

## Chapter Three: The Islamic Sexual Morality (2) Its Structure

This chapter deals with the practical side of sexual morality. We will first talk about marriage at the age of puberty, followed by a look into the possible ways unlawful as well as lawful of handling sexual urge if one decides not to marry soon after puberty, and finally the marriage procedure and sexual techniques will be discussed comprehensively.

It is necessary to mention that the last part of this chapter is very explicit because religious do's and don'ts have to be spelled out in very clear terms. As the saying goes, "There is no room for shame (haya') in [learning or asking about] religion."

### A. The Beginning of Sexual Life

#### 1. Bulugh & Rushd

Sexual desire is aroused in human beings at the age of puberty. In Islamic legal definition puberty (*bulugh*) is determined by one of the following:

1. *Age*: fifteen lunar years for boys and nine lunar years for girls;
2. *Internal change (in boys only)*: The first nocturnal emission. Semen accumulates in the testicles from puberty onwards and more semen may be formed than the system can assimilate; when this happens, semen is expelled during the sleep. This is known as nocturnal emission wet dream or *ihlam* in Arabic.
3. *Physical change*: Growth of coarse hair on lower part of abdomen.

Since the sexual urge begins at puberty and as Islam says that sexual urge should be fulfilled only through marriage, it has allowed marriage as soon as the boy and the girl reach the age of puberty. In the case of girls, it not only allows them to be married as soon as they become mature, but also

recommends such marriage.

It is based on such teachings that Islam discourages girls from postponing their marriage because of education; instead, it says that girls should get married and then continue their education if they wish to do so.

Physical maturity by itself, however, is not enough for a person to handle the marriage responsibilities; *rushd* (maturity of mind) is equally important. On the other hand, our present way of life has become so much complicated that a considerable gap has appeared between puberty and maturity both in financial and social affairs.

A recent article on the American youths says, "Young Americans entering the 21st century are far less mature than their ancestors were at the beginning of the 20th. The difference is evident in all areas of youthful development: sex, love, marriage, education and work.

Physically, today's youths are maturing earlier than previous generations, but emotionally they are taking much longer to develop adult attachments."<sup>1</sup> Consequently, it is not easy for boys and girls of our atomic era to marry as soon as they become physically mature.

## 2. What Should the Youths do?

What can the Muslims do about their next generation? In spite of the problem mentioned above, I believe there are ways by which Muslim youths in their late teens can get married without worrying about the financial aspect. Here I can suggest four possibilities:–

### First: With Family's Support

If the parents are well to do and can support their young married children till they are financially independent, then I would strongly suggest that they encourage their children to marry and support them till they can stand on their own feet. While talking about the contract of freedom made between a slave and his master, the Qur'an says,

***". . . and give them of the wealth of Allah which He has given you..." (24:33)***

If Islam puts so much emphasis on financially supporting one's freed slave so that he may stand on his own feet, it is needless to say how virtuous it would be to help one's own children to stand on their feet!

### Second: With Community's Support

On a broader level, the Muslim organizations should create funds (e.g., long term interest-free loans) to support the young Muslims who want to get married but lack financial resources. Once a person guilty of indecent sexual behavior was brought to Imam 'All. After punishing him, the Imam arranged for his marriage at the expenses of the government.

The Imam set an example of how the society can help the youths in starting a family life. By looking at the situation in the Western world, the Muslim organizations should at least morally feel obliged to provide such support for their youths. This is not a matter of charity; it is a matter of surviving as a Muslim community in a morally hostile environment.

### Third: Married Minus Financial Burden

The boy and the girl can do their *'aqd* (Islamic marriage contract) but postpone the marriage ceremony till after they have finished their education. In other words, they would be married but still staying with their parents. They can meet each other without any *shari'* objection; and if they decide to have sexual relations, then they should use permissible contraceptive means to delay the child-bearing process. In this way, they would be able to fulfil their sexual desire and be free from financial responsibilities.

### Fourth: Married Plus Simple Life-Style

The boy and the girl can do their *'aqd* and even the marriage ceremony but delay the child-bearing process **and** adopt a very simple life-style. Thus they will be able to fulfil their sexual desire and also be free from heavy financial burden.

However, I cannot overemphasize the importance of the role played by parents in supervision of all such arrangements. I would not at all support the idea that a boy and a girl decide such matters on their own without the parents' input or without registering such arrangements at the community center. This will protect the reputation of the girl in case things do not work out properly.

Moreover, what I have suggested above also means that parents and youngsters both will have to radically change their outlook towards the materialistic aspect of life. They will have to adopt a very simple life-style.

If today's youths intend to have a 'standard' financial footing before getting into marriage, then it will not be possible in the late teens; they will have to wait till they are in their thirties! The article mentioned above says that the youths "are marrying later than their parents did partly for economic reasons and many college graduates are postponing marriage beyond age 30."<sup>2</sup>

One important benefit of these suggestions is that a youngster of college age will be free from sexual anxieties and will be able to concentrate fully on his or her studies. If a Muslim youth raised in the Western society without any religious upbringing is not provided with financial and moral support by his parents, then he is at risk of melting into the permissive culture that tolerates teenage sex outside marriage. And if this happens, God forbid, the youth will no longer regard a sexual relationship as a matter of value or commitment.

"Most of us got one-night stands out of our system in college," writes Nancy Smith, 25, in a recent essay for *the Washington Post* on her generation's struggle with adulthood. "Sex outside a relationship is not so

much a matter of right or wrong as: Is it really worth the hassle?" [3](#)

And this type of sexual behavior has serious social consequences: abortions, unwanted babies, increase in divorce ratio and single parent families. Add to this the emotional suffering the people in general and the children in particular go through in such crises.

## **B. Handling Sexual Urge before Marriage**

If a person cannot marry soon after becoming sexually and mentally mature, then how should he or she handle the sexual urge? In this section we will survey some ways of fulfilling the sexual urge and see whether they are permitted by Islam or not.

### **1. Immoral Ways**

#### **(A) Pre-Marital Sex**

Pre-marital sex is absolutely forbidden in Islam, no matter whether it is with a girl-friend or a prostitute. Pre-marital sex is fornication (*zina*).

It is also an irresponsible sexual behavior; there is no responsibility involved in such relationships. The most vulnerable person in such relationships is the woman. Statistics can overwhelmingly prove that man has often cheated innocent women in pre-marital sex.

Today half of all American men and women in their thirties cohabited before marriage, many of them on the assumption that it is better to look deeply before they leap. But studies now demonstrate that couples who cohabit before marriage are more likely to divorce than those who do not. [4](#)

Glen Elder, a sociologist at University of North Carolina, has this to say about cohabitation: "It's a relationship that attracts those, mainly men, who are looking for an easy way out and it is uncertain what, if anything, it contributes to marriage." A twenty-four year old lady wrote the following in a letter to Ann Landers: "...The line [in a previous letter] that struck home was from the teenager who said she knew lots of girls her age who had several partners 'just for the fun of it.' I found that odd because I was having sex at 16 and it was no fun at all.

Sleeping with guys wasn't exciting or thrilling, it was degrading. It made me feel lonelier and emptier than ever. I also worried from month to month about being pregnant. That can be a real hell...if I could talk to the young girls who read your column, I would tell them that teenage sex doesn't solve problems, it creates more. It doesn't make a girl feel loved. It makes her feel cheap. I'd let them know that it doesn't make a girl 'more of a woman,' it can make her less of one." [5](#)

Allah says:

***Do not go near adultery, surely it is an indecency, and an evil way [of fulfilling sexual urge].***

(17:32)

Fornication and adultery have severely been condemned in the saying of the Prophet and the Imams. In Islam, pre-marital sex is considered an immoral act against the rights of Allah and one's own sexual organs.

Pre-marital sex is a sin punishable by the Islamic court. If an unmarried man and an unmarried woman are found guilty of fornication in an Islamic court, their punishment will be as the following:

***The woman and the man who fornicate scourge each of them a hundred whips; and in the matter of God's religion, let no tenderness for them seize you if you believe in God and the Last Day; and let a party of the believers witness their punishment. (24:2)***

If the unmarried man or woman commit fornication more than once, then they will be punished three times by hundred wifes, and if they are proven guilty for the fourth time, then they will be put to death.<sup>6</sup> (As for adultery, its punishment is even more severe because married persons have no excuse, whatsoever, to commit adultery. The *shari'ah* says that married persons guilty of adultery should be stoned to death.)

Therefore, pre-marital sex is out of the question as a means of fulfilling the sexual urge.

## **(B) Masturbation**

In Islamic terminology, masturbation (*istimna*) means self-stimulation of the sexual organ till one achieves emission of semen or orgasm. Masturbation in form of self-stimulation is forbidden in Shi'ah fiqh. While describing the believers, the Qur'an says,

***"The believers are... those who protect their sexual organs except from their spouses... Therefore, whosoever seeks more beyond that [in sexual gratification], then they are the transgressors." (23:5-6)***

The last sentence makes it very clear that any sexual gratification outside marriage is considered a transgression of the law of God. And this verse also implies that sex is an act in which two people are involved.

Once when Imam Ja'far as-Sadiq was asked about masturbation, he recited this very verse and mentioned masturbation as one of its examples.<sup>7</sup> In another, the Imam was asked about masturbation; he said, "It is an indecent act..."<sup>8</sup>

Masturbation is a sin for which a person can also be punished by the Islamic court. Of course, the nature of the punishment is upon the judge's discretion. Once a person was caught masturbating and was brought to Imam 'Ali. The Imam punished him by beating on his hands until it turned red; then he made arrangement for his marriage on government's expenses.<sup>9</sup>

These days some scientists are telling us that there is no harm in masturbation; rather it is a natural act. To prove that it is natural, they give examples of some wild animals, like monkeys. Actually they represent those who have gone to the other extreme of sexual morality. They have degraded human beings to the level of wild animals, and then justify their deeds by finding examples in the animal world. They are, in Qur'anic expression,

***"Like cattle, nay they are more astray; they are the heedless ones." (7: 179)***

The irony is that when Muslims talk about following Islam which came just 1400 years ago, they are labeled by the secularists as 'reactionaries,' 'those who want to turn the clock backwards,' 'anti - progress,' and now these very people are going millions of years back (according to their own counting) and following the wild animals or the primitive societies to determine what is natural for us and what is not natural!

Many different types of sexual behavior could be found in primitive societies, but that does not automatically make it natural or right. On the contrary, in some cases, masturbation was considered an abnormal and abhorrent act! For example, Lewis Cutlow writes about the Amazon Indians that:

...Xinguanos are deeply disturbed by civilizados who are sexually frustrated; they cannot understand how a man can become aroused at the sight of a nude woman. In his 25 years of daily life with Indians, Orlando told me, he had never seen an Indian with an erection. It would be absurd to them. Nor has Orlando seen or heard any instances of sexual deviation among the Indians. They did not know what masturbation was until they saw a civilizado telegraph operator doing it.

From then on the telegraph operator was a problem to Orlando and his colleagues at the Park. The Indians despised him because, in their eyes, he had done something reprehensible. There was nothing to do but remove him from the Park. [10](#)

Sometimes the scientists justify masturbation by saying that many people do it! But if a majority does something, it does not automatically prove that it is right. Otherwise, drugs should also be declared 'normal' because the majority of Americans, at one time or another took drugs.

The surveys made by sexologists like Kinsey, Masters and Johnson, and the Hite Report just reveal what the American people do in the privacy of their bedroom; it does not necessarily prove that what they do is natural and right!

Many modern psychologists say that masturbation is just like normal sexual intercourse, rather even better because you are master of yourself, you don't have to worry about your partner's feelings!

This is an example of how low the materialist society has sunk into its self-centered and selfish attitude that even in sex it prefers to seek self-gratification with the exclusion of the spouse. "They seem to forget that in sexual intercourse all the senses contribute to the stimulation and orgasm: Man and

woman see their partner, touch each other, say endearing words to each other and hear the stimulating sounds; and even the senses of smell and taste are utilized.

And the penetration of male organ into the female leads to the final excitement and orgasm. But in masturbation the only source of stimulation is imagination, in which no other sense takes any part. The whole burden is loaded upon the mind; and, as a result, while normal sexual intercourse causes happiness and joy, masturbation creates emotional and psychological depression."[11](#)

This is not just an opinion of a Muslim scholar. Even the Hite Report on Male Sexuality, says: "Similarly, many men said that they enjoyed masturbating physically, but that emotionally it was depressing."[12](#) In one of the replies, a man writes: "It is physically enjoyable, but it can leave one emotionally empty or lonely for the real thing. You can do it when you feel like it, come when you want, bring up your own images, but there is no warmth or closeness, no one to share pleasure with, no companionship. . ." [13](#)

After saying that the physical effects of masturbation are negligible, Leslie D. Weatherhead in *The Mastery of Sex* writes: "Psychologically the results are more serious. Masturbation in the adult is nearly always due to a maladjustment..." [14](#)

**The Cure for Masturbation:** It is easy to stay away from fornication because it involves another person. But the danger of getting into the habit of masturbation is always there, therefore it is necessary to know how to combat this perverted sexual behavior. The following is a guide-line for releasing a person from the habit of masturbation. This has been taken from Weatherhead's *The Mastery of Sex* and 'Allamah Rizvi's *Your Questions Answered*.

1. Strengthening will-power: This is possible only if one honestly and sincerely wants to get rid of this habit. Pray to Allah to help you overcome this habit, concentrate on religious teachings, and build up the spirit of *taqwa*, piety.
2. More and more stay in the company of other persons: If in the daytime you feel like masturbating, get up from your bed or chair and get into the presence of other people and talk to them. If it happens at bedtime, sit up in bed, read a book or write a letter. Do something to switch your mind on to other things.
3. Adopt some hobby or sports which will provide you with an outlet for the energies of your body.

### [\(C\) Homosexuality](#)

One way of fulfilling the sexual urge which is now becoming acceptable in the Western world is sexual relations between members of the same sex: homosexuality (which by definition includes lesbianism). By saying that it is becoming acceptable in liberal societies I do not mean to say that homosexuality is a 20th century phenomenon; no, not at all.

But there is one big difference between the past and the present: in the past, homosexuality was considered a perverted sexual behavior whereas now it is being labeled as 'natural' and as a result of

'inborn tendency'!

All revealed religions, Judaism, Christianity and Islam form a united front against such sexual behavior. It has been clearly condemned in the Bible and the Qur'an. The Qur'an describes the people of Lut (Lot) as follows:

***When We sent Lut, he said to his people, "What! do you commit the indecency which none in all the nations had committed before you? Look at you! You approach the men lustfully instead of approaching your women! No, you are people who have exceeded the limits." The only answer of his people was that they said, 'Expel them from your city, surely they are a people who seek to keep themselves clean!' So We delivered him and his followers, except his wife; she was one of those who tarried behind. We sent upon them a rain. So behold how was the end of the guilty people. (7:80-84)***

The Qur'an also describes how Prophet Lut tried to reason with his people when they approached his three guests (who were actually angels in human form): When the people of Lut saw the handsome young men, they came to him, running towards him. Lut had anticipated this because they had been doing evil deeds from before.

***When the people reached close to his house, Lut said pointing towards his daughters: "O my people! These are my daughters, they are purer for you. Fear Allah and do not disgrace me in regard to my guests. Isn't there among you a man of right mind?" They said, "You know better than we have no desire for your daughters; and you surely know what we desire." (11:78-79)***

Explaining the details of the punishment, Allah says,

***So when Our punishment came upon the people of Lut, We turned the city upside down and showered them with stones of baked clay, one after another. (11:82)***

So we see that as far as the Qur'an is concerned, homosexuality is an "indecency," and that Allah had destroyed a whole nation because of this indecent sexual behavior.

In the Islamic legal system, homosexuality is a punishable crime against the laws of God. In the case of homosexuality between two males, the active partner is to be lashed a hundred times if he is unmarried and killed if he is married; whereas the passive partner is to be killed regardless of his marital status.

In the case of two females (i.e., lesbianism), the sinners are to be lashed a hundred times if they are unmarried and stoned to death if they are married. [15](#)

Why is Islam so severe in matters of fornication, homosexuality and lesbianism? If the Islamic system had not allowed the gratification of the sexual urge by lawful means (without even associating guilt with it), then it would be right to say that Islam is very severe. But since it has allowed the fulfillment of sexual instincts by lawful means, it is not prepared to tolerate any perverted behavior.

The homosexuals are considered as the high risk group for Acquired Immune Deficiency Syndrome (AIDS). This shows that nature has not accepted it as a normal sexual behavior among mankind. The homosexuals are told that in order to have safe sex, they must use condoms.

If homosexuality without condoms is not safe sex, then how can it be natural? Isn't the statement that "it is natural but not safe" a contradiction in itself?

The moral bankruptcy of the West is clearly evident in the present trend where some Christian churches are willing to consider modifying the Biblical moral values to accommodate the whims of those who want to justify their immoral behavior!

A high ranking Anglican cleric in Canada says that it's time his church approved some form of service or rite that would bless the union of committed same sex couples.<sup>16</sup> After a three-hour debate in 1987, the General Synod of the Church of England "decided that homosexuality is wrong, but has refused to condemn it as a sin."<sup>17</sup>

It seems that instead of providing moral and ethical leadership, the church is being led by the special interest groups. Such groups even want the public schools to change the definition of family so as to make their life-style acceptable.

## 2. Lawful Temporary Ways

If a Muslim cannot marry soon after puberty, then he or she just has two options: temporary abstinence or temporary marriage.

### (A) Temporary Abstinence

Islam has allowed marriage as soon as a person becomes physically mature, and it also strongly recommends that at least during the early years of marriage to adopt a simple life-style so that the lack or paucity of financial resources does not obstruct a happy life.

But if a person decides, for whatever reason, not to marry soon after he or she becomes physically mature, then the only way is to adopt temporary abstinence. After strongly recommending the marriage of single people, the Qur'an says,

***"And those who cannot marry should practice restraint (or abstinence) till Allah enriches them out of His bounty." (24:33)***

However, abstinence from all the forbidden ways of fulfilling the sexual urge is not easy. Therefore, a few guide-lines would not be out of place. Once a man came to the Prophet and said, "I do not have the (financial) ability to marry; therefore, I have come to complain about my singleness."

The Prophet advised him how to control his sexual urge by saying, "Leave the hair of your body and fast

continuously."<sup>18</sup> By saying that "leave the hair of your body," the Prophet is asking not to remove the hair which grows on pubic area, chest, etc, by shaving or using lotion or wax; rather one should just trim the hair.

This *hadith* is indicating that removing the excessive hair increases one's sexual urge. (Probably, that is why the *shari'ah* has recommended the men to shave the excessive hair every forty days, and the women to remove the excessive hair by lotion or cream every twenty days.)

In retrospect, it means that not removing the hair will decrease the sexual desire and help the person in abstinence. Imam 'Ali says, "Whenever a person's hair increases, his sexual desires have also decreased."<sup>19</sup> I have not yet come across any scientific discussion on the relationship between removing of the hair and sexual urge, but I am told that the *hakims* believed that removing the hair from the pubic area increased the chances of direct pressure on that area and, consequently, the blood flow to the sexual organs.

The other method of decreasing the sexual urge is fasting. It is obvious that one of the greatest benefits of fasting is the strengthening of one's will power. And no doubt, abstinence in the sexual context mostly depends on the will-power of the person. So fasting will strengthen the will-power of the person and make it easier for him or her to restrain the sexual feelings.

### **(B) Temporary Marriage (Mut 'a)**

If a person does not marry soon after maturing and finds it difficult to control his or her sexual desire, then the only way to fulfill the sexual desire is *mut'a*.

In Islamic laws, according to the Shi'ah fiqh, marriage is of two types: *da'im*, permanent and *munqati'*, temporary. The *munqati'* marriage is also known as *mut'a*. This is not the place to discuss the legality or the illegality of the temporary marriage (*mut'a*).

It will suffice to say that even according to Sunni sources, *mut'a* was allowed in Islam till the early days of the caliphate of 'Umar ibn al-Khattab. It was in the latter period of his rule that 'Umar declared *mut'a* as *haram*. It goes without saying that a decision by 'Umar has no value in front of the Qur'an and the *sunnah*!

As for the relevance of the *mut'a* system in modern times, I will just quote what Sachiko Murata, a Japanese scholar, wrote in her thesis on this subject: "Let me only remark that the modern West has not come near to solving all the legal problems that have grown up because of relatively free sexual relationships in contemporary society.

If any real solution to these problems is possible, perhaps a certain inspiration may be drawn from a legal system such as *mut'a* which, with its realistic appraisal of human nature, has been able to provide for the rights and responsibilities of all parties."<sup>20</sup> For a detailed discussion on the social aspect of *mut'a*,

see Mutahhari, *The Rights of Women in Islam*<sup>21</sup> and on the legal aspect, see Kashifu 'l-Ghita', *The Origin of Shi'ite Islam and Its Principles* <sup>22</sup>. For an in depth study on the Qur'anic verse and ahadith of *mut'a*, see at-Tabataba'i al-Mizan, vol. 8.<sup>23</sup>

The main difference between the two types of marriage is that in permanent marriage, Islam has clearly defined the duties and obligations between the spouses. For example, it is the duty of the husband to provide the basic necessities of life for his wife and the wife is expected to not refuse sexual relations without any religious or medical reason.

But in temporary marriage, Islam has given the prospective spouses the right of working out their own duties and expectation plans. For example, the husband is not obliged to maintain the wife unless it has been so stipulated in the marriage contract. Likewise, the wife can put a condition in the marriage contract that there will be no sexual relations.<sup>24</sup> Such conditions are invalid in a permanent marriage but allowed in temporary marriage.

I cannot overemphasize the temporary nature of *mut'a*. The message of Islam is quite clear: marry on a permanent basis; if that is not possible, then adopt temporary abstinence; if that is not possible, only then use the *mut'a* marriage.

The temporary nature of *mut'a* can also be seen from the following saying of the Imams: Once 'Ali bin Yaqtin, a prominent Shi'ah who held a high post in 'Abbasid government, came to Imam 'Ali ar-Riza to ask about *mut'a*.

The Imam said, "What have you to do with it because Allah has made you free from its need."<sup>25</sup> He has also said, "It is permitted and absolutely allowed for the one whom Allah has not provided with the means of permanent marriage so that he may be chaste by performing *mut'a*."<sup>26</sup>

## **C. Marriage**

In this section, we shall discuss some general laws and rules concerning marriage, marriage ceremony, practical aspect of sex within marriage and some of the often asked questions.

### **1. Whom Can You Marry?**

Islam places certain restrictions as far as the choice of your spouse is concerned. These restrictions are based on blood relationships and religious affiliations of the person.

#### **(A) Restrictions based on Relationship**

There are certain blood relations which are considered *haram* for you as far as marriage is concerned. (As a general rule, anyone who is your *mahram* is forbidden to you for marriage. *Mahram* means a blood-relative in whose presence *hijab* is not required.) The list of such relatives is given in the Qur'an

as follows:

For Man mother daughter paternal aunt maternal aunt niece foster-mother foster-sister mother-in-law step-daughter daughter-in-law all married women sister-in-law (as a 2nd wife)[27](#)

For Woman father son paternal uncle maternal uncle nephew foster-mother's husband foster-brother father-in-law step-son son-in-law

It worth noting that cousins have not been included in this list which means that: firstly, cousins are not *mahram* to each other, so hijab has to be observed between them; secondly, cousins can marry each other.

### **(B) Restrictions based on Religion**

Marriage between two people who do not follow the same religion creates problems in the day-to-day life of the couple because no aspect of our life is outside the jurisdiction of the Islamic *shari'ah*.

Consequently restriction in marriage based on religious differences is quite natural

A Shi'ah Muslim Man

· can marry:

a Shi'ah Muslim woman.

a non-Shi'ah Muslim woman.

however, if there is danger of being misled, then it is haram.

a Jewish or Christian woman in mut'a only.

· cannot marry: a woman of any other faith.

A Shi'ah Muslim Woman

· can marry:

a Shi'ah Muslim man.

a non-Shi'ah Muslim man,

although it is better not to do so; and if there is danger of being misled, then it is haram.

· cannot marry: a non-Muslim man.

## **2. Some Often Asked Questions**

### **(A) Do parents have any right over the marriage of their children?**

The father and paternal grandfather have full authority over the children who have not yet reached the age of puberty.

When a child reaches the age of puberty, then there are three different situations:

(a) a child who is *baligh* but not mentally mature: in this case, the father and the grandfather still have their authority over him or her. Such a child cannot take a decision on marriage without the approval of the father or the grandfather.

(b) a male child who is *baligh* and also mentally mature: in this case, he has full right to decide about his own marriage.

(c) a girl who is *baligh* and mentally mature: There are four different opinions on this issue.<sup>28</sup> But the majority of the present *mujtahids* say that in her first marriage, a *baligha* and mentally mature girl cannot marry without the permission of her father or grandfather. And if such a girl had already married before, then she has full right to decide for herself in the case of her second marriage.<sup>29</sup>

This law is in place to act as an extra protection for the honor of a teenage girl. However, if the father or grandfather refuses to give his consent to a proposal of a suitable man, then a religious judge can override the decision of her father or grandfather. Similarly, if the father or grandfather is inaccessible, then there is no need for his permission.

### **(B) By considering the hijab in Islam, is a boy permitted to look at the girl before marrying her?**

A man is allowed to see without *hijab* the woman whom he intends to marry. However, this permission is just for the man or the woman to see the prospective spouse once;<sup>30</sup> it is not a perpetual license to go out together! I strongly recommend that such a meeting should take place with the supervision of the parent or the guardian.

### **(C) Can a boy and a girl who are engaged meet each other or go out together?**

In Islam, there is no ceremony known as engagement. According to the *shari'ah*, engagement is a revocable agreement between two persons to marry each other, nothing more; it does not make the two persons *mahram* to each other. They still have to observe the rules of *hijab*. But if two persons who are engaged wish to meet each other, then the only way to legalize that Islamically is by performing *mut'a* marriage between the *fiance* and the *fiancee*.

They can even put a condition in the *mut'a* that there will be no sexual relations. This way, they will be able to meet each other without any objection from the *shari'ah*. This method can be adopted by those

also who wish to go through the engagement ceremony in which the *fiance* puts a ring on the *fiancee's* finger.

However, as mentioned earlier, a girl who has not married before will need her father's or grandfather's approval even in such a *mut'a* marriage.

### 3. The 'Aqd

In the Islamic *shari'ah*, marriage is an *'aqd*, a contract.

As a contract, it depends on *ijab* (proposal from the bride) and *qubul* (acceptance from the groom). The contract can be verbally made by the parties themselves or by their representatives. The language of this contract must be Arabic.

Although just one sentence for proposal (like *ankahtuka nafsi* = I have given myself to you in marriage) and one word for acceptance (like *qabiltu* = I have accepted) is enough but it is the norm to solemnize the marriage by using all forms of legal terms for this purpose; for example, *ankhatu*, *zawwajtu* together with the mentioning of *mahr*; *sidaq*, etc.

It is also recommended to begin with a sermon (*khutba*) praising Allah, *subhanahu wa ta ala*, asking for His blessings on Prophet Muhammad and his progeny, and also reciting a Qur'anic verse and a couple of *ahadith* on virtue of marriage.

One of the necessary conditions of an Islamic marriage contract is *mahr*. *Mahr* is usually translated as dowry, and it means the marriage gift which the groom agrees to give to the bride. It is actually the right of the bride and it is for her to specify or fix the *mahr*; and for the groom to either accept it or negotiate with his prospective bride.

The *mahr* can consist of a material item or a benefit (like training for something); it can be paid up front or can be in form of promise to pay upon demands decided prior to the solemnization of marriage.

### 4. The Time of Marriage

#### (A) When to marry?

Are there any special days in the Islamic calendar when marriage is encouraged or discouraged? Basically marriage is allowed at all times. However, there are some days on which marriage is not recommended; some of these are based on *ahadith* and some on cultural, historical reasons.

Generally, we can categorize these days into three:

(a) There are some *ahadith* which say that it is *makruh* (not recommended) to have a marriage ceremony on the days when the moon is in the constellation of the Scorpio (this is known as *al-qamar fil*

*aqrab* or *qamar dar aqrab*), during the last two or three days of the lunar months, and on Wednesdays.

(b) There are some *ahadith* which say that certain days of each month are ill omen days (*nahas*); these days are the 3rd, 5th, 13th, 16th, 21st, 24th and 25th of lunar months.

However, the *ahadith* for both the above categories would not stand the scrutiny of the scholars of *hadith*. Our *mujtahids* do not normally apply their full expertise in matters not related to obligatory or prohibitive commands. They relax the criteria for acceptability of *ahadith* in matters related to *sunnat* and *makruh* acts.

This is not done out of negligence or lack of interest, it is done on the basis of a widely accepted rule in *usulu'l-fiqh* (the Principles of Jurisprudence) known as *qa'idatu't-tasamuh*, that is, the rule of leniency (in ascertaining the acceptability of *hadith*).<sup>31</sup>

This has been mentioned very clearly by Ayatullah al-Khu'i in his manual of *fatwas*. He says, "Most of the *mustahab* acts mentioned in the chapters of this book are based on the *qa'idatu't-tasamuh* in sources of the *sunnat* acts.

Therefore, whatever has not been proved as *sunnat* in our view should be done with intention of *raja'il matlubiyah*. The same applies to the *makruh* acts; these should be abstained from with the intention of *raja'il matlubiyah*.<sup>32</sup>

As far as the two categories for marriage days are concerned, it will suffice to quote Ayatullah Gulpaygani, one of the leading *mujtahids* of our time who says: "One may follow these *mustahab* and *makruh* acts with the intention of *raja'il matlubiyah*, because there is no clear evidence for some of these things."<sup>33</sup>

(c) There are certain days of the Islamic calendar which have become associated with the early events of the Islamic history; for example, the 10th of Muharram is the day of mourning for the massacre at Karbala or the day of the Prophet's death in Safar, etc. Since such days are commemorated by the Muslims as days of mourning, it is socially and, to some extent, religiously not recommended to have a marriage ceremony on such days.

### **(B) The Wedding Night:**

I must explain why I have written wedding 'night' and not 'day'. The *hadith* says, "Take the bride to her new home during the night."<sup>34</sup> Based on this saying, it is recommended that the wedding should take place at night. After all, Allah has made the night

***"so that you may rest in it." (10: 67)***

After the bride has entered the room, the groom is recommended to take off the bride's shoes, wash her feet (in a washbowl) and then sprinkle the water around the room.

Then the groom should do wuzu and pray two rak'at sunnat prayer and then recite the following *du'a*:

Allahummar zuqni ulfataha wa wuddaha wa rizaha bi; war zini biha, waj ma' baynana bi ahsani ijtimal'in wa anfasi i'tilafin; fa innaka tuhibbul halal wa tukrihul haram.

O Allah! Bless me with her affection, love and her acceptance of me; and make me pleased with her, and bring us together in the best form of a union and in absolute harmony; surely You like lawful things and dislike unlawful things.

Then he should ask the bride to do wuzu and pray two rak'at sunnat prayer.

When they are ready to go to bed, the groom should put his hand on the bride's forehead and pray the following *du'a* while facing the *qiblah*. (So don't forget your *qiblah* compass!)

Allahumma bi amanatika akhaztuha wa bi kalimatika s-tahlaltuha. Fa in qazayta li minha waladan, faj-'alhu mubarakan taqiyyan min Shi'ati Al-i Muhammad (sal-lal-lahu alayhi wa alihi wa sallam) wa la taj-'al lish Shaytani fihi shirkan wa la nasiba.

O Allah! I have taken her as Your trust and have made her lawful for myself by Your words. Therefore, if you have decreed for me a child from her, then make him/her blessed and pious from among the followers of the Family of Muhammad [peace be upon him and them]; and do not let the Satan have any part in him/her.<sup>35</sup>

Is it necessary to have sexual intercourse on the very first night after the wedding or can it be delayed? As far as the *shari'ah* is concerned, it is neither obligatory nor forbidden to have sex on the first night. It is a private decision between the newly wed couple; it has nothing to do with others. However, I must say that the groom should take the feelings of his bride into consideration; after all, she is new to him and to the surroundings.

## 5. Days & Times for Sex

### (A) Is sex forbidden at any time in marriage?

Yes, by considering the discomfort for the women during the monthly periods, Islam has forbidden both the husband and the wife from engaging in sexual intercourse during menstruation.

The Qur'an says:

***They ask you about menstruation. Say: "Menstruation is a discomfort (for women). Do not establish sexual relations with them during the menses and do not approach them (sexually) until the blood stops. Then when they have cleansed themselves, you go into them as Allah has commanded you." (2:222)***

According to the *shari'ah*, the duration of the monthly period is between three to ten days. If the bleeding was for less than three days, it is not menstruation; if it is for more than ten days, then it is menstruation for ten days and then it is counted as *istihazah*, irregular bleeding during which sex is permitted.<sup>36</sup>

The prohibition of sex during the periods is limited strictly to sexual intercourse; other intimate contact (with the exception of the vagina and anus) is allowed. However, it is better not to play with her body between the navel and the knees.

If a person who is engaged in sexual intercourse with his wife discovers that her period has begun, then he should immediately withdraw from her.

It is clear from the verse mentioned above (*until the blood stops*) that once the blood has stopped, intercourse becomes lawful even if the woman has not performed the major ritual ablution (*ghusl*). But on the basis of the subsequent sentence (*then when they have cleansed themselves...*), most mujtahids say that it is better to refrain from intercourse till she performs the *ghusl* or, at least, washes her private parts.<sup>37</sup>

Sexual intercourse is also not allowed during the post-natal bleeding (10 days), during daytime in the month of Ramadhan, and when a person is in *ihram* during the pilgrimage to Mecca. At all other times, sexual intercourse is allowed.

### **(B) Is it discouraged (makruh) to have sex at any time or on any day?**

There are certain *ahadith* which say that sexual intercourse during some days and at some times is *makruh*, but not *haram*.

These days and times are as follows:

- i. during frightful natural occurrences, e.g., eclipse, hurricane, earthquake;
- ii . from sunset till maghrib;
- ii. from dawn till sunrise;
- iii. the last three nights of lunar months;
- iv. eve of the 15th of every lunar month;
- v. eve of 10th Zil-hijjah;
- vii. after becoming junub.

Some of these are self-explanatory: I don't think any one would be in the mood for sexual intercourse during a hurricane or earthquake. The second and third examples are of the prayer times; obviously, a

Muslim is expected to spend that time in meditation and prayer. One must remember, firstly, that it is *makruh*, not *haram*, to have sexual intercourse at these times.

Secondly, the *ahadith* for such issues have been accepted on basis of the *qa'idatu 't-tasamuh* mentioned earlier. Thirdly, the reasons given for this *karahat* are mostly about possible deformity of a child conceived at that time. By looking at these reasons, I am inclined to restrict this *karahat* only in cases of couples who plan to have children, and not extend it to those who practice birth control.

I would therefore advise the readers to be considerate to your spouse and not to put him or her in unnecessary tension; If your spouse is very sensitive about these *makruh* days then try to accommodate your likes and dislikes accordingly. Mutual understanding is the key.

### **(C) Are there days and times when sexual intercourse is recommended?**

Yes we have certain *ahadith* which say that it is better to have sexual intercourse at these times:

- i. Sunday night;
- ii. Monday night;
- iii. Wednesday night;
- iv. Thursday noon;
- v. Thursday night;
- vi. Friday evening;
- vii. whenever the wife wants to have sex.

Thursday and Friday are weekends in the Islamic calendar!

### **(D) Are there times when it is obligatory (wajib) to have sexual intercourse?**

Yes! It is *wajib* on man to have sex with his wife at least once in every four months; this is considered as one of the conjugal rights of the wife. This obligation stays in force unless there is a valid excuse or the wife waives her right.

## **6. Sexual Techniques**

Before I start writing anything about sexual techniques, it is necessary to say that no rules and laws exist either in foreplay or in intercourse. The only laws and rules are the ones reached by the lovers by mutual and often unspoken understanding.

Whatever is pleasing and satisfying to both the husband and the wife is right and proper; and whatever

is mutually displeasing is wrong. The only imitation to this general rule would be any *shari'ah* rule which goes against the wishes of the husband or the wife.

### (A) Foreplay

Man often forgets that woman also has been created with the same desires as himself. Asbagh bin Nubatah quotes Imam 'Ali that, "Almighty God created sexual desires in ten parts; then He gave nine parts to women and one to men." But then Allah also gave them "equal parts of shyness."<sup>38</sup> Many times this shyness makes the man ignore the desires of his wife.

Based on this reality, Islam emphasizes on foreplay. Imam 'Ali says, "When you intend to have sex with your wife, do not rush because the woman (also) has needs (which should be fulfilled)."<sup>39</sup>

Sex without foreplay has been equated to cruelty. The Prophet said, "Three people are cruel: . . .a person who has sex with his wife before foreplay."<sup>40</sup>

Another *hadith* equates sex without foreplay to animal behavior: "When anyone of you has sex with his wife, then he should not go to them like birds; instead he should be slow and delaying."<sup>41</sup>

The Prophet said, "No one among you should have sex with his wife like animals; rather there should be a messenger between them." When asked about the messenger, he said, "It means kissing and talking."<sup>42</sup>

Imam Ja'far as-Sadiq has been quoted as follows, "...there should be mutual foreplay between them because it is better for sex."<sup>43</sup> The Prophet said, "...every play of a believer is void except in three cases: horse-riding, archery and mutual foreplay with his wife these are haqq."<sup>44</sup>

As for the role of a woman in sexual foreplay, the Imams have praised a wife who discards shyness when she is with her husband. A *hadith* was quoted earlier from Imam 'Ali which said that women have been given nine-tenths of the sexual desire but Allah has also given them nine-tenths of shyness.<sup>45</sup> I had promised in Chapter Two to explain the rationale behind this *hadith*. There might seem to be a contradiction in this act of God, but it is not so.

Both the sexual desire and the shyness have been placed for very specific purpose. The sexual desire is to be unleashed, yes unleashed, when a woman is with her husband, but it must be shielded with shyness when she is with other people.

This has been very eloquently explained by Imam Muhammad al-Baqir when he said, "The best woman among you is the one who discards the armor of shyness when she undresses for her husband, and puts on the armor of shyness when she dresses up again."<sup>46</sup> After all, modesty and chastity in public is the hallmark of a Muslim lady.

These sayings clearly show that the husband and the wife should feel completely free when they are

engaged in mutual stimulation which is known as foreplay. There is nothing wrong, according to Islam, for a woman to be active and responsive during sex.

This is diametrically opposed to the sexual morality of the Christian Western world before the sexual revolution. Russell says, "Western women of a generation or two ago can recall being warned by their mothers that sexual intercourse was an unpleasant duty which they owed to their husbands, and that they were 'to lie still and think of England'.<sup>47</sup> What else but a sexual revolt could such a morality breed?

As for the Islamic *shari'ah*, all the mujtahids are unanimous in saying that the act of sexual foreplay in itself is *mustahab* (recommended). Likewise, it is recommended not to rush into sexual intercourse.<sup>48</sup> The operative word is mutual pleasure and satisfaction.

### **(B) Techniques of Foreplay**

As far as the methods of mutual stimulation in foreplay are concerned, the *shari'ah* allows the husband and the wife to see, kiss, touch, smell and stimulate any part of each other's body. Therefore, oral sex, as it is known in this part of the world is allowed. Imam Musa al-Kazim was once asked, "Can a person kiss his wife's vagina?" The Imam said, "No problem."<sup>49</sup> The only restriction is that no foreign object should be used. And this restriction is quite understandable: nothing can really substitute the things Allah has created in our bodies!

The restriction I am placing on the use of foreign objects is based on the following *hadith*. 'Ubaydullah bin Zurarah says that he had an old neighbor who owned a young slave-girl. Because of his old age, he could not fully satisfy the young slave-girl during sexual intercourse. She would therefore ask him to place his fingers in her vagina as she liked it.

The old man complied with her wishes even though he did not like this idea. So he requested 'Ubaydullah to ask Imam 'Ali ar-Riza (a. s.) about it. When 'Ubaydullah asked the Imam about it, the Imam said, "There is no problem as long as he uses any part of his own body upon her, but he should not use any thing other than his body on her."<sup>50</sup>

In an earlier discussion, we said that masturbation (i.e., self-stimulation of one's own sexual organ till emission of semen or orgasm) is not allowed. However, in the case of married persons, there is no problem if the wife stimulates her husband's penis till the emission of semen or the husband stimulates his wife's vagina till orgasm.<sup>51</sup> This is allowed because it does not come under "self-stimulation;" it is stimulation by a lawful partner. The Qur'an clearly says that,

***"The believers are.. . those who protect their sexual organs except from their spouses." (23: 5-6)***

And stimulation of sexual organs by a lawful partner surely comes under the definition of protecting one's organ s "except from their spouses."

### (C) Sexual Intercourse

Is there any particular position for sexual intercourse which is forbidden in Islam? No! As far as the basic coital positions are concerned, there are no restrictions. I am using the term 'basic coital positions' for the positions known as the man above, face to face, woman above face to face; side position, face to face; rear-entry position in which the husband penetrates the vagina from the rear. Actually, the *shari'ah* has left it on the husband and the wife to explore and experiment as they wish.

In the early Islamic period, an event took place which clarified this issue for all. The people of Medina, influenced by the Jews, used man-above face to face position during sexual intercourse; whereas the Meccans liked to experiment various positions.

After the migration of Muslims to Medina, a Meccan married a Medinan woman and wanted to have sex with her in his own way. The woman refused and said that he can have sex with her only in one position. The case was reported to the Prophet; so Allah revealed the verse saying,

***"Your women are a tilth for you, so go in to your tilth as you like." (2:223)***

That is, in any position.[52](#)

However, it is *makruh* to adopt a standing position, or to face the qiblah or keep it on the backside during the intercourse. It is advisable to refrain from the acrobatic positions given by some sexologists of the East and the West which might even cause physical harm. Remember, the basic rule is mutual pleasure and flexibility. If one partner does not like a particular position, then the other should yield to his or her feelings.

### (D) Anal Intercourse:

The opinions of our mujtahids vary on the permissibility of anal intercourse. Before mentioning the preferred and correct view, I would like to explain why the mujtahids have differed in their opinions.

This variance in *fatwas* is because of the difference in the *ahadith* we have on this issue. There is a *hadith*, for example, from Imam Ja'far as-Sadiq quoting the Prophet that "The anus of women is *haram* for my community."[53](#) Now this *hadith* categorically forbids anal intercourse. But, according to 'Allamah al-Hilli and ash-Shahid ath-Thani, the chain of narrators of this *hadith* is not completely flawless.[54](#)

When faced with such conflicting *ahadith*, most mujtahids have tried to bring them together by taking the apparently more authentic *hadith* (which approves anal intercourse) as a qualifier for the *ahadith* which totally forbid such sex. And in conclusion, they say that the prohibition in such *ahadith* is not on the level of *haram*, instead it is on the level of *makruh*.[55](#)

This conclusion of theirs is supported by a third category of *ahadith* on this subject in which the Imams have clearly and strongly discouraged their followers from anal intercourse. An example can be found in

the question asked by Safwan al-Jammal to Imam 'Ali ar-Riza (a.s.) in which the latter clearly expressed his personal dislike for such act.[56](#)

Therefore the majority of the Shi'ah mujtahids have derived two conclusions:

(1) that anal intercourse is not *haram* but strongly disliked (*karahatan shadidah*) provided the wife agrees to it.

(2) and if she does not agree to it, then all mujtahids say that it is precautionarily wajib to refrain from it.[57](#)

With all due respect to the great mujtahids who hold the above opinion, I would like to present the preferred opinion. It is true that we have conflicting *ahadith* from our Imams on anal intercourse, but the *ahadith* which approve anal intercourse are not suitable for deriving an opinion. Why? Because, in the case of conflicting *ahadith*, the mujtahid has to contrast them with the Sunni view prevalent at the time when the *ahadith* were issued by the Imams.

And, then, those which agree with the Sunni view are to be considered as statements issued under *taqiyyah* and, therefore, not suitable for use in *ijtihad*.[58](#)

Using this method of solving the conflicting *ahadith* gives strength to the prohibitive *ahadith* and brings us to the preferred view that anal intercourse is not allowed.[59](#) Probably, it was such a consideration which caused the late Ayatullah al-Khu'i to change his view on this issue.

During the last decade of his life, Ayatullah al-Khu'i departed from the majority view and gave the ruling that it was precautionarily wajib to abstain from anal intercourse no matter whether the wife agrees to it or not.[60](#)

I would strongly advise against anal intercourse, and would like to end this section with the saying of Imam Ja'far as-Sadiq and Imam 'Ali ar-Riza about anal intercourse: "Woman is a means of your pleasure, therefore do not harm her."[61](#)

### **(E) Decency & Privacy**

There was a time when people need not be reminded of some of the basic moral and ethical values, but now we are living in an era where moral values are changing like worn-out car tires!

One such issue is decency of dress at home and privacy at the time of sexual intercourse or intimate contact between husband and wife. There are some people in the West (of course, a minority) who think that it is okay, nay healthy, to stay naked in presence of their children! On a collective basis, they also organize nude camps. Why?

So that the children will not think negatively about their own sexuality. Such parents also feel that there

is nothing wrong in sexual intercourse in the presence of their children. This behavior is an example of the extreme reaction to the rigid Christian morality. To protect their children from associating sex with evil, some of these parents go to the extent of completely opening up to their children!

Such behavior is not only condemned by those who still abide by religious moral systems, it is equally condemned by those who are familiar with child psychology. A sexual manual read by millions of Westerners says, "Never involve children in adult sexual activities: militant and exhibitionist liberals who try to acclimatize children to the naturalness of sex by letting them in any level of their own sex lives probably do at least as much harm as was ever done by the prohibitive sex-is-dirty generation."

We have quite a few *ahadith* in which the Prophet and the Imams have emphasized that when you engage in sexual intercourse, make sure that no child (or, for that matter, any other person) sees you or hears you. Abu Basir quotes Imam Ja'far as-Sadiq as follows, "Be careful not to have sex with your wife while a child can see you. The Prophet used to dislike this (attitude) very strongly."<sup>62</sup> If a child sees and hears the parents engaged in sexual intercourse, he might go through a shocking psychological experience. It might also create a problem in his own adult life.

The manual quoted earlier says, "Most young children are biologically programmed to interpret the sight or sound of adult coition as evidence of a violent assault (they are aware of it earlier than you would expect, so don't keep babies in the bedroom), and the awareness of mother-father sexual relations is on all counts far too explosive a matter to be monkeyed with in the interest of Reichian experiments."

Islam has laid down clear guide-lines about the privacy of adults. Referring to the children who have not yet reached the age of puberty (*bulugh*), the Qur'an says:

***O you who believe! ... Those of you who have not yet reached puberty should ask you for permission (before entering your bedroom during) three times: before the dawn prayer, when you put off your garments at midday (for siesta), and after the night prayer these are three times of privacy for you. Besides (these three times), there is no blame on you or them if you go to one another (without announcing yourselves). Thus God makes clear to you the signs, and God is All-Knowing, Wise. (24:58)***

Then referring to the children who have reached the age of puberty, the Qur'an says:

***When your children reach puberty, they should ask your permission (at all times before entering your bedrooms) just as those who were before them had asked permission. Thus God makes clear to you the signs, and God is All-Knowing, Wise. (24:59)***

These two verses give us the following rules about privacy within and without the family circles:

1. There are three times in a day night, early morning and afternoon which are considered as times of privacy.

2. The minor children should be taught that during times of privacy they are not allowed to enter the bedroom of their parents or adults without first asking their permission. Obviously, by minor we do not mean infants; we mean the children who can understand what is right and what is wrong. I would put that at age five and above. The parents will have to ingrain this teaching to their minor children gradually.
3. At other times, the children are free to come and go into the bedroom of their parents without asking for their permission. In retrospect, this means that the parents should be decently dressed at those other times.
4. As for the mature children and adults, the Qur'an is clear that they may enter the bedroom of their parents or other adults at all times only after asking their permission.

- [1.](#) Newsweek, Special Edition Spring 1990, p. 55.
- [2.](#) Newsweek, p. 55.
- [3.](#) Newsweek, p. 55.
- [4.](#) Newsweek, p. 57.
- [5.](#) The Vancouver Sun, Dec. 5, 1989.
- [6.](#) See the chapter on "hudud" in Sharaya' and Sharh Lum'a also al-Khul'i, Takmilah, p. 37-8.
- [7.](#) Wasa'il, vol. 18, p. 575.
- [8.](#) Wasa'il, vol. 14, p. 267; vol. 18, pp. 574-5.
- [9.](#) Wasa'il, vol. 14, p. 267; vol. 18, pp. 574-5.
- [10.](#) The Twilight of the Primitive, p. 16-7 as quoted in Sex and Destiny, p. 88.
- [11.](#) Rizvi, S.S.A., Your Questions Answered, vol. 3, p. 40-1.
- [12.](#) The Hite Report on Male Sexuality, p. 489.
- [13.](#) The Hite Report on Male Sexuality, p. 489.
- [14.](#) The Mastery of Sex, p. 103.
- [15.](#) See the chapter on "hudud" in Sharaya and Sharh Lum'a also al-Khul'i, Takmilah, p. 42-44.
- [16.](#) See the statement of The Very Rev. Duncan Abraham. Dean of St. James Cathedral in Toronto. The Toronto Sun, Nov. 24, 1993.
- [17.](#) The Globe & Mail (Toronto) Nov. 12, 1987.
- [18.](#) Wasa'il, vol. 14, p. 178
- [19.](#) Wasa'il, vol. 14, p. 178
- [20.](#) Murata, Temporary Marriage in Islamic Laws (Qum: Ansariyan, 1991) p. 4.
- [21.](#) Tehran: WOFIS, 1981
- [22.](#) Qum: Ansariyan
- [23.](#) English translation, pp. 130-161.
- [24.](#) Al-Khui, Minhaj, vol. 2, p. 267.
- [25.](#) Wasa'il, vol. 14, p. 449.
- [26.](#) Wasa'il, vol. 14, p. 449-450.
- [27.](#) See the Qur'an, ch. 4, verse 23-24
- [28.](#) Muhaqqiq al-Hilli, Sharaya', p. 500; Shahid ath-Thani, Sharh Lum'ah, vol. 2. p. 71.
- [29.](#) Al-Yazdi. al-'Urwah, p. 654; al-Khui, Minhaj, vol. 2. p 255; al-Khumayni. Tahrir, vol. 2. p. 254; for details, see ash-Shahid ath-Thani, Masalik, vol. 1, p 449-452.
- [30.](#) Muhaqqiq al-Hilli, Sharaya', p. 493; Shahid ath-Thani, Sharh Lum'ah, vol. 2, p. 67; al-Yazdi, al-'Urwah, p. 625; al-Khui, Minhaj, vol. 2, p. 253; al-Khumayni, Tahrir, vol. 2, p. 254; 'Allamah al-Hilli, Tazkirah, vol. 2, p. 572; Shaykh at-Tusi, an-Nihayah, p. 484.

- [31.](#) For more information on qa'idatu't-tasamuh, the specialist readers may refer to as-Sadr, Durus fi 'Ilmi 'l-'Usul, vol. 2 p 204 and vol. 3 (part 1) p 258 and an-Naraqî's 'Awa'idu 'l-'Ayyam, pp. 269–271.
- [32.](#) Minhaj, vol. 1, p. 14. Raja'i 'l-matlubiyyah means doing something not because it is sunnat but with the intention that it might be expected of us to do so.
- [33.](#) See his annotations on al-'Urwatu 'l-Wuthqa, p. 623.
- [34.](#) Wasa'il, vol. 14, p. 62.
- [35.](#) Al-'Urwah. p. 624.
- [36.](#) For further details, see my Ritual Ablutions for Women.
- [37.](#) Wasa'il, vol. 1, p. 576.
- [38.](#) Wasa'il, vol. 14, p. 40.
- [39.](#) Wasa'il, vol. 14, p. 40.
- [40.](#) Wasa'il, vol. 14, p. 40.
- [41.](#) Wasa'il, vol. 14, p. 82.
- [42.](#) Tahzibu'l-Ihya, vol. 3, p. 110.
- [43.](#) Wasa'il, vol. 14, p. 82.
- [44.](#) Wasa'il, vol. 14, p. 83.
- [45.](#) See p. 32.
- [46.](#) Wasa'il, vol. 14, p. 14–15.
- [47.](#) As quoted in Sex and Destiny, p. 94.
- [48.](#) Al-'Urwah, p. 625.
- [49.](#) Wasa'il, vol. 14, p. 77; for similar views of present mujtahids see al-'Urwah, p. 625.
- [50.](#) Wasa'il, vol. 14, p. 77.
- [51.](#) This issue has also been clearly mentioned by the late Ayatullah al-Khu'i in answer to some questions sent by an 'alim from London
- [52.](#) At-Tabataba'i, al-Mizan, vol. 3 (English translation) p. 319.
- [53.](#) Wasa'il, vol. 14, p. 104.
- [54.](#) See Hilli's Tazkiratu'l-Fuqaha, vol. 2, p. 576–7; Shahid's Masalik, vol. 2, p. 303) On the other hand for example, we have a hadith from 'Abdullah bin Abi Ya'fur whose chain of narrators is authentic in which Imam Ja'far as-Sadiq was questioned about a man who had had intercourse in the anus of his wife. The Imam said, "There is no problem in it if she agrees." (Wasa'il 'sh-Shi'ah, vol. 14, p. 103).
- [55.](#) See ash-Shahid ath-Thani, Sharh Lum'ah, vol. 2, p. 68 and Masalik, vol. 1, p. 438–9.
- [56.](#) Wasa'ilu 'sh-Shi'ah, vol. 14, p. 102–103
- [57.](#) See the fatawa of all contemporary mujtahids in their annotations to al-'Urwatu'l-Wuthqa, p. 628.
- [58.](#) For this methodology, the specialist reader may refer to Shaykh Murtaza al-Ansari, Rasa'il, p. 464–468.
- [59.](#) For further details on this view, the specialist reader may refer to the late Ayatullah Syed Rahat Husayn al-Golalpurî, al-Intisar fi hurmati'l-adbar, Lucknow, al-Wa'iz Safdar Press, 1354 AH. To know the views of some prominent Sunnis of the Early Islamic period who approved anal intercourse, the English readers can refer to at-Tabataba'i, al-Mizan vol. 3 (English translation) pp. 320–321.
- [60.](#) See al-Khu'i, Minhaju 's-Salihiyy, vol. 1 (Beirut: 22nd edition) p. 64.
- [61.](#) Wasa'il, vol. 14, p. 101–102.
- [62.](#) Wasa'il, vol. 14, p. 94–95

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