



SEXUAL HEALTH PART II

1. MARRIAGE
2. PREGNANCY
3. CONTRACEPTION & ABORTION

CHAPTER 1: MARRIAGE

The Messenger of Allah (ﷺ) said, “Whoever Allah provides with a righteous wife, Allah has assisted him in half of his religion. Let him fear Allah regarding the second half”. [Al Bayhaqi]

قَالَ رَسُولُ اللَّهِ ﷺ: ((مَنْ رَزَقَهُ اللَّهُ امْرَأَةً صَالِحَةً، فَقَدْ أَعَانَهُ عَلَى شَطْرِ دِينِهِ، فَلْيَتَّقِ اللَّهَ فِي الشَّطْرِ الْبَاقِي)).

رواه البيهقي



CHAPTER OVERVIEW

1. MARRIAGE

SECTION 1:

SEEKING A SPOUSE

- Are You Ready for Marriage?
- Qualities to Look for in a Spouse
- The Process of Islamic Courtship
- To Accept or Reject a Proposal

SECTION 2:

FIQH OF MARRIAGE

- The Marital Process in Islam
- Rights and Responsibilities Between Spouses

SECTION 3:

MARITAL CONFLICT

- Dealing with Marital Conflict
- Divorce
- Domestic Abuse

OBJECTIVES

After this chapter, you should be able to:

1. State why marriage completes half your deen (religion).
2. Identify key qualities to look for in a spouse.
3. Summarize Islam's rulings on interfaith marriages.
4. Define mahr.
5. Summarize the meaning of the Qur'anic verse 34 in Surat An-Nisaa'.
6. List forms of domestic abuse.

SECTION 2:

FIQH OF MARRIAGE

When two people agree to marry, marital arrangements can begin. Once married, they are to fulfill each other's marital rights. Learning both of these before marriage—the Islamic marital process and spousal rights—can better prepare you for what is expected, as well as a means of protection from being taken advantage of or harmed.

A. THE MARITAL PROCESS IN ISLAM

An Islamic marriage includes the following steps: engagement, fulfillment of conditions before the marital contract, marital contract and, finally, wedding.



1. Engagement

Once you and your partner have agreed to marry, then you are engaged. **Engagement** is a mutual promise of marriage in the future. In Islam, an engagement signifies the following:

1. The couple has agreed to marry. An engaged couple is to use that time to get to know each other and their families. If either changes their mind, they are allowed to end the engagement. No compensation is required; however, it is courteous to return any gifts.

Ibn Qudamah (may Allah be pleased with him) said,
“A girl’s guardian is allowed to end the engagement if he sees benefit in this.
The girl is also permitted to do this if she does not like her fiancé.
This is because marriage is a lifetime contract, so she should be very careful.
However, if the girl and her guardian refused the fiancé for no good reasons,
it is considered as breaking a promise, which is detested”.²⁰

2. No one else can propose to the woman. Being proposed to while engaged has the potential to lead to conflict, competition and animosity between Muslims. Therefore, if a man knows that a woman is engaged, then he is prohibited from proposing to her for the greater good of the *Ummah* أمة.

The Prophet (ﷺ) said,
“No man should offer more than the amount agreed by his brother
[i.e., when the parties have already agreed on a price],
and no man should offer a proposal of marriage
over the proposal of his brother
until the first one gives up or gives him permission”. (Muslim)
عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَبِيعُ الرَّجُلُ عَلَى أَخِيهِ وَلَا يَخْطُبُ عَلَى خِطْبَةِ أَخِيهِ إِلَّا أَنْ يَأْذَنَ لَهُ». رواه مسلم

As for celebrating or announcing the engagement, cultural practices can do so as they choose, as there is no set Islamic procedure to being engaged. For example, it is customary for the newly engaged couple to present each other with gifts, such as rings, or hold an engagement party for family and friends.

Some cultural practices, however, are not supported by the Qur’an and Sunnah, such as reciting Surat Al Fatihah to solidify the engagement or allowing the couple to be alone or physical.

2. Conditions Before the Marital Contract

Before the marital contract is conducted, there are several conditions that need to be met to ensure that the marriage can take place. These including the following:

1. That both the bride and groom approve of the marriage.

Jbn 'Abbas (ؓ) reported, "A virgin came to the Prophet (ﷺ) and mentioned that her father had married her against her will, so the Prophet (ﷺ) allowed her to exercise her choice". (Abu Dawud)
عَنِ ابْنِ عَبَّاسٍ ؓ، أَنَّ جَارِيَةً، بَكَرًا أَتَتْ النَّبِيَّ ﷺ فَذَكَرَتْ أَنَّ أَبَاهَا زَوَّجَهَا وَهِيَ كَارِهَةٌ فَخَيَّرَهَا النَّبِيُّ ﷺ. رواه ابو داود

2. That there are no preventing factors. Certain relationships and circumstances prevent two from marrying, such as being *mahram* محرم (including through breastfeeding).

3. That the woman's male guardian approves. The male guardian is a necessary part of the marriage according to a vast majority of the scholars.

The Prophet (ﷺ) said, "There is no marriage without a guardian". (Ahmad)
قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نِكَاحَ إِلَّا بِوَالِيٍّ». رواه احمد

A male guardian is the father and then the following succession:

- Grandfather (or great grandfather)
- Son (or grandson)
- Brother
- Paternal uncle
- Other distant relatives

The male guardian must be a Muslim. For a female convert, she can appoint the imam from her local masjid or he can assign a male guardian to her. In addition, if the woman's father is in a different country, he can delegate his guardianship to another person who lives in the same country as his daughter.

What Role Does the Male Guardian Play?

If the woman has never been married before, then the role of her male guardian is to ensure that her future spouse will provide for her and be kind to her. If he does not think he will, then he can object to the marriage.

And marry the unmarried among you and the righteous among your male slaves and female slaves. In case they are poor, Allah will enrich them of His Grace; and Allah is Ever-Embracing, Ever-Knowing.
(Surat An-Noor 24:32)

﴿وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ﴾ [سورة النور 24:32]

This verse addresses her male guardian. Therefore, both the woman and the father must agree to the marriage. If she doesn't agree, then no marriage takes place. If her father doesn't agree, he, too, can exercise his position to refuse the marriage. That being said, a male guardian's role should be that of care and concern for his daughter and not one of injustice or oppression.

Activity 9: A Male guardian Who Is Acting Unjust or Oppressive

1. What are some examples of a male guardian who does not hold his daughter's best interest in mind?
2. How can the situation be dealt with?

As for a woman who has been previously married and is remarrying, she can decide on a future spouse. Her male guardian is a token figure and should, therefore, trust her judgment. For example, it is reported that a Sahabah married his sister to someone who divorced her. After the 'Iddah (time to reflect on divorce and reconsider living together), her ex-husband wanted her back. His sister wanted to go back to him, but her brother swore by Allah he would never return his sister to him. This situation reached the Prophet (ﷺ) and the following verse was revealed addressing the male guardian:

And when you have divorced women, [and] so they have reached their term,
 then do not pose problems for them from their marrying their spouses
 when they have consented among themselves with beneficence.
 That [instruction] is for [any] of you who believes in
 Allah and the Last Day to be admonished by it;
 That [Literally: those "instructions"]
 is more cleansing for you and purer;
 and Allah knows, and you do not know.
 (Surat Al Baqara 2:232)

﴿وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَاضُوا بَيْنَهُمْ بِالْمَعْرُوفِ ذَلِكَ يُوعَظُ بِهِ مَنْ كَانَ مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَمْ آزْكَى لَكُمْ وَأَظْهَرُ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ﴾ [سورة البقرة:2:232]

3. The Marital Contract

The **Marital Contract** is a verbal contract between the bride and the groom. It includes the following:

1. **At least two witnesses.** This is to ensure that the marriage is public. While every guest is a witness, it is better to appoint and specify two Muslim male witnesses who are aware of the mahr agreement in case an issue arises.
2. **A speech.** Giving a speech before doing the marriage contract is sunnah.
3. **An agreed upon mahr.** **Mahr مهر** is a debt from the husband to his wife when they get married.

And give to the women [whom you marry]
 their mahr with a good heart... .
 (Surat An-Nisa' 4:4)

﴿وَعَاتُوا النِّسَاءَ صَدَقَاتِهِنَّ نِحْلَةً...﴾ [سورة النساء:4:4]

It is the wife who decides what her mahr will be. A husband cannot decide it. In fact, there is no minimum or maximum. That being said, it is of the Sunnah that she chooses one that is realistic and attainable.

The Messenger of Allah (ﷺ) said,
 "The best of mahr is the simplest [or most affordable]".
 (Abu Dawud)

قَالَ رَسُولُ اللَّهِ ﷺ: ((خَيْرُ الصَّدَاقِ أَيْسَرُهُ)). رواه أبو داود

This reinforces the fact that, in Islam, the mahr is not something that is sought for its own sake.

The Mahr of the Early Muslim Women

UMM SULAYM (ؓ)

Abu Talhah (ؓ) was known as one of the best young men of Madinah. He was one of the best-looking, richest and strongest. Before he became Muslim, he proposed to Umma Sulaym (Rumaysa' bint Milhan) who was a Muslim.

He was confident she would accept. But she said, "O Abu Talhah, do you not know that your god whom you worship is just a tree that grew in the ground and was carved into shape by the slave of Banu so-and-so? Don't you feel ashamed?!"²¹ Abu Talhah persisted, suggesting an expensive mahr and luxurious lifestyle, but she remained firm.

"O Abu Talhah, a man like you could not be turned away,
but you are a disbelieving man, and I am a Muslim woman.
It is not permitted for me to marry you, but if you were to embrace Islam,
that would be my mahr, and I would ask you for nothing more".²²

He returned with a larger mahr and more generous gifts. She said, "O Abu Talhah, do you not know that your god whom you worship was carved by the carpenter slave of so-and-so? If you were to set it alight, it would burn". Her words shocked Abu Talhah, and he asked himself, "Does the Lord burn?"²³ Then he uttered the words of Shahadah.

At this, Umm Sulaym agreed to marry him. He was so happy to put all his wealth at Umm Sulaym's disposal but she refused and her mahr was Islam.

FATIMAH (ؓ)

When 'Ali (ؓ) married Fatimah (ؓ),
The Prophet (ﷺ) said, "Give her something".
'Ali said, 'I do not have anything'. He (ﷺ) said,
'Where is your Hutami shield?'
'Ali said, 'I have it with me'. He (ﷺ) said,
'Give it to her'". (An-Nasa'i)

لَمَّا تَزَوَّجَ عَلِيٌّ فَاطِمَةَ قَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «أَعْطِهَا شَيْئًا». قَالَ: مَا عِنْدِي شَيْءٌ. قَالَ ﷺ: «أَيْنَ دِرْعُكَ الْحُطَمِيَّةُ؟» قُلْتُ: هِيَ عِنْدِي.
قَالَ ﷺ: «فَأَعْطِهَا إِيَّاهُ». رواه النسائي

This was the mahr of Fatimah, the daughter of the Messenger of Allah (ﷺ) and leader of the women of Paradise. The Prophet (ﷺ) set an example of simplicity in hopes it would spread among the people.

Once the mahr is agreed upon, it will go directly to the wife. Her husband, her family, his family or others do not have access to it without her permission. Unfortunately, in some Muslim societies today, mahr and its rulings are not taken seriously. Men negotiate to make it cheaper, it is given to her guardian instead of her and there are even instances where it is the wife who gives mahr to the husband, a practice of *jahiliyah* جاهلية that refers to the age of ignorance before Islam and of non-Muslim culture. It's important to note that since mahr is considered a debt, it is a serious offence to the validity of the marriage if not provided in the correct way.

The mahr becomes obligatory after the couple have been alone. The couple can together agree upon when it should be paid. But since it is considered a debt, if the husband dies before paying, it is to be paid off before the rulings of inheritance are applied.

Activity 10: “Is Mahr Equivalent to Putting a Price on a Person?”

1. In a group, discuss the wisdom and purpose for mahr.
2. How could a marriage without mahr negatively impact the couple?

4. **The offering and acceptance.** The offering is where the woman’s male guardian offers his daughter to the groom. The acceptance is where the groom accepts this offer. Once this takes place, in the presence of at least two witnesses, they are officially married.



Stipulating Conditions in the Marital Contract

It is permissible for the bride and the groom to stipulate marital conditions in the contract. They must be talked about and agreed upon beforehand. Any condition is permissible, except if it goes against three things:

1. **The Shari'ah explicitly prohibits it.** For example, a husband cannot stipulate that he will marry his wife for a finite period of time. Temporary marriages are impermissible in Islam.
2. **It goes against the marriage contract itself.** For example, the husband cannot stipulate that he will not be financially responsible for his wife, as this is the right of a wife. Another example is the wife cannot stipulate that she will never be intimate with her husband, as this is a marital right as well.
3. **They cannot make haram what Allah ﷻ has made halal.** An example is a wife prohibiting polygamy on her husband. Another example is a husband prohibiting that his wife wear the *hijab* حجاب.

Examples of permissible conditions include the following:

- A husband stipulates that he does not want his wife to work. If she agrees to this condition, but then later on changes her mind and wants to work, then he has the full Islamic right to either annul the marriage or change his mind.
- A wife stipulates she does not want to be a part of a polygamous marriage. If he agrees to this condition, but later on wants to marry a second wife, she can either choose to annul the marriage or change her mind.

4. Wedding

The wedding is an integral part of the marriage. It is encouraged to celebrate the marriage through announcing or inviting people to a feast as an expression of joy. Ideally, the feast should occur shortly after the marriage and consummation.

Anas bin Malik (رضي الله عنه) narrated,
"...In the morning, the Prophet (ﷺ)
was a bride-groom of her
[Zaynab bint Jahsh] and he invited the people,
who took their meals and went away...".
(Al Bukhari)

عَنْ أَنَسِ بْنِ مَالِكٍ رضي الله عنه أَنَّهُ قَالَ: أَصْبَحَ النَّبِيُّ ﷺ بِهَا (زَيْنَبُ بِنْتُ جَحْشٍ) عَرُوسًا فَدَعَا الْقَوْمَ، فَأَصَابُوا مِنَ الطَّعَامِ ثُمَّ خَرَجُوا. رواه البخاري

However, if the wedding or feast occurs after the marital contract but before consummation, there is nothing wrong with that. Likewise, if they are delayed for months or even a year after the marital contract so that family can come or preparations can be made, then that is fine as well.

Having a Marital Contract Long Before the Wedding

It is not uncommon in today's time for a couple to have their marital contract completed a year or more before their wedding. The couple may even still refer to themselves as 'engaged' or 'fiances,' even though they are husband and wife in accordance to Islam.

A marital contract is complete and valid even if there is no celebration or party. They are married in the eyes of Allah ﷻ and, therefore, permitted to be alone and interact with each other as husband and wife, including consummation. If they choose to do so, then fulfilling the mahr and marital rights become due upon them. (Some scholars say that simply being alone is sufficient, while others says that consummation leads to the fulfillment of marital rights).



How a couple should interact after a marital contract but before their wedding is based on culture and the actual agreement between the two contracting parties. Therefore, if the general culture and the couple believe it best to be alone together but remain abstinent during that period, then this should be maintained and respected.²⁴

The Messenger of Allah (ﷺ) said,
"The conditions which you have the most duty to fulfill
are those by which you have made marital relations lawful".
(Al Bukhari)

قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ أَحَقَّ الشُّرُوطِ أَنْ يُوفَى بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوجَ». رواه البخاري

It is also from the sunnah to serve a meal.

The Prophet (ﷺ) saw the trace of yellow [fragrance] on 'Abd ar-Rahman bin 'Auf (ؓ) and asked "what that was. He replied, 'I have married a woman for a nawat [a weight of five dirhams] weight of gold'. He (ﷺ) said, 'God bless you! Hold a wedding- feast, even if only with a sheep'". (Al Bukhari)

رَأَى النَّبِيُّ ﷺ عَلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ ؓ أَنْتَرَ صُفْرَةَ فَقَالَ ﷺ: «مَا هَذَا أَوْ مَهْ؟». فَقَالَ: يَا رَسُولَ اللَّهِ إِنِّي تَزَوَّجْتُ امْرَأَةً عَلَى وَزْنِ نَوَاةٍ مِنْ ذَهَبٍ. فَقَالَ ﷺ: «بَارَكَ اللَّهُ لَكَ أَوْلَمْ وَلَوْ بِشَاةٍ». رواه البخاري

Since this hadith is directed to the groom (as financial obligations fall on him), the wedding feast should be organized by the groom and his side of the family. If the bride and/or her family choose to pay for it jointly, then there is nothing wrong with that. As for other expenses, such as the venue, décor or outfits, they can be mutually agreed upon.

There is no set number of guests to be invited. It is according to your means.

Ibn Battaal said, "The feast is obligatory, according to one's means. There is no minimum number of people that must be invited".²⁵

However, it is encouraged to invite all types of people, rather than exclusively inviting those with a high status or those who are wealthy and able to give a generous gift.

The Prophet (ﷺ) said, “The worst kind of food is that at a wedding banquet from which those who come [i.e., the poor] are turned away, and to which those who refuse [i.e. the rich] are invited...”. (Muslim)

قَالَ رَسُولُ اللَّهِ ﷺ: «شَرُّ الطَّعَامِ طَعَامُ الْوَلِيمَةِ يُنْعَمُ مَنْ يَأْتِيهَا وَيُدْعَى إِلَيْهَا مَنْ يَأْبَاهَا...». رواه مسلم

When a person is invited to a wedding, the majority of scholars say it is required to accept the invitation, unless you have an acceptable reason not to attend.

The Prophet (ﷺ) said,
“...Whoever does not accept the invitation has disobeyed Allah and His Messenger”. (Muslim)
قَالَ رَسُولُ اللَّهِ ﷺ: «... وَمَنْ لَمْ يُجِبِ الدَّعْوَةَ، فَقَدْ عَصَى اللَّهَ وَرَسُولَهُ». رواه مسلم

As a guest, it is a Sunnah of the Prophet (ﷺ) to say the following dua' to the newlyweds:

When the Prophet (ﷺ) congratulated a man on his marriage he would say,
“May Allah bless for you your spouse, and bless you,
and may He unite both of you in goodness”. (Abu Dawud)
كَانَ رَسُولُ اللَّهِ ﷺ إِذَا رَفَأَ أَنْسَانًا إِذَا تَزَوَّجَ قَالَ: «بَارَكَ اللَّهُ لَكَ، وَبَارَكَ عَلَيْكَ، وَجَمَعَ بَيْنَكُمَا فِي خَيْرٍ». رواه أبو داود

As for the celebratory activities, any customary or traditional practices are permitted as long as they fit within Islamic guidelines. It is also important to remember to avoid extravagance or showing off, as the purpose is to celebrate the union.

B. RIGHTS AND RESPONSIBILITIES BETWEEN SPOUSES

Marital rights in Islam ensure that both spouses fulfill each other's role with justice and compassion.

...They have rights similar to those upon them according to what is right... .
(Surat Al Baqara 2:228)

﴿...وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ...﴾ [سورة البقرة 2:228]

While marital rights are based on *fiqh* rulings, marriage is based on love. “Shari’ah is law and marriage is love. It (jurisprudence) gives you the basic minimum requirements, but no marriage will function if you just look at the bare minimum requirements”.²⁶ Therefore, variability and flexibility is permitted when it comes to marital rights.

Marital rights include the rights of the wife, the husband and of both spouses.

1. Rights of the Wife

A husband is responsible for fulfilling the following rights to his wife:

1. Financial rights. One financial right of the wife is mahr, as previously discussed. In addition is maintenance. Women are to be provided for by their male relatives, and once married, this responsibility falls on her husband. It includes all forms of maintenance, such as food, clothing, home, travel, healthcare, and education.

The Prophet (ﷺ) was asked by a man,
“What is the right of our wives upon us?”
He (ﷺ) answered, ‘That he should feed her whenever he eats
and clothe her whenever he clothes himself,
do not strike her on the face,
do not revile her or separate yourself from her except in the house’’. (Jbn Majah)
سُئِلَ النَّبِيُّ ﷺ يَا رَسُولَ اللَّهِ مَا حَقُّ زَوْجَةِ أَحَدِنَا عَلَيْهِ؟ قَالَ ﷺ: «أَنْ تَطْعَمَهَا إِذَا طَعِمْتَ وَتَكْسُوَهَا إِذَا كُنْتَسَيْتَ - أَوْ اكْتَسَيْتَ وَلَا تَضْرِبَ الْوَجْهَ وَلَا تُقْبِحَ وَلَا تَهْجُرَ إِلَّا فِي الْبَيْتِ». رواه ابن ماجه

Women who choose to work are to still be provided for by their husbands. She does not need to use her own money for maintenance; her money is her own to spend (or save) as she wills. However, if a couple mutually decides to share the cost of expenses or if a wife chooses to share her earnings for maintenance, then that is acceptable. In fact, what she chooses to share with her family is considered charity.

2. **Ethical rights.** Surat An-Nisa', verse 19 details how a husband is to treat his wife.

O you who have believed, it is not lawful for you to inherit women by compulsion.
And do not make difficulties for them in order to take [back] part of what you gave them,
unless they commit a clear immorality.

And live with them in kindness. For if you dislike them—perhaps you dislike
a thing and Allah makes therein much good. (Surat An-Nisa' 4:19)

﴿يَأْتِيهَا الَّذِينَ ءَامَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرْهًا وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا ءَاتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّكُمْ بِفَلْحِشَةٍ مُبَيِّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا﴾

[سورة النساء: 4:19]

The meaning behind this verse is broken down as follows:

O you who have believed, it is not lawful for you to inherit women by compulsion...

﴿يَأْتِيهَا الَّذِينَ ءَامَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرْهًا...﴾

This means that a woman cannot be forced into a marriage. In *Jahiliyyah* جاهلية the pre-Islamic period of ignorance, if a man died, his guardians inherited his wife and considered her as a belonging of the inheritor, whatever her opinion was about the marriage.

...And do not make difficulties for them in order to take [back] part of what you gave them...

﴿...وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا ءَاتَيْتُمُوهُنَّ...﴾

A wife has the right to be heard and for her emotions to be valued in the marriage. If a husband mistreats his wife or inadequately fulfills her rights, then she is allowed to divorce him by returning her mahr back to him. The husband must fear God in this right and not use it against her.

Certainly, has Allah heard the speech of the one who argues with you, [O Muhammad], concerning her husband and directs her complaint to Allah. And Allah hears your dialogue; indeed, Allah is Hearing and Seeing.

(Surat Al Mujadila 58:1)

﴿قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَتَشْتَكِي إِلَى اللَّهِ وَاللَّهُ يَسْمَعُ تَحَاوُرَكُمَا إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ﴾

[سورة المجادلة: 58:1]



The Makkan Wife Versus the Madinan Wife

During the time of the Prophet (ﷺ), it was known that the women of Makkah were submissive to their husbands. In Madinah, however, the women would speak up and voice their opinions. When the Muslims moved to Madinah, some of the Makkan men did not like this change. However, Islam did not get involved; rather, it allowed both. Shari'ah allows a spectrum of how spouses interact with each other.

...And live with them in kindness...

﴿...وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ...﴾

The greatest example of a husband living with his wives in kindness is the Prophet (ﷺ). Firstly, he (ﷺ) was emotionally aware of their feelings.

'Aishah (رضي الله عنها) narrated that Allah's Messenger (ﷺ) said to her,
 "I know when you are pleased with me or angry with me."
 I said, 'When do you know that?'

He (ﷺ) said, 'When you are pleased with me, you say, 'No, by the Lord of Muhammad,' but when you are angry with me, then you say, 'No, by the Lord of Abraham'. Thereupon I said, 'Yes [you are right], but by Allah, O Allah's Messenger (ﷺ), I leave nothing but your name'". (Al Bukhari)

عَنْ عَائِشَةَ ۙ قَالَتْ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «إِنِّي لَأَعْلَمُ إِذَا كُنْتُ عَنِّي رَاضِيَةً، وَإِذَا كُنْتُ عَلَيَّ غَضَبِي». قَالَتْ: فَقُلْتُ: مِنْ أَيْنَ تَعْرِفُ ذَلِكَ؟ فَقَالَ ﷺ: «أَمَّا إِذَا كُنْتُ عَنِّي رَاضِيَةً فَإِنَّكَ تَقُولِينَ لَا وَرَبِّ مُحَمَّدٍ، وَإِذَا كُنْتُ غَضَبِي قُلْتُ لَا وَرَبِّ إِبْرَاهِيمَ». قَالَتْ: قُلْتُ: أَجَلُ وَاللَّهِ يَا رَسُولَ اللَّهِ، مَا أَهْجُرُ إِلَّا اسْمَكَ. رواه البخاري

Secondly, he (ﷺ) shared in their interests.

'Aishah (رضي الله عنها) reported that some Abyssinians came and gave a demonstration of armed fight on the 'Eid day in the mosque. The Apostle of Allah (ﷺ) invited me [to see that fight].
 I placed my head on his shoulder and began to see their sport till it was
 I who turned away from watching them. (Muslim)

عَنْ عَائِشَةَ ۙ قَالَتْ: جَاءَ حَبَشٌ يَزِفْنُونَ فِي يَوْمِ عِيدٍ فِي الْمَسْجِدِ، فَدَعَانِي النَّبِيُّ ﷺ فَوَضَعْتُ رَأْسِي عَلَى مَنْكِبِهِ، فَجَعَلْتُ أَنْظُرُ إِلَى لَعِبِهِمْ حَتَّى كُنْتُ أَنَا الَّتِي أَنْصَرَفُ عَنِ النَّظَرِ إِلَيْهِمْ. رواه مسلم

Thirdly, the Prophet (ﷺ) showed concern for them beyond marital rights and obligations. The Prophet (ﷺ) stopped the entire army to find a necklace of 'Aishah's (رضي الله عنها). They ended up running out of water, but he did this out of concern for her.

Finally, he (ﷺ) gave them undivided attention. After he (ﷺ) prayed the night prayer, he (ﷺ) would enter his house and talk to his (رضي الله عنها) wife a little bit before sleeping, making each wife feel comforted.

It is narrated by Anas (رضي الله عنه) that Allah's Messenger (ﷺ) had nine wives.
 So when he divided [his stay] with them, the turn of the first wife did not come but on the ninth [day].
 They [all the wives] used to gather every night in the house of one where he had to come
 [and stay that night]... . (Muslim)

عَنْ أَنَسٍ ۙ أَنَّهُ قَالَ: كَانَ لِلنَّبِيِّ ﷺ تِسْعُ نِسْوَةٍ فَكَانَ إِذَا قَسَمَ بَيْنَهُنَّ لَا يَنْتَهِي إِلَى الْمَرْأَةِ الْأُولَى إِلَّا فِي تِسْعِ فَكُنَّ يَجْتَمِعْنَ كُلُّ لَيْلَةٍ فِي بَيْتِ النَّبِيِّ يَا أَيُّهَا... رواه مسلم

...For if you dislike them—perhaps you dislike a thing and Allah makes therein much good.

﴿...فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا﴾

This is a reminder that no one is perfect and husbands should focus on the good in their wives, while also gently advising them when needed.

2. Rights of the Husband

A wife is responsible for fulfilling the following rights to her husband:

1. To be recognized as *qawwamoon*.

Men are qawwamoon over women
by [right of] what Allah has given one over the other and
what they spend [for maintenance] from their wealth.
So righteous women are devoutly obedient,
guarding in [the husband's] absence what Allah would have them guard... .
(Surat An-Nisa' 4:34)

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ...﴾ [سورة النساء: 34]

The following is a breakdown of the meaning behind this verse:

Men are qawwamoon over women...

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ...﴾

The root word for qawwamoon is qama. Literally, *qama* قام means to stand (such as “*qad-qama ti-salah*” in the *iqama* اقامة, which means stand for salah). Figuratively, qama means to be active and ready.

As for **Qawwamoon** قوامون, it means that men are to be a source of protection and support for women. When Allah ﷻ says, “Men are qawwamoon over women,” it means that all men in a woman’s life—her father, brothers, sons, uncles, husbands and even brothers in faith—have a duty to make a commitment to be a constant source of peace, support and protection, and a promise to never abandon her.

...what Allah has given one over the other...

﴿...بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ...﴾

This explains why men are qawwamoon. Allah ﷻ has created men, generally speaking, with a distinct biological and physical makeup of greater strength and muscle mass than that of women (such that they have 40% more muscle mass in the upper body and 33% more in the lower body than women).²⁷ Being created in this way does not raise the status of a man over a woman, nor is it considered an advantage or form of honor. It is a responsibility and duty for males to use their God-given physical strength to protect others.



An example that highlights the importance of fulfilling this responsibility is in the story of Adam () and Huwa. Allah ﷻ spoke directly to Adam () when forbidding them from eating from the tree and when warning him about Shaytaan.

And We said, "O Adam, dwell, you and your wife, in Paradise and eat therefrom in [ease and] abundance from wherever you will. But do not approach this tree, lest you be among the wrongdoers".

(Surat Al Baqara 2:35)

﴿وَقُلْنَا يَا آدَمُ اسْكُنْ أَنْتَ وَزَوْجُكَ الْجَنَّةَ وَكُلَا مِنْهَا رَغَدًا حَيْثُ شِئْتُمَا وَلَا تَقْرَبَا هَذِهِ الشَّجَرَةَ فَتَكُونَا مِنَ الظَّالِمِينَ﴾
[سورة البقرة 2:35]

We said, "O Adam! This is indeed an enemy of yours and your mate's. So do not let him expel you from paradise, or you will be miserable".

(Surat Ta-Ha 20:117)

﴿فَقُلْنَا يَا آدَمُ إِنَّ هَذَا عَدُوٌّ لَكَ وَزَوْجُكَ فَلَا يُخْرِجَنَّكَمَا مِنَ الْجَنَّةِ فَتَشْقَى﴾
[سورة طه 20:117]

Yet while both Adam and Huwa ate from the tree, it was only Adam that Allah ﷻ rebuked.

And Adam and his wife ate of it, and their private parts became apparent to them, and they began to fasten over themselves from the leaves of Paradise.

And Adam disobeyed his Lord and erred. (Surat Ta-Ha 20:121)

﴿فَأَكَلَا مِنْهَا فَبَدَتْ لَهُمَا سَوْءَاتُهُمَا وَطَفِقَا يَخْصِفَانِ عَلَيْهِمَا مِنْ وَرَقِ الْجَنَّةِ وَعَصَى آدَمُ رَبَّهُ فَغَوَى﴾
[سورة طه 20:121]

Accordingly, Allah ﷻ stated that He pardoned him.

Then Adam received certain words from his Lord, and He turned to him clemently. Indeed He is the All-clement, the All-merciful.

(Surat Al Baqara 2:37)

﴿فَتَلَقَّى آدَمُ مِنْ رَبِّهِ كَلِمَاتٍ فَتَابَ عَلَيْهِ إِنَّهُ هُوَ التَّوَّابُ الرَّحِيمُ﴾ [سورة البقرة 2:37]

The Prophet (ﷺ) said, "Those who are just and fair will be with Allah, Most High, on thrones of light, at the right hand of the Most Merciful, and both His hands are right.

Those who are just in their rulings and in their dealings with their families and those of whom they are in charge". (Muslim)

قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الْمَقْسُطِينَ عِنْدَ اللَّهِ عَلَى مَنَابِرٍ مِنْ نُورٍ، عَنِ يَمِينِ الرَّحْمَنِ عَزَّ وَجَلَّ - وَكَلْنَا يَدَيْهِ يَمِينٍ - الَّذِينَ يَعْدِلُونَ فِي حُكْمِهِمْ وَأَهْلِيهِمْ وَمَا وَلُوا». رواه مسلم

...So righteous women are devoutly obedient...

﴿...فَالصَّالِحَاتُ قَانِتَاتٌ...﴾

This explains how wives are to recognize their husbands being qawwamoon. For example, if a wife wants to live in one place but her husband wants to live somewhere else because it is safer, then a wife should take that into strong consideration.

Allah ﷻ saying that “righteous women are devoutly obedient...” implies that only women of righteousness will understand qawwamoon and live their lives in a way that does not intentionally put the men in their life at risk of harm or danger.

The Prophet (ﷺ) said, “When a woman prays five salah, fasts in Ramadan, protects chastity, shows obedience to her husband, she will be told to enter Paradise from whatever door you choose”. (Ahmad)

قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا صَلَّتِ الْمَرْأَةُ حَمْسَهَا، وَصَامَتْ شَهْرَهَا، وَحَفِظَتْ فَرْجَهَا، وَأَطَاعَتْ زَوْجَهَا، قِيلَ لَهَا: ادْخُلِي الْجَنَّةَ مِنْ أَيِّ أَبْوَابِ الْجَنَّةِ شِئْتَ». رواه احمد

In this hadith, obedience doesn't mean a wife has to follow her husband like he's a director or ruler. It's about having a good relationship where they both care for and understand each other. The wife's kindness and support, coming from her love for her family, are returned with the same love and care from her husband. This teaching is a reminder of how important it is to be loving and respectful partners, according to Islamic values.

...guarding in [the husband's] absence what Allah would have them guard...

﴿...حَفِظْتُ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ...﴾

Allah ﷻ protects and helps the woman to fulfill her responsibility to be a guard of the home and its resources, as well as uphold the dignity, integrity and trust of whatever goes on inside it. Not spending money aimlessly, not inviting people over that could pose harm to the family and not gossiping about the private details of family life are all ways to uphold this responsibility.

The protector and the guardian work as a team—when the wife guards the home, it helps the husband protect and support the family.

The Prophet (ﷺ) was married to Umm Habiba, the daughter of Abu Sufyan (who was an enemy of the Muslims at this time).

When Abu Sufyan went to visit his daughter after all these years, he went to sit down on a mat to talk with her.

She got up and folded it and sat back on it. Abu Sufyan said,

“You don't want me to sit on it because of the mat or because of me?”

His daughter said, “I don't want you sitting on the same spot that the Prophet (ﷺ) sits on.

You are an impure polytheist”.²⁸

The Prophet (ﷺ) didn't tell her to do that, but to her, she did not want a person in her home—even her own father—who had ill-will toward her husband.

It is important to note that a man who abuses his wife, withholds money from her, prevents her from leaving her home or intentionally harms her all in the name of qawwamoon is actually acting contradictory to the actual meaning of qawwamoon. Such acts oppose the Islamic teachings of marital rights.

2. Ethical rights.

The Prophet (ﷺ) said

“...If you have always been good to one of them and then she sees something in you [not of her liking], she will say, ‘I have never received any good from you’”.

(Al Bukhari)

قَالَ رَسُولُ اللَّهِ ﷺ: «... لَوْ أَحْسَنْتَ إِلَى إِحْدَاهُنَّ الدَّهْرَ ثُمَّ رَأَتْ مِنْكَ شَيْئًا قَالَتْ مَا رَأَيْتُ مِنْكَ خَيْرًا قَطُّ». رواه البخاري

When a husband is fulfilling his wife's rights to the best of his ability and seeks forgiveness when he falls short or makes mistakes, then it is unjust for a wife to disregard all his efforts, such as if he loses his job or is struggling to make ends meet.

It is most important to remember the good in people when they make mistakes. The verse from Surat An-Nisa' (4:19),

...for if you dislike them - perhaps you dislike a thing
and Allah makes therein much good.
(Surat An-Nisa' 4:19)

﴿...فَإِنْ كَرِهْتُمُوهُمْ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا﴾ [سورة النساء: 19]

serves as a reminder to both spouses. In marriage, there may be moments of disagreement or dissatisfaction, but this verse encourages patience and understanding, as there may be unseen good in those very situations.

Activity 11: Not His Rights

Some cultures give husbands rights that are not supported by the Qur'an and Sunnah. What are some examples?

3. Rights for Both Husband and Wife

- 1. To choose your own spouse.** As mentioned earlier, one of the conditions of a valid marriage is that both the prospective husband and wife agree to the marriage.
- 2. Intimacy.** Both have a right to intimacy. However, a spouse cannot force, inflict harm, take advantage or withhold sex as a form of punishment or manipulation to the other spouse.
- 3. Good company.** Both spouses are to be there for each other emotionally. Asking about each other's day, listening to each other's concerns, spending undivided attention together, accepting constructive criticism and saying sorry when needed are all ingredients to a healthy and happy marriage.

And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed, in that are signs for a people who give thought.

(Surat Ar-Rum 30:21)

﴿وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا
إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ
يَتَفَكَّرُونَ﴾ [سورة الروم 21:30]

It is He who created you from one soul and created from it its mate that he might dwell in security with her... (Surat Al A'raf 7:189)

﴿هُوَ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَجَعَلَ مِنْهَا زَوْجَهَا
لِيَسْكُنَ إِلَيْهَا...﴾ [سورة الأعراف 7:189]



4. **Privacy.** The relationship between a husband and a wife is one that should be kept between them. To divulge information to others about intimate moments, unless for the purpose of advice, safety or abuse, is a violation of trust and privacy.

The Prophet (ﷺ) asked while men and women were sitting with him,
 “Perhaps there is a man who would say what he did with his wife,
 and perhaps there is a woman who would tell what she did with her husband’.

Everyone fell silent. One of the women said,
 ‘Yes, by God, O Messenger of God, they say, and they do!’
 He (ﷺ) said, ‘Do not do that. It is like that of Shaytan,
 who met a female devil on the road and had intimate relation
 with her while the people were looking on’.

(Ahmad)

سَأَلَ رَسُولُ اللَّهِ ﷺ وَالرِّجَالُ وَالنِّسَاءُ فَعُوذُ عِنْدَهُ، فَقَالَ: «لَعَلَّ رَجُلًا يَقُولُ مَا يَفْعَلُ بِأَهْلِهِ، وَلَعَلَّ امْرَأَةً تُخْبِرُ بِمَا فَعَلَتْ مَعَ زَوْجِهَا!». فَأَرَمَ الْقَوْمُ، فَقَالَتْ أَحَدَى النِّسَاءِ: يَا رَبِّ يَا رَسُولَ اللَّهِ، إِنَّهُنَّ لَيَقُلْنَ، وَإِنَّهِنَّ لَيَفْعَلْنَ! قَالَ ﷺ: «فَلَا تَفْعَلُوا؛ فَإِنَّمَا مَثَلُ ذَلِكَ مَثَلُ الشَّيْطَانِ لَقِيَ شَيْطَانَةً فِي طَرِيقٍ فَعَشِيَهَا وَالنَّاسُ يَنْظُرُونَ». رواه أحمد

5. **To work cooperatively.** Both are to work together to maintain their relationship and the household. An example is a husband going to work as sole financial provider and the wife maintaining the home and caring for children, yet when they are together as a family, they are both taking part in the household duties, child-rearing, and making time for each other as a couple.

The believing men and believing women are allies of one another.

They enjoin what is right and forbid what is wrong and
 establish prayer and give zakat and obey Allah and His Messenger.

Those—Allah will have mercy upon them.

Indeed, Allah is Exalted in Might, Wise (Surat At-Tawbah 9:71)

﴿وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ﴾ [سورة التوبة 9:71]