

*Love Notes:
Marriage and Family Life
Taught By: Sh. Yaser Birjas*



*Brought to you by your Qabeelah
Ruhma Academic Team*

*Notes Set Two
Chapter Two: Marriage and Family Life*

Chapter 2
Page 9

*The Earnestness of Love
Marriage and Family Life*

Allah says in Surah an-Nisa 4:1

“O Mankind, be conscious of your duty to your Lord [rabb], 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 God [Allah] whose name you appeal to one another and to [the ties of] the womb. Verily, Allah watches over you”

-Allah did not say “O you who believe,” because it does not matter whether you believe or not, this message is for everyone.

-In a marriage contract you are making Allah a witness as well as your family and relatives witnesses.

Page 10
The Status of Family in Islam

1. Family Life: Basic Principles

-The concept of family is a divinely inspired institution.

-RasulAllah [saws] also mentioned it in his farewell khutbah that we need to treat women kindly.

-The rules of marriage were detailed in the Qur'an and the sunnah of rasulAllah and can not be altered by time and culture [i.e. marriage must be between a man and a woman]

-Marriage is a social contract: it expands your social network, his parents become yours, and your parents become his.

-Marriage comes with rights and obligations.

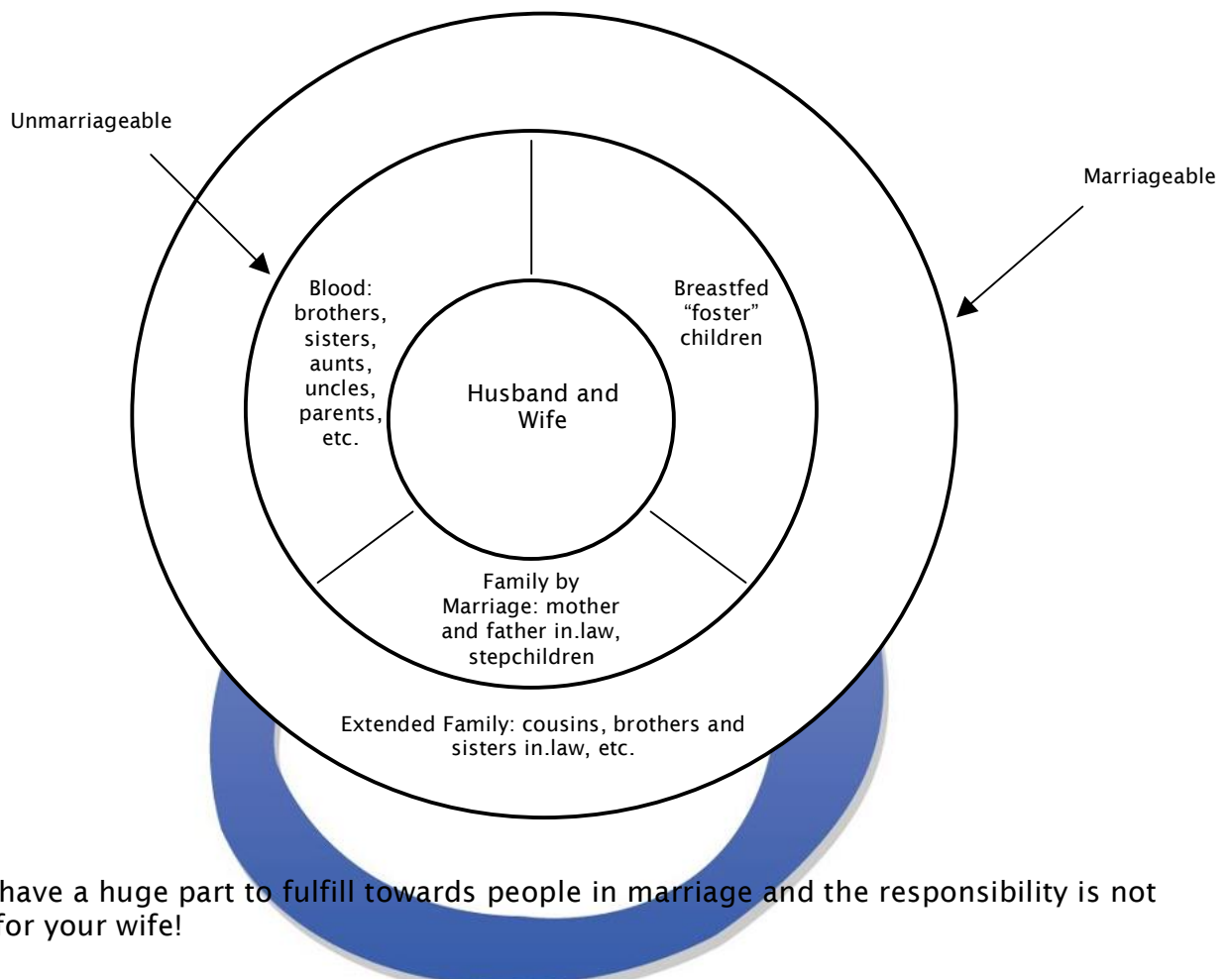
Do we believe in equal rights for men and women? No, it's about equity, not necessarily equality; in some situations women were given more, and in others men more than women.

2. Structures and Rules

Preconditions:

- The man must be financially able to support his wife
- There must be general consent from both sides
- The mahr [i.e. Dowry]; this is given from the man to the women and can be as small as a gold ring or teaching her chapters of the Qur'an

-Marriage and divorce rules are part of the civil contract that require us to fulfill the rights of circles:



-You have a huge part to fulfill towards people in marriage and the responsibility is not only for your wife!

-Fantasize as much as you want, but once married you have to play by the rules.

Men are the head of the house, but the women are the neck – wherever neck goes, the head follows

3. Love, Marriage, and Family Life

-Love is not a precondition/prerequisite for marriage.

-Temporary marriage [ex. for green card or a disclosed intention] is not allowed.

-Minimal attraction before marriage can turn into love.

-Arranged Marriages:

-Forced: not allowed in Islam.

-Family introduces someone and asks the concerned party if they are ok with it; allowed.

-Next step after initial attraction is to reach a comfort zone to determine if the person is marriage material.

Activity: Top Reasons Brothers Aren't Proposing

Finance

Finding the right person/lack of venues

Not ready/education

Immature

Fear of Commitment

*Tip: Don't wait until your "ready" because you probably won't ever be ...
prepare yourself NOW and give yourself a deadline
[ex. "By June 2012 I'll be married insha'Allah"]*

Top Reasons Sisters Are Still Not Married?

Career/education oriented

Commitment phobic

Family interference

Lack of qualified men

Independence

-The number one reason sisters claim they aren't getting married is because they want to complete their education because their parents teach them that they should have a safety net in case of divorce; so girls have a bad perception of both education and marriage

Advise: sisters, you can never prepare yourself enough for marriage; take it easy on the guys; to help them with their fear of financial burden, expect to start at the bottom of the ladder [ex. apartment, then condo, and then house, etc.], ask a guys family about the guys maturity; does he take responsibility in the home, at the masjid; does he take his work seriously?

Page 11

History of Marriage

1. Marriage: The definition

-Marriage is a union between a man and a woman and is a divine arrangement.

-The definitions of marriage are many and have been commented on by Islamic scholars, philosophers, and humanists alike.

-The basic definition of marriage found all over the works of religion and over the world is that marriage is viewed as a matter of love and affection, of romance and physical attraction, and of sensitivity and care.

-As for the Islamic definition that is found, it is found to be one that is constant, that it is “half of Iman” and a consent between man and woman to maintain their duties and obligations as one unit, in a way to please Allah.

-Some more comical definitions of marriage call it an arrangement in which the man loses his bachelors and the woman gains her masters.

2. The First Marriage: Adam and Hawa’

-We don’t know the details about their marriage but we know they were married.

Did Adam and Hawa’ have sexual intercourse?

In surat al.Araf 7:20-27 [Shaytaan started whispering to them in order to reveal to them their awraat that was hidden from them. When they broke their promise and became aware, they started covering themselves up.] Allah points to the fact that they have no physical contact in jannah however this is not conclusive.

“O Children of Adam! Let not Shaytaan deceive you, as he got your parents [Adam and Hawa] out of paradise, stripping them of their raiment’s, to show them their private parts. Verily, he and qabiluhu [his soldiers from the jinn or his tribe] see you from where you cannot see them. Verily, We made the Shaytaan [devils] auliya’ [protectors and helpers] for those who believe not.”
[Qur’an 7:27]

3. Marriage before Islam

-Even in other civilizations marriages were conducted by the religious leaders of the community, meaning that marriage as sacred is a natural ideal; it’s our natural fitra.

4. Polygamy or Monogamy?

Polygamy = man marrying more than one wife

Monogamy = man marrying one wife

What is the standard? Hawa’ was the one for Adam [as] thus the standard is to marry only one.

-The ruling to marrying more than one wife is a practical solution to a social problem [ex. In postwar Bosnia there was a scarcity in men and many women were desperate to get out of their situation, so they were willing to be 2nd or 3rd wives; even in large U.S. cities like New York there are over a million unmarried women.]

-In the U.S. you cannot register more than one wife but you can marry more than one wife.

-For men to marry more than one wife is not a privilege, it's a responsibility.

5. Heterosexuality or Homosexuality?

-The first time homosexuality appeared on Earth was during the time of Lut [as].

-Acting on homosexuality is haram [forbidden] and the individual acting on it will be held accountable.

-If someone seeks help [i.e. counseling] with their homosexual urges, we cannot go spying on them.

Page 12 *Islam and Marriage*

1. Islam and Celibacy

-Marriage is the preference in Islam.

-It's not ok to live a celibate life for the sake of Allah.

2. The Legal Definition of Marriage

-Marriage is a contract between a man and a woman that allows both to enjoy one another and supporting each other within the limits of what has been laid down for them in terms of their rights and obligations.

3. The Purpose of Marriage

-Fulfill your pleasure: getting rewarded for fulfilling your desire in a halal way

-Procreation: half of the enjoyment of this dunya is children

-To seek the pleasure of our Prophet [saws]; rasulAllah has told us in narrations to make him proud by having many wives and many kids; it may be hard to have many wives but we can definitely try to have a few kids to have more righteous Muslims serve the religion

-Intercession of a righteous child: The Prophet [saws] has told us the blessing of having righteous children:

"When a person dies, all his actions come to an end with the exception of three: sadaqah jaariyaa [recurring charity], knowledge from which benefit continues to be reaped, and the prayers of his pious children for him." [Bukhari]

-Protection from evil

RasulAllah [saws] commanded, "O you young men! Whoever is able to marry should marry, for that will help him to lower his gaze and guard his modesty." [Bukhari]

-Self-Struggle [jihad un.Nafs]: It's a real struggle to live with the same person every day for the rest of your life; it's a real test of the inner soul

- To go after the needs of your children is a higher reward than qiyam al.layl

"For me to see my child crying out of starvation and working to satisfy him is better than to spend all night in qiyam." [Imam Ahmed]

4. Ruling on Marriage

-When the 'ulema speak of the rulings of marriage they apply it to men because they usually propose but they can be applied to women

-There is no one particular ruling on marriage

Four categories of ruling:

-Wajib or Obligatory: marriage can be obligatory if a person has the intention of getting married, will be a good husband, and fears he will do haram if not married

-Mustahab or Liked/Preferred: marriage can be recommended for a person if he has the means of getting married, will be a good husband, but does not fear he will do haram if not married

-Makrooh or Disliked: marriage is not recommended for a person who doesn't have the means to get married [money and such]

-Haram or Prohibited/Forbidden: marriage is not permissible for a person who doesn't have money and is abusive [will cause damage if married]; it is haram for him to get married until he fixes the problem

5. Marriage As An Act of Worship

-The majority of the fuqaha say marriage is an act of worship [based on hadith: that even following desires in halal way, it is considered an act of worship; ex. if you approach your spouse in a halal sexual way, you get good deeds]

The Companions [may Allah be pleased with them] asked rasulAllah [saws], "Oh Messenger of Allah! A person would be rewarded while satisfying his sexual need?" RasulAllah [saws] replied, "Yes. Isn't it that he would be punished had he

practiced sex illegally [not with his spouse]? The same applies if a Muslim practiced a lawful intercourse with his spouse. As such, he would be rewarded.”
[Muslim]

Page 13

Characteristics of a Prospective Spouse

1. Characteristics Desirable in a Wife

RasulAllah [saws] said, "A woman is married for four things, her wealth, her family status, her beauty and her religion. So you should marry the religious woman [otherwise] you will be a losers.” [Bukhari]

- Property or Wealth
- Status in Society
- Beauty
- Religion

-The encouragement of the best man of creation is to make sure that your wife is religious; one of the many reasons why a man should chose religion is that she can help you with your shortcomings in Islam with her strengths.

RasulAllah [saws] said, "If there comes to you an offer of marriage [for your daughter, sister, etc.] one with whose religious commitment and character you are pleased, then marry [your daughter, sister, etc] to him. If you do not do so, there will be mischief on earth and widespread corruption.” [Tirmidhi]

Sisters: If someone comes to you and you are satisfied with their religion and akhlaq [manners], marry them

2. Characteristics Desirable in a Husband

-Deen: their relationship with Allah [swt]; inquire about him from the Imam to get an idea of where they are in their deen so you get a picture of how they are in their relationship with Allah [swt]

-Akhlaq: relationship with the creation; speak with his friends, his family, etc.

Advice: don't compromise on salaah; don't compromise on your spirituality for them

3. Qualities of a Prospective Spouse

According to the Fuqaha Look For:

- Religiosity/akhlaq [character/manners]

Myth of marrying a religious person:

If you are at a certain level of religiosity, the person you want to marry is probably looking higher. Why would you expect someone to look for someone below him or her? Look for someone close to your level so you can grow together. Don't look for someone WAY above your level [this person will be liable for you] or someone WAY below you [they will be a liability for you]. Don't make your marriage a daw'ah project!

-Fertility: to form a family; look at other women in her family to determine her possible fertility

-Virginity

-Contentment [someone who is happy with what they have]

-Lineage [noble descent]

-Beauty: beauty is in the eye of the beholder; look for someone you are attracted to; someone you are comfortable with

-Age difference: not an issue in terms of halal/haram; but for the sake of serenity there should be an age difference; the age difference should be something you are comfortable with; naturally most women want to marry someone who is older because of maturity

-Easy mahr; the less the mahr the more baraka [blessings] in the marriage; note that a high mahr can send the wrong message, its saying I don't trust you; it can sour a relationship; sometimes it's a debt for the guy; Islamically, the mahr is a bridal gift so it should be decided by the groom

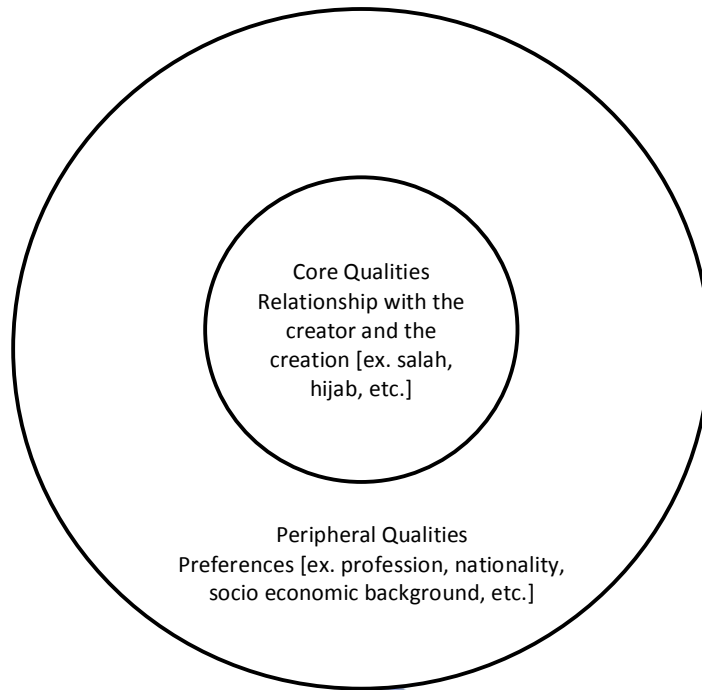
Mahr of Moral Value: ex. Hajj, teaching her the Qur'an, etc.

Mahr of Financial Value: ex. cash, car, house, land, etc.

4. Qualities Circles

Core Qualities: things you won't compromise on; i.e. their relationship with the creation and the creator [ex. religiosity, salaah, hijab, etc.]

Peripheral Qualities: preferences but not "deal breakers" [ex. nationality, ethnicity, socio economic status, etc.]



5. The Marriage Resume

What could be included:

1. "About Me" section
2. What you'll offer as a spouse
3. What you're looking for

-It's about marketing and advertising what's true about you

-Write about what someone you'd want to marry, is looking for

-What are you looking for in a spouse? [keep in mind what the other would like to hear]

-Including a picture is an option however protect your picture so that it can not be copied or downloaded

-If you cannot talk about yourself in the first 3 minutes, then you will not make a good impression; you need to be ready to speak about yourself.

Words of Wisdom:

-Marriage does not cure pornography addiction

-Your religiosity should be completely independent of your marriage

-Your wife wants to see a mature guy and not a mature boy

-The initiation of the marriage is much harder than the continuation of a marriage

Sunday, September 16, 2012
Page 14
Selecting a Prospective Spouse

1. Preferences of a Relative or a Non.Relative

-Many wouldn't consider cousins because they are LIKE brother and sisters; this is the problem with MSA groups or urging your children to always be in camps, they get to know these individuals so much that they are like brothers and sisters and wouldn't see them as a spouse; this is why usually MSA students wouldn't marry amongst themselves; don't close the door to this option, seriously consider it.

Fact: Zainab bint Jahsh was rasulAllah's first cousin and most beloved to him after 'Aisha

2. Setting Up Family Marriages: Is it Allowed?

Arranged marriages come of two types:

1. forced: you having to marry this person, no one else; or you have to marry so and so or your not my son/daughter; according to the fuqaha someone in this kind of marriage can ask for a separation
2. arranged: no force but they just don't know how to go about it and may ask someone to set it up for them; this is a more passive approach to marriage; halal whilst there is not force

-If someone was forced into a marriage [life threatened] and can prove so, then it is possible to recall marriage/nikkah; however life threatening force is not the same as going through with the marriage due to familial/societal pressure

3. Engagement by Commissioning

-Permissible but be careful!

-In this arrangement you give someone the authority to look and match for you, but not to do the marriage contract

Fact: rasulAllah [saws] married Umm Habibah [ra] who was in Ethiopia while he was in Medina [the king married them and paid the mahr for rasulAllah], she later moved with rasulAllah [saws]

-From this hadith we take that contract commissioning can be done if the distance between the bride and groom is great

4. Why is Dating Haram?

Question: How much time do you need to know if this person is good for you or not?

Answer: 3 seconds! Initial attraction is a blink expression; contact thereafter is to confirm/justify choice [analogy: shopping]

-Dating is not the solution!

-You are allowed to sit with your prospect as long as you want; the only condition is that a wali [guardian] is present; they should give you some reasonable privacy to discuss your compatibility and goals however do not transgress boundaries [ex. no physical contact, etc]; person supervising should be the wali or someone of full maturity [i.e. not your 5 year old brother]

-Dating does not guarantee a successful marriage.

-If you know too much about a person, you lose interest; the element of surprise is good for marriage.

-Speed dating: you have 3-4 minutes to speak to many potential suitors; this format is not necessarily halal/haram but depends on how it is set up

5. Matrimonial Services: What is the Ruling?

-It is permissible to get married using this technique as long as modesty and proper guidelines on both sides are maintained.

-Whenever you use this make sure to get permission from the wali

-If the wali is not cooperative then ask for help from the next kin [ex. son. brother, uncle, etc.]

-Make sure you put a picture that is appealing in a nice professional way

-Converts, do this in a supervised way, let someone in the community know what you are on a matrimonial website so you don't get spammed.

6. The Engagement Ring

-You can wear these rings but men avoid gold

-There are two optional rings and one unavoidable ring:

1. engagement ring [optional]
2. wedding ring [optional]
3. suffering [unavoidable]

Page 15 *Selecting a Prospective Spouse*

The Procedure of Selecting a Bride

1. The Role of the Female Family Members

Before:

- Women were the main source of selecting a spouse
- Usually the oldest women usually know everyone, and are well respected
- They'd find someone and would suggest

-Now it is more accepted that we have to act on to finding and looking for a spouse for yourself

2. Direct Proposal to a Female

-It is halal but be mindful of cultural norms [some families or sisters don't like it]

-If a man approaches a sister and they agree, the brother should then go to her parents instead of trying to get to know them right then and there.

-If you are not financially ready, you can still propose and delay the consummation of marriage.

Ladies: Take it easy on men who do not have enough money for an extravagant wedding!

-Brothers: You must be ready when you go and propose, act like someone who is already married [who has time for family, is able to take care of finances, etc.]

The Procedure of Selecting a Groom

1. The Right of the Woman to Select Her Prospective Spouse

-A woman has the right to choose her husband and to turn someone away; just be mindful of why you are not considering them!

-You cannot be forced

2. Offering One's Female Family Member to a Righteous Person

-A family member can offer their daughter [or female relative] for marriage

-Omar offered his daughter Hafsa to Abu Bakr, then 'Uthman, but rasulAllah [saws] ended up marrying her [Abu Bakr said no only because he had overheard rasulAllah talking about her]

It is mustahab [recommended] for a man and woman to meet and talk in order to determine physical attraction and intellectual attraction

3. Direct Proposal to a Man

Question: Is it permissible for a woman to go directly to a man?

Answer: yes, it is permissible however be culturally sensitive if doing so [Khadijah [ra] initiated and sought marriage to rasulAllah]

Story: A woman once came to rasulAllah [saws] and asked him to get married with her. He lowered his gaze, basically rejecting her. He was too shy to answer so he didn't. She was willing to wait for a response and sat down. A sahabi came and asked rasulAllah to marry that woman, he asked the woman if she agreed. She agreed! RasulAllah [saws] asked the man if he had anything to give as the mahr. He had nothing but the clothes he had. Then the prophet [saws] told him to teach her Qur'an as the mahr.

Brothers and Sisters: If you want to marry early, prove your maturity to your parents!

Parents: In past generations, you had to go and find the fitnah, now it is following you to where you are so take it easy, and make it easy for your children to get married

Looking at the Opposite Gender

1. The ruling of Lowering One's Gaze

It is obligatory for the one not genuinely interested in marriage to lower his gaze in all circumstances.

"Tell the believing men to reduce their vision and guard their private parts. That is purer for them. Indeed, Allah is acquainted with what they do. And tell the believing women to reduce their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and to wrap their head covers over their chests [and necks] and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known what they conceal of their adornment. And turn to Allah in repentance, all of you, O believers, that you might succeed." [Qur'an 24:30-31]

-Keep lowering your gaze until you are ready for marriage; once you are ready to seriously look then you can look but with the intention that you are looking for marriage and look at a particular person you have in mind, not everyone; don't scan!

2. Exemptions?

-In court: if you have to help identify a criminal or be an eyewitness, it is not haram to look at the opposite gender but your intention must be sincere and gaze should be controlled.

-Marriage prospect

-Those under the age of puberty

Looking at One's Prospective Bride

1. Legal Ruling: it is mustahab [recommended] for prospects to see and speak with each other

There will always be that element of "I'm not 100% sure"

2. Reason of Permissibility: there should be a level physical attraction in order to pursue marriage; after the first time, any following, should only be to confirm what you already have decided; once content move on to engagement

3. Condition of Permissibility: there must be a genuine intention for marriage and permission from the wali or someone in the community to supervise [i.e. an imam or respected family]

Don't get emotionally attached to the prospect

4. The Procedure- you should look before the proposal for as long as it takes to determine if you want to marry this person

What do you look at?

-Hijabi/niqabi – face and hands.

-Some fuqaha say that if the groom doesn't have anyone in the family that can look at her without hijab then he is permitted to see her hair, but this all depends on circumstances

Can women wear makeup?

-Moderate makeup is ok; don't over do it or try to fool the guy

How should he dress?

-How he normally looks; dress professionally; don't wear your muscle shirt!

Is it permissible to request more sessions?

-Yes, as many times as they want but Sh. Yaser recommends that a decision is always made in the first few minutes of the meeting, the rest is just a confirmation so make it as short as possible.

After the engagement is when you can speak about things getting ready for the future

Questionable Ways

1. Sneak a Peek: while it's with for the clear intention of marriage and geared towards one particular person, it's ok
2. Hidden Cameras: violating or invading someone's privacy is not ok
3. Looking at a Picture: permissible [but be careful when sending your picture online]; you must have the permission of the girl and the family
4. Looking Through the Internet: yes but be careful that live conversations can be saved; make it respectful; girl must be wearing hijab and a wali must be present; do not video chat behind closed doors
5. Being in Privacy Without a Mahram: is impermissible for a non-mahram man and woman to be alone at any point before the marriage contract; after the nikkah [marriage contract] it is permissible
 - Khalwa = a man and woman being alone together without a mahram present
 - If you have no mahrams, bring other ladies with you and meet in a public place
 - There is a difference between the nikah/kitab and engagement [khitba = the engagement]
 - The engagement period is just to know one another [i.e. a promise to marry]; once you make the marriage contract, you become husband and wife
6. Being Alone in a Public Place Without a Mahram: impermissible, because no unmarriageable kin is present
7. Setting Up a Casual Situation Without Her Knowledge: this is allowed; must be for the sincere intention of marriage

Page 18

The Consequences of a Marriage Contract

Upon consummation the full consequences of marriage apply

The Consequences of a Valid and Binding Contract:

1. The Kind Treatment: depends on the culture

Rasul Allah [saws] said: "The best of you is the one who is best to his women, and I am the best to my women." [Tirmidhi]

2. The Conjugal Right of "Enjoying the Spouse's Person:" to enjoy the spouse with pleasure in a halal way
3. The Move to His Residence: before consummation and while living under her father roof, the bride is still under the care of her father; once the bride and groom consummate the husband is responsible for providing for her
4. The Dower/Mahr: the dowry becomes due at the consummation of the marriage
5. Sustenance and Spending: the husband is responsible for taking care of his wife
6. The Establishment of Affinity [unmarriageable kin; step son/daughter]
7. The Verification of the Child's Lineage: assumption is that any child is legitimate
8. The Establishment of the Inheritance Right [even if the marriage is not consummated]: she inherits him if he dies, and vice versa
9. The Right of Obedience to the Husband: she has to listen to her husband [in the halal]; however if there's a conflict before consummation of marriage, the husband does not have a right to be obeyed, she obeys her father in this case; once the marriage is consummated, her obedience is to her husband above her father
10. The Right of the Husband to Chastise His Wife: it is the right of the husband to discipline his wife if she is doing wrong in her actions and duties; this is in no way supportive of many of the acts of Muslim husbands of today who have beaten their wives bloody and caged them in their homes [Islam is different from the actions of Muslims]

"As to those women on whose part you fear disloyalty and ill conduct; admonish them [first], [next], refuse to share their beds [and last], beat them [lightly]; but if they return to obedience, seek not against them means [of annoyance]. Surely Allah is Ever Most High, Most Great." [Qur'an 4:34]

-There is a sequence of steps a husband must use in disciplinary action only upon a wife who is outwardly refusing to obey; and this is only after many words of warning and pleading with her to stop her disobedience.

-For a woman to have so much nerve to be that disobedient, then the next step is taken and he doesn't have intercourse with her for a long period of time, to the point that she might be emotionally affected with her husband refusing to sleep with her.

-And if that wasn't enough, then and ONLY then, may the husband use the prescription of a light beating.

Question: What does a light beating entail?

Answer: We turn to the sunnah of rasulAllah [saws] for this. He [saws] said that this involves using a miswak and lightly tapping her with the miswak as a physical signal to stop her disobedience.

-Sh. Yaser mentioned the example of rasulAllah [saws] spending 30 days away from his wives [ra] who were complaining to him over finances.

Side Notes

Question: What is the definition of consummation?

Answer: by ijma' [unanimous consensus] actual intercourse is consummation

-Abu Hanifa says anything that any intimate [i.e. kissing, hugging] is considered consummation

-Other fuqaha if they are behind closed doors long enough for the marriage to be consummated, it is considered consummation, however this is not the opinion of Abu Hanifa

- If you do a marriage contract, the husband's parents become a mahram to you; even if the marriage does not fully go through, they are still mahram to you, thus, if a woman marries 10 times, she will have 10 father in.laws who are mahrams

-If there is a divorce without consummation of marriage, there is no iddah [waiting period]

-It is not a sin to go against the promise made to parents to not consummate the marriage; once the marriage contract is completed consummating the marriage thereafter, at any point, even if against the wishes of their parents, is not sinful.

-When our children want to get married, we need to validate their feelings but we also need to take a serious stance on putting things in perspective and give them a reality check