2. Before the act is begun, recite the following: *“In the Name of **Allah**, the Almighty and the Great, **Allah** is Greatest. O **Allah**! Protect us from the devil. And keep the devil aloof from what You have provided us.”*
3. Don't turn the face towards the West.
4. At the time when semen runs out, think of this verse: *“All praise is for **Allah** Who created man from water. Then He made for him blood and marriage relationship.” (25: 54)*
5. Don't let out your semen very soon at least before the ovary of your wife comes out. This is made much easier when kisses and caresses and other tactful ways rouse wife's passions.
6. Try to enter semen into uterus and don't throw it outside without any excuse.
7. Before your second coition, sexual organs must first be cleaned and washed.
8. Ablution should be made after coition.

9. Coition should be avoided as far as possible in the nights of the new moon, full moon and at the end of the lunar month.
10. Sexual intercourse is desirable when the husband and the wife both show inclination for it, and no forcible coition should take place. When a man calls his wife to bed and she declines, Angels curse her and Almighty **Allah** □ remains displeased with her.
11. Coition must always be made with the male organ and the female vaginal canal and never through the rectum.

On the following occasions, sexual intercourse is unlawful:

1. Intercourse during continuance of the menses of the wife. The Holy Quraan says: *“They ask you about menstruation. Say, it is a little harmful.”* Therefore, keep aloof from women during their menstrual discharge and do not go near them until they are clean.
2. After childbirth till the stoppage of blood nearly up to the 40th day.
3. During the hours of fasting from the appearance of whiteness till the setting of the sun. Intercourse during night is not prohibited even during the fasting month.
4. Unnatural intercourse either with male or with an animal is unlawful.

If a man promises not to go unto his wife for four months, and if in the meantime, he does not have sexual intercourse with her, the wife will be considered as divorced if not taken in the mean time.