

## Section One: The Rights and Duties of Women in Islam

### The Standing of Women in Islam

According to Islam, women and men alike possess the lofty status of humanity because they are both equally human. The Quran identifies humans as “viceroys of God” [*khalifat ullah*] and reveres them greatly:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

***“And We have surely honored the children of Adam. We have presented them with transport on land and sea, provided them good and pure sustenance, and We have greatly exalted them over many of Our creations.”<sup>1</sup>***

Additionally, it states that Adam (‘a) had such high rank that the angels bowed to him:

فَإِذَا سَوَّيْتُهُ وَنَفَخْتُ فِيهِ مِنْ رُوحِي فَقَعُوا لَهُ سَاجِدِينَ

***“So when I shape him and breathe into him of My spirit, fall down, prostrating yourselves unto him.”<sup>2</sup>***

All this is due to our humanity. Regarding Adam (‘a), the Holy Quran declares:

وَعَلَّمَ آدَمَ الْأَسْمَاءَ كُلَّهَا ثُمَّ عَرَضَهُمْ عَلَى الْمَلَائِكَةِ فَقَالَ أَنْبِئُونِي بِأَسْمَاءِ هَؤُلَاءِ إِنْ كُنْتُمْ صَادِقِينَ \* قَالُوا سُبْحَانَكَ لَا عِلْمَ

لَنَا إِلَّا مَا عَلَّمْتَنَا إِنَّكَ أَنْتَ الْعَلِيمُ الْحَكِيمُ\* قَالَ يَا آدَمُ أَنْبِئْهُمْ بِأَسْمَائِهِمْ فَلَمَّا أَنْبَأَهُمْ بِأَسْمَائِهِمْ قَالَ أَلَمْ أَقُلْ لَكُمْ إِنِّي أَعْلَمُ  
غَيْبَ السَّمَاوَاتِ وَالْأَرْضِ وَأَعْلَمُ مَا تُبْدُونَ وَمَا كُنْتُمْ تَكْتُمُونَ

***“And He taught Adam all the Names; then He presented them upon the angels and said: ‘Explain to Me these names, if thou speak truly.’ They said: ‘Glory be unto Thee! We have no knowledge save what Thou hast taught us. Surely Thou art the All-knowing, the All-wise.’ He said: ‘O Adam! Explain unto them their names.’ When he notified them of their names, God said, ‘Did I not tell you that I know the invisible things of the heavens and earth and that I know what you reveal and what you hide?’”<sup>3</sup>***

The fact that noble Adam (‘a) was able to understand the Names and explain them was due to his unique genesis as a human and men and women are equal in this genesis. In general, all extolments in the Quran and Hadith regarding humans encompass both women and men. There is no verse in the Quran that reproaches women for being women.

Therefore, according to Islam and the Quran, men and women are equally human, they are no different in worth, and they possess common responsibilities in managing the society, some of which are enumerated below:

## **Common Responsibilities of Men and Women**

I. Men and women are both equally responsible for reproduction and continuance of the human race.

The Holy Quran states:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ  
خَبِيرٌ

***“O Humans! Surely, I have created you as males and females and have made you into [diverse] races and tribes that you may know one another. Verily, the most noble among you before Allah is the most pious of you. Truly, Allah is All-knowing, All-aware.”<sup>4</sup>***

It also declares:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا  
اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

***“O humans! Fear your Lord who created you from a single soul and from it created its mate and from the pair of them has disseminated many men and women. So be pious toward Allah, in***

***whose name you ask for assistance, and do not cut off from your relatives. Surely, Allah watches over you.***”[5](#)

In these verses, women and men are identified as two chief pillars of the society. Additionally, piety is regarded as the criterion for the superiority of men and women.

II. The Quran identifies faith in God, edification [*tahdhib*] and purification of the soul of all evils [*tazkiyah*], piety, and performing good deeds as the only path to human salvation. In this context, it does not differentiate between women and men. In fact, it regards both equally worthy of spiritual advancement, perfection, and proximity to God [*qurb ila allah*].

God, the Sublime, has stated in the Quran:

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أَنْتَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً وَ لَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

***“Whosoever performs a good deed, whether man or woman, while having faith in Allah, We shall assuredly restore them with a good and pure life and We shall recompense them with rewards according to the best of what they have done.”***[6](#)

Allah also declares:

فَاسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّمَّنْ ذَكَرٍ أَوْ أَنْتَىٰ بَعْضُكُمْ مِّنْ بَعْضٍ

***“Therefore their Lord granted their prayers. Verily, I shall not suffer the work of any agent among you to be lost, whether man or woman; you are all members of the same race.”***[7](#)

The Quran praises righteous and worthy women and men similarly and thus states:

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا

***“Verily, for Muslim men and women, for faithful men and women, for obedient men and women, for truthful men and women, for patient men and women, for humble men and women, for almsgiving men and women, for fasting men and women, for men and women who guard their private parts, and for men and women who remember God much, Allah has prepared forgiveness and a mighty reward.”***[8](#)

The Quran has indicated worthy women in history just as it has mentioned such men and has

commended them greatly. For example, regarding Saint Maryam (Mary) (‘a), the Quran states:

فَتَقَبَّلَهَا رَبُّهَا بِقَبُولٍ حَسَنٍ وَأَنْبَتَهَا نَبَاتًا حَسَنًا وَكَفَّلَهَا زَكَرِيَّا كُلَّمَا دَخَلَ عَلَيْهَا زَكَرِيَّا الْمِحْرَابَ وَجَدَ عِنْدَهَا رِزْقًا قَالَ يَا مَرْيَمُ أَنَّى لَكَ هَذَا قَالَتْ هُوَ مِنْ عِنْدِ اللَّهِ إِنَّ اللَّهَ يَرْزُقُ مَنْ يَشَاءُ بِغَيْرِ حِسَابٍ

**“So her Lord accepted her with gracious favor and nurtured her well and appointed Zachariah to foster her. Whenever Zachariah came to her in her sanctuary, he would see that she had (special) food. He said, ‘O Maryam! From where does this come to you?’ She answered, ‘This is from Allah. Verily, Allah provides sustenance to whomever He wills without reckoning.”**<sup>9</sup>

Furthermore, it proclaims:

وَإِذْ قَالَتِ الْمَلَائِكَةُ يَا مَرْيَمُ إِنَّ اللَّهَ اصْطَفَاكِ وَطَهَّرَكِ وَاصْطَفَاكِ عَلَى نِسَاءِ الْعَالَمِينَ

**“And (remember) when the angels said, ‘O Maryam! Allah has chosen you and made you pure and has preferred you above all women in creation.”**<sup>10</sup>

Regarding Asiyah (‘a), Pharaoh’s wife, God the Most High has stated:

وَضَرَبَ اللَّهُ مَثَلًا لِلَّذِينَ آمَنُوا امْرَأَةً فِرْعَوْنَ إِذْ قَالَتْ رَبِّ ابْنِ لِي عِنْدَكَ بَيْتًا فِي الْجَنَّةِ وَنَجِّنِي مِنَ فِرْعَوْنَ وَعَمَلِهِ وَنَجِّنِي مِنَ الْقَوْمِ الظَّالِمِينَ

**“And Allah cites Pharaoh’s wife as an example for the believers when she said, ‘O Lord! Build for me, close to Yourself, a home in Paradise and deliver me from Pharaoh and his works and deliver me from evil doing peoples.”**<sup>11</sup>

Virtuous Fatimah (‘a), the honorable daughter of the Prophet (S), is also one of these superior women. The Verse of Purification [ayah tathir] is about Fatimah (‘a), her husband, father, and children. The exalted Lord declares:

إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا

**“Surely, Allah only wishes to remove from you, People of the House, all uncleanness and purify you thoroughly.”**<sup>12</sup>

Regarding these lofty women, the Messenger of Allah (S) stated:

قال النبي (ع): سيّدات أهل الجنة أربع: مريم بنت عمران، وفاطمة بنت محمد، وخديجة بنت خويلد، وآسية بنت

مزاحم امرأة فرعون.

*“The great women of paradise are four: Maryam daughter of ‘Imran, Fatimah daughter of Muhammad, Khadijah daughter of Khuwaylid, and Asiyah daughter of Muzahim, wife of Pharaoh.”*<sup>13</sup>

As you can see, the Quran does not regard being a woman an impediment to advancement, elevation, and attaining human perfections [*fadhayil-e insani*]; rather, it regards women to be as worthy as men in attaining perfections.

Of course, some women have been reproached in the Quran, such as Prophet Noah’s (‘a) wife, Prophet Lot’s (‘a) wife, and the wife of the idolater, Abu Lahab.<sup>14</sup> In a similar manner, various men have also been reproached due to their contemptible works, such as Pharaoh, Nimrod, and Abu Lahab.

III. Islam regards women and men as two pillars of the society that have a common role in the emergence, formation, and management of the society and have an equal share in all its aspects. Men and women are both part of the community and they uniformly benefit from the virtues of a righteous society and suffer from the destructive effects of its corruption. Consequently, the responsibility of correct management and reformation of the society is charged to both women and men. God most high states in the Quran:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ  
الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

***“And male and female believers are protecting friends of each other; they enjoin righteousness and forbid evil, they perform salat<sup>15</sup> and pay their alms-tax, they obey Allah and His Messenger. Upon these, Allah shall have mercy. Truly, Allah is Almighty, All-wise.”***<sup>16</sup>

It is true that presence in jihad and fighting against enemies is not obligatory [*wajib*] for women. However, they have not been relieved of any other social responsibilities: enjoining virtues [*amr be ma’ruf*] and forbidding evils [*nahi az munkar*]; protecting the religion and its sanctities; propagating Islam; struggling against violation and infringement; defending the rights of the deprived and oppressed; cooperating in good works; aiding the destitute and afflicted; nursing the sick, elderly, and invalids; campaigning against ethical and social corruption; proper fostering and nurturing of the young; augmenting knowledge in the society; fortifying the just government of Islam; upholding Islamic values; contributing to the financial well-being of the family and country; and many other common responsibilities have been given to men and women alike.

IV. Other common duties of women and men are acquisition of knowledge and decipherment of the secrets of the cosmos, and their utilization for increasing welfare. Men and women are both human and thereby responsible and capable in this regard.

Islam greatly emphasizes pursuing knowledge and even identifies it as an obligation. Thus, Imam Sadiq ('a) has quoted from the Messenger of Allah (S) that:

عن أبي عبدالله (ع) قال: قال رسول الله (ص): «طلب العلم فريضة على كل مسلم، ألا إن الله يحب بغاة العلم.

“Obtaining knowledge is obligatory for all Muslims. Know that Allah truly loves seekers of knowledge.”<sup>17</sup>

Moreover, Imam Baqir ('a) has stated:

«عن أبي جعفر (ع) قال: «عالم ينتفع بعلمه، أفضل من سبعين ألف عابد.

“A learned person who uses their knowledge is better than seventy thousand devout worshipers [*‘abid*].”<sup>18</sup>

There are hundreds of similar Hadith on this subject and there is no differentiation between men and women in this respect. As Muslims, women are charged with gaining knowledge in order to become self-sufficient; especially regarding sciences that are essential such as therapeutics, dentistry, psychiatry, pharmaceuticals, nursing, obstetrics, experimental sciences, education, psychology, biology, chemistry, management, accounting, Islamic sciences, exegesis, religious belief, religious jurisprudence, history, literature, art, linguistics, language, law, economics, etc.

Women comprise around half the society; therefore, they must share in its administration. This is why female scientists and specialists of necessary and relevant sciences must equal the men in these fields in order that they are self-sufficient. Half of all hospitals, clinics, universities, schools, academies, pharmacies, laboratories, academies of religion, and Islamic promotional institutes must be assigned to women. Additionally, all maternity hospitals must be female specific and have only as many male specialists as needed for their male patients, though unfortunately this is not so. This defect or disparity may be for the following two reasons:

- a. The selfishness, egocentricity, and injustice of men throughout history, which has prevented women from attaining their lawful rights in independence and has kept women dependent
- b. The self-negligence, absence of self-knowledge, opulence-centricity, and aestheticism of women who have not understood the correct manner to vindicate their rights and have fallen astray

Women must understand their true roles and responsibilities. They must endeavor to realize independence, self-reliance, and their lawful rights and must be careful not to deviate from the correct path as many others who have diverged.

<sup>1</sup>. – Surah Isra’ 17:70.

<sup>2</sup>. – Surah Hijr 15:29.

- [3.](#) – Surah Baqarah 2:31–33.
- [4.](#) – Surah Hujurat 49: 13.
- [5.](#) – Surah Nisa’ 4: 1.
- [6.](#) – Surah Nahl 16:97.
- [7.](#) – Surah Ali ‘Imran 3: 195.
- [8.](#) – Surah Ahzab 33:35.
- [9.](#) – Surah Ali ‘Imran 3:37.
- [10.](#) – Ibid 3:42.
- [11.](#) – Surah Tahrim 66: 11.
- [12.](#) – Surah Ahzab 33:33.
- [13.](#) – Kashf ul-Ghummah, vol. 2, p. 76.
- [14.](#) – Surah Tahrim 66:10; and Surah Masad 111:4.
- [15.](#) – Salat is the daily ritual prayer of Muslims, which must be performed five times a day in a specific form. [trans.]
- [16.](#) – Surah Tawbah 9:71.
- [17.](#) – Kafi, vol. 1, p. 30.
- [18.](#) – Ibid, p. 33.

## Women and Freedom

Like men, women have been created free and desire to live without the intrusion of others. The inclination for freedom is a natural and legitimate desire. However, can humans truly live independently and unassisted in a community?

Humans have need of their fellow creatures. They must observe the rights and wants of others and must restrict their individual freedoms to the limits of societal laws. Such restrictions are not adverse to humans; they benefit humanity. Additionally, living in complete freedom and unquestionably following one’s carnal desires injures humankind. In such cases, restrictions must be endorsed since it is to everyone’s true advantage.

Even though Islam respects humanity’s right to freedom, it regards absolute freedom neither possible nor compliant with humankind’s individual or social good. Hence, by observing the spiritual, material, worldly, otherworldly, individual, and social benefit of humans, Islam has decreed ordinances, laws, and responsibilities and has thus confined the freedom of humans. Some of these limiting rules and injunctions may not be pleasing to some people and they may regard them obtrusive to their personal freedom. However, these assessments are an effect of shortfalls in correctly understanding one’s own true interests. If humans were fully aware of their true interests, they would not deem religious restrictions detriments to their freedom and would willingly consent to these limitations.

The freedom of women is also such. Islam respects the freedom of women and observes it in its legislation, provided that it is not contrary to the true interests of the collective human society. Thus, in cases that freedom is at variance with the true interests of women, Islam prefers restrictions to

unconditional latitude. Herein several of women's liberties shall be briefly reviewed:

## 1. Freedom in Work

As previously stated, Islam regards women as one of the two pillars of the society and has given them various responsibilities. Women cannot and must not be crippled members or useless constituents of the society. Islam regards work as an obligation and a superior form of worship and warns its supporters to avoid idleness, vanity, and retirement from work. There are many Hadith regarding this issue, some of which are mentioned below.

The Messenger of Allah (S) has stated:

«قال رسول الله (ص): «العبادة سَبْعُونَ جزءاً أفضلها طَلَبُ الْحَالَالِ»

“Worship has seventy elements; the noblest of which is endeavoring to gain legitimate income.”<sup>1</sup>

The noble Musa ibn Ja'far ('a) has declared:

«بشير الدهان، قال سمعت أبا الحسن موسى (ع) يقول: «انَّ الله عزَّوجلَّ يُبغِضُ الْعَبْدَ النَّوَامَ الْفَارِغَ»

“Surely Allah, the Honored, the Glorified, disfavors languid and idle servants.”<sup>2</sup>

According to Islam, working is not a right but a duty and men and women are no different in this regard. Women must also perform their social duties and they are free in choosing their occupation. However, taking heed of the special physical and spiritual genesis of women, not all lines of work are consistent with their eminence or abilities and other members of the society. Women are exquisite, sensitive, and beautiful beings. Because of this exquisiteness and beauty, they have much allure and influence with men.

Thus, they must endeavor to choose professions that can keep their spiritual and physical beauty impeccable for their husbands. Thus working in onerous and physically taxing jobs is not advisable for women; these include professions such as driving heavy vehicles, overnight jobs, farming, animal husbandry, and working in mines, ironworks, cement and automobile factories, etc. These occupations are usually beyond the normal physical capacities of women and endanger their beauty, exquisiteness, and allure, which is neither to the benefit of women nor to that of their spouses.

Consequently, Islam advises that men not allow women to perform laborious work. Amir al-Mu'minin<sup>3</sup> said to his son Imam Hassan ('a):

في رسالة أمير المؤمنين إلى الحسن (ع) قال: «لا تملك المرأة من الأمر ما يجاوز نفسها؛ فإن ذلك أنعم بحالها، و

«أرعى لبالها، و أدوم لجمالها؛ فإنّ المرأة ريحانة و ليست بقهرمانّة

“Do not tolerate that women do things beyond their abilities because this is more suitable for their status, it calms their hearts, and preserves their beauty; surely women are like fragrant flowers and not warriors.”<sup>4</sup>

Another important issue is that the exquisiteness, beauty, and allure of women are as natural as the inability of most men in resisting sexual temptation. Thus, it is in the interests of women and the society in general that they choose professions with less contact with non-kindred men, especially youths and unmarried men, in order to avoid probable harm to their faith and reputation and aid the health and virtue of the society.

We must also bear in mind that women are sentimental and affectionate beings and can be more quickly affected by their emotions than men. Hence, it is not in the interests of women or the society that they take professions that require increased decisiveness or brutality such as judgeship and military and disciplinary professions.

The final issue that women must take in mind in choosing a line of work is observing the rights of their children and preserving the family. If a woman is married and has children, she must be heedful of the fact that she has an even greater responsibility, which is caring for her husband and correctly rearing their children; a charge that the unique genesis of women has put upon them. It is true that women are free in selecting their careers, but they must choose one that does not weaken the benign cornerstones of the family and that does not deprive children of maternal love and affection and correct education and training.

In such cases, the course of action must be determined by mutual agreement and men must abandon inappropriate prejudices, selfishness, egocentricity, and patriarchal habits and must impartially allow women to choose suitable careers in proportion with the interests of the family as a whole.

## 2. Freedom in Proprietorship

Islam respects the ownership of both women and men. A woman may gain and become owner of properties and wealth through industry, commerce, dower, gifts, working as a staff member, or any other legitimate method. She may gain profit from these methods and no one has the right to appropriate her possessions without her consent, whether they be her father, mother, husband, or children. The Quran declares:

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِّلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبْنَا وَإِلِّلنِّسَاءِ نَصِيبٌ مِّمَّا كَتَبْنَا وَ أَسْأَلُوا  
اللَّهُ مِن فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا

***“Do not covet that by which Allah has elevated some of you over others. To men is allotted what they earn and to women is allotted what they earn. So ask Allah of His bounty. Surely Allah has absolute knowledge of all things.”***<sup>5</sup>

### **3. Freedom in Marriage**

Like men, women are completely free in marriage and choosing their spouse. A mature woman may not be married without her consent and such a marriage is void. No one has the right to force a woman to marry or to choose a specific husband for her, even one’s father, mother, sibling, or grandparents. Imam Sadiq (‘a) has stated:

«منصور بن حازم، عن أبي عبدالله (ع) قال: «تستأمر البكر و غيرها ولا تنكح إلا بأمرها

“Women must be asked permission for their marriage, virgin or otherwise, and marriage is not correct without the woman’s behest.”<sup>6</sup>

Concerning a man who wanted to marry off his sister, Imam Sadiq (‘a) stated:

داود بن سرحان، عن أبي عبدالله (ع) في رجل يريد أن يزوّج أخته، قال: «يؤامرهما، فإن سكتت فهو إقرارها، و لا تنكح إلا بأمرها

“She must be asked permission; if she is reticent, her silence is permission. However, marriage is not correct without the woman’s behest.”<sup>7</sup>

Hence, in order for a marriage to be correct, the acquiescence of the woman is necessary regardless of whether she is a virgin or not. Here, the question arises that: in order for a marriage to be correct, in addition to the woman’s consent, is her father or grandfather’s consent also a requirement?

The answer of this question has been expounded thus: If the woman is not a virgin (hence previously married), the consent of her father or grandfather is not necessary and she may decide to remarry independently. Various Hadith have emphasized this fact. Regarding the marriage of a non-virgin woman, Imam Sadiq (‘a) has stated:

حليبي عن أبي عبدالله (ع) قال: في المرأة الثيب تخطب إلى نفسها، قال: «هي أملك بنفسها، تولي أمرها من شاءت .إذا كان كفواً بعد أن تكون قد نكحت رجلاً قبله

“She has more authority over herself than any other person. If she has had a previous marriage, she can choose her desired spouse for remarriage if he is good for her.”<sup>8</sup>

Imam Sadiq ('a) has also stated:

«عن أبي عبدالله (ع) قال: «لا بأس أن تزوج المرأة نفسها إذا كانت ثيباً بغير إذن أبيها إذا كان لا بأس بما صنعت

“There is no problem with a non–virgin (previously married) woman getting married without the consent of her father if she has no defects.”<sup>9</sup>

However, if a woman is a virgin (and previously unmarried), almost all religious jurists [*faqih*] regard the permission of the father or grandfather necessary for her marriage and have substantiated this claim with various Hadith. Imam Sadiq ('a) has declared:

«أبو مريم، عن أبي عبدالله (ع) قال: «الجارية البكر التي لها أبٌ لا تتزوج إلا بإذن أبيها

“A virgin woman who has a father must not marry without her father’s consent.”<sup>10</sup>

The freedom of virgin women in choosing a husband has only been restricted in this case to the permission of their fathers or grandfathers. Even so, this restriction is not only not harmful to the woman, it is primarily in her good interests. Because virgin women have not married before, they have no experience in this matter and cannot completely investigate their suitor due to their modesty. In this case, they need a compassionate, loving, and experienced advisor who can give them guidance. Hence, a father or grandfather is the best person for aiding the woman in this important and fateful issue.

Consultation with and permission of the father has an additional benefit. It is a type of respect towards the father, seeking his approval and cooperating with him. Doubtless, this will have a great part in improvement of family relations, the future life of the married couple, and the solving of potential problems.

However, it must be stated that there are two exceptions to this rule: First, when the woman’s father or grandfather is not available for obtaining permission. Second, when it is time for the woman to marry and she has a fitting suitor but her father brings undue excuses and refuses everyone. In these two cases, religious jurists can give the woman permission to marry a desired and worthy suitor in lieu of her father’s permission.

## 4. Freedom in Seeking Knowledge

Unmarried women may freely endeavor to acquire knowledge and no one has the right to prevent them from learning. However, a married woman must observe the rights of her spouse and children and must confer with her husband on this issue in order to reach a consensus.

The conditions surrounding this issue are similar to those of freedom in work. Of course, this refers to

studying outside the home at educational facilities such as a university; studying at home in one's leisure time is not detrimental to familial life.

## 5. Freedom in Residence Selection

Single women are at liberty to choose a home for themselves, though wedded women must adhere to their husband's place of residence. Providing a house is up to men and it is their prerogative.

Naturally, the home must be within the dignity of the family, consistent with the husband's capital, and such that the peace and welfare of the family is assured. If they are living in a shared home (with other relatives) and the woman requests a private home, if it is in his power the man must acquiesce. In addition, if their house is small or if they are under pressure for some reason and the woman asks for a new residence the man must accept if he is able. These are examples of kind association [*mu'ashirat bi ma'ruf*] that God enjoins in the Quran:

...وَ عَاشِرُوهُنَّ بِالْمَعْرُوفِ...

***“And consort with your wives in kindness.”***<sup>11</sup>

It is also stated in the Quran as follows:

...وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ...

***“And harass them not, so as to straiten life for them.”***<sup>12</sup>

Even though choosing a home is the man's prerogative, the woman may stipulate as an annex to the marriage contract that she select a dwelling place or request that she be given dwelling rights. If the man accepts the annex, he must abide by his wife's desires in this matter and if he violates her request, he is a sinner.

<sup>1.</sup> – Kafi, vol. 5, p. 78.

<sup>2.</sup> – Ibid, p. 84.

<sup>3.</sup> – Amir al-Mu'minin (meaning: Commander of the Faithful) is the title of Imam 'Ali ibn Abi Talib ('a). [trans.]

<sup>4.</sup> – Wasa'il ush-Shi'ah, vol. 20, p. 168.

<sup>5.</sup> – Surah Nisa' 4:32.

<sup>6.</sup> – Wasa'il ush-Shi'ah, vol. 20, p. 284.

<sup>7.</sup> – Ibid, p. 274.

<sup>8.</sup> – Ibid, vol. 2, p. 269.

<sup>9.</sup> – Ibid, p. 272.

<sup>10.</sup> – Ibid, p. 270.

<sup>11.</sup> – Surah Nisa' 4:19.

<sup>12.</sup> – Surah Talaq 65:6.

# Women and Hijab

*Hijab* literally means covering and is a type of clothing that covers a woman's body. Islam instructs women to cover their bodies (except their hands and face) from non-*mahram*<sup>1</sup> men.

The necessity of having *Hijab* can be extracted from Quranic verses and various Hadith. Here three verses on this issue are presented.

## First Verse

Allah, Most High, has stated in the Quran:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ\* وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلَا يَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ أَبْنَائِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ بَنِي أَخَوَاتِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوْ التَّابِعِينَ غَيْرِ أُولِي الْإِرْبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَا الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ

***“Tell the believing men to cast down their eyes (from indecent looks) and guard their modesty. This is purer for them. Surely Allah is aware of all they do. And tell the believing women to cast down their eyes (from indecent looks) and guard their modesty and refrain from revealing their adornments save those that are (naturally) manifest and cast their veils over their bosoms and not reveal their adornments save for their husband, father, husband's father, sons, husband's sons, brothers, brother's sons, sister's sons, their fellow women (in faith), their bondservants, their dependants (such as dullards) who do not have sexual desires, or children who do not know of women's private parts; and they must not stomp their feet in order to reveal their hidden ornaments. And repent to Allah, O believers, haply you may attain bliss.”<sup>2</sup>***

These verses pertain to the *Hijab* of women and contain several issues that must be expounded:

First, they ask the faithful, men and women, to secure their eyes and not leer. Men must not stare at women and women must not stare at men.

The word *Ghudh* [غضى] means decreasing and closing. *Ghudha basar* means shortening one's gaze and not staring. Sometimes, persons look at others and looking is not their purpose. At other times, people look lustfully at others for sexual pleasure; this is called leering. Leering is a cause for human corruption and thus it has been forbidden. However, looking without hedonistic desires is not forbidden (*haram*), because it is necessary for sociability and communal living.

Next, these verses direct men and women to guard their private parts [*furuj*]. *Furuj* is plural of *farj* which means pudendum [*aurat*]. Guarding one's *farj* or covering it signifies preserving one's chastity and modesty by *ghudha basar*—meaning not staring—and observing *Hijab*.

Then, they address women and declare:

... لا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا ...

**“Do not reveal your adornments save those that are manifest.”**

*Zinat* means adornment. There are various types of adornment. First are those that are detached from the body, such as earrings, necklaces, rings, hairclips, bracelets, and decorative clothes. Second are those that are applied to the body, such as eyeliner, nail polish, and hair color. Adornment spoken of in this verse encompasses both these types. Women are advised to eschew revealing their adornments for non-*mahram* men and thus prevent drawing the attention of men and arousing their sexual inclinations.

Next, the statement *إِلَّا مَا ظَهَرَ مِنْهَا* gives women permission to refrain from hiding their evident adornments—that are naturally obvious—such as *Surmah* (a specific type of natural eyeliner), eyebrow coloring, henna, rings, veil coloring, robes, and shoes. Since women are part of the society and have social responsibilities, naturally, non-*mahram* men see will certainly see their face, hands, and obvious adornments and covering these would be difficult. For this reason, Islam gives them permission to perform their duties without covering these.

Correspondingly, various Hadith also interpret adornments mentioned in this verse in this manner. Zurarah cited from Imam Sadiq (‘a) that he interpreted the words of God, *إِلَّا مَا ظَهَرَ مِنْهَا*, in the following manner:

«زرارة، عن أبي عبدالله (ع) في قول الله عزوجل: {إِلَّا مَا ظَهَرَ مِنْهَا} قال: «الزينة الظاهرة الكحل و الخاتم

“Manifest adornments consist of *Surmah* and rings.”<sup>3</sup>

Abubasir states:

أبوبصير، عن أبي عبدالله (ع) قال: سألته عن قول الله عزوجل {لا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا} قال: «الخاتم و المسكة و هي القلب

“I asked Imam Sadiq (‘a) for the interpretation of God’s words, *إِلَّا مَا ظَهَرَ مِنْهَا*, he stated: Manifest adornments consist of rings and bracelets.”<sup>4</sup>

After speaking of *Hijab* the Quran states:

...وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ...

*Khumur* (خُمُرٌ) is the plural form of *khimar* (خِمَارٌ) which is a kind of large veil or headscarf. Also, *juyub* is the plural form of *jayb* which means shirt collar.

It is said that at the time of the Prophet of Allah (S) women wore shirts that were open at the collar and revealed a portion of their breasts. Additionally, they put the sides of their headscarves behind their ears; therefore, their ears, earrings, neck, and a portion of their breasts were bared. Consequently, this verse directs women to cast their headscarves over their open neckline in order to cover their ears, earrings, neck, and breasts.

Tabarsi interprets this verse thus:

“*Khumur* (خُمُرٌ) is the plural form of *khimar* (خِمَارٌ) which is a kind of veil or headscarf that falls over one’s neck and neckline. This verse instructs women to cast their headscarves over their breasts in order to cover their necks, since formerly, they would cast their headscarves behind their heads, which caused their breasts to be revealed.”<sup>5</sup>

Following this statement, the Quran states:

...وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِن زِينَتِهِنَّ...

In order to completely observe modesty and prevent social corruption, women are advised to refrain from walking heavily to keep non-*mahram* men from hearing the sounds of their adornments. This is because such sounds may cause men to become sexually aroused and hence cause problems in the society, especially for youths and single men.

Several important ethical and Islamic issues can be derived from this verse:

1. Men and women (who aren’t married to each other) must abstain from visual indulgence and looking at each other in a lustful manner. People must not look at one another for sexual pleasure.
2. Women must not reveal their hidden adornments to men.
3. Women are obligated to wear their veil or headscarf in such a manner that their ears, earrings, their neck and the surrounding area, and their breasts are completely covered.
4. In order to honor public modesty and counteract moral corruption, women are advised to tread softly so the sounds of their steps do not cause corruption in men.

5. Women are not required to cover their obvious adornments.

## Second Verse

Allah, the Exalted, has stated in the holy Quran:

يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءَ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

***“O Prophet! Tell your wives and daughters and believing women to draw their veils (cloaks) close unto themselves. This is better so that they may be recognized (as modest women) and therefore not be molested and Allah is much-forgiving and merciful.”<sup>6</sup>***

The dictionary of *Qamus* defines *jalbab* (جَلْبَاب) as a loose shirt or garment for women or a garment worn on top of other clothes, which covers the other clothes completely. It is also defined as a veil or headscarf. *Raghib* has defined *jalbab* as a shirt and scarf in his book, *Mufradat*. Moreover, in *Al-Munjid*, *jalbab* is defined as a loose shirt or garment.

Therefore, this verse may be interpreted thus: Tell women to wear their robe such that it covers the whole body and hides it from the eyes of outsiders. If they do so, they will be known as chaste women. Thus, they will avoid the attention of strangers and will not be molested.

This verse indicates that Muslim women must wear conservative, concealing, and plain clothes when leaving their house and thus prevent ethical and social corruption. Such conduct is advantageous to women, men, and youths in general.

## Third Verse

The Quran states:

يَا نِسَاءَ النَّبِيِّ لَسْتُنَّ كَأَحَدٍ مِنَ النِّسَاءِ إِنِ اتَّقَيْتُنَّ فَلَا تَخْضَعْنَ بِالْقَوْلِ فَيَطْمَعَ الَّذِي فِي قَلْبِهِ مَرَضٌ وَقُلْنَ قَوْلًا مَعْرُوفًا \*  
...وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ

***“O women of the prophet! You are not as other women, if you are pious. So speak not tenderly to make those who have sickness in their heart lustful, but speak in a normal manner. And stay in your homes and do not flaunt yourselves as in the Age of Ignorance.”<sup>7</sup>***

In this verse, women are given three recommendations:

1. That they not speak in a tender and soft manner since speaking in this manner may incite the lusts of

impure men

2. That they stay at home
3. That they not display themselves before outsiders without the necessary covering and not flaunt themselves and show off their beauty and cosmetics

Even though this verse addresses the wives and daughters of the prophet, its instructions apply to all women.

It must be said that the statement **قَرْنَ فِي بُيُوتِكُنَّ** does not mean that the wives of the Prophet (S) and other women must always stay at home and never leave the house; because, as I have previously stated, women are true members of the society and have responsibilities that necessitate leaving the house. Moreover, at the time of the Prophet (S) women would exit their homes and they would present themselves at mosques.

They would listen to the words of the Prophet (S) and would ask their religious questions. Indeed, many women are narrators of Hadith and many narrators transmit Hadith from them. They would participate in battles and would treat and minister to the wounded. The Prophet's (S) wives would also participate in battles, although they were not commissioned to fight.

It was not the manner of the Prophet (S) and his followers to confine women to their homes, nor does this verse intend such; rather, it means that women must be devoted to their homes and regard it as their true place. Moreover, they should favor household management, parenting, and caring for their husband. They must feel responsible for household issues and eschew loitering, walking aimlessly in the streets, unrestraint, and imprudence.

## Maharim

### **Maharim<sup>8</sup>**

There are two types of men in regard to each woman: *mahram* and non-*mahram*.

That which has been stated regarding the *Hijab* of women pertains to non-*mahram* men. Observing *Hijab* is not obligatory before *mahram* men. *Mahram* men consist of:

1. One's father's father, grandfather, and all direct paternal ancestors
2. One's mother's father, grandfather, and all direct maternal ancestors
3. One's brother and his children and descendants
4. Children of one's sisters and their descendants

5. One's paternal uncle, his paternal uncle, and so on
6. One's maternal uncle, his maternal uncle, and so on
7. One's husband and father-in-law
8. One's father-in-law's and mother-in-law's father, grandfather, and so on
9. One's husband's sons and their descendants
10. One's sons and all their descendants
11. One's daughter's descendants
12. One's sons-in-law and their sons-in-law, and so on

These individuals may see a woman's body<sup>9</sup> and women are not obliged to cover themselves in front of them. Of course, this is only on the condition that they do not look upon her for sexual pleasure; otherwise, one cannot even look upon one's *maharim* or children. Moreover, if it is for pleasure, women must not even look at other women, and men must not look at other men.

## The Limits of Hijab

The necessity of *Hijab* is one of the indisputable commandments [*ahkam*] of Islam and all religious jurists [*fuqaha*] are unanimous in this issue. Women are required to cover their bodies from non-*mahram* men using chadors,<sup>10</sup> abas,<sup>11</sup> long shirts, robes, overcoats, loose coveralls, montoes, veils, headscarves, or any other means that can cover the whole body. Islam does not enforce any specific form of covering.

There is no disagreement regarding the necessity of observing *Hijab*. However, there is dispute among religious jurists regarding covering the face and the hands up to the wrists. Some religious jurists regard covering these obligatory or at least advise precaution [*ihtiyat*]. Even so, most religious jurists do not consider covering these areas obligatory and cite various rationales for its superfluity:

### Reason One

Hadith that directly and explicitly refute the necessity of covering the face and hands:

«مسعدة بن زياد قال سمعت جعفرًا عليه السلام و سئل عما تظهر المرأة من زينتها قال: «الوجه و الكفين».

Mas'adah ibn Ziyad said: "I heard from (Imam) Ja'far ('a) that in answer to a question about the apparent

adornments of women he replied: ‘The face and two hands.’”[12](#)

مروك بن عبید، عن بعض أصحابنا، عن أبي عبدالله (ع) قال: ما يحلّ للرجل أن يرى من المرأة إذا لم يكن محرماً؟  
«قال: «الوجه و الكفّان و القدمان

In answer to a person who asked, “Which parts of a woman can a man who is not *mahram* look at?” the noble Imam Sadiq (‘a) answered, “The face, two hands, and two feet.”[13](#)

علی بن جعفر، عن أخيه موسى (ع)، قال: «سألته عن الرجل ما يصلح أن ينظر إليه من المرأة إذا لم يكن محرماً؟»  
«قال: «الوجه و الكفّ و موضع السوار

Ali ibn Ja‘far said, “I asked my brother, Musa ibn Ja‘far (‘a), ‘Which parts of a non-*mahram* woman can a man look at?’ he replied, ‘The face, hands, and the area of a bracelet.’”[14](#)

علی بن سويد، قال: قلت لأبي الحسن (ع): إني مبتلى بالنظر إلى المرأة الجميلة يعجبني النظر إليها. فقال لي: «يا  
«علی! لا بأس إذا عرف من نيتك الصدق: و إياك و الزنا: فإنه يحق البركة و يهلك الدين

Ali ibn Sawid said, ‘I said to Musa ibn Ja‘far (‘a), ‘I have been afflicted with looking at a beautiful woman and I like to look at her at all times, what should I do?’ He answered, ‘O ‘Ali! It has no problem if you have good intentions, but I warn you of fornication because it repels blessings and destroys one’s religion.’”[15](#)

مفضل بن عمر، قال: قلت لأبي عبدالله (ع): جعلتُ فداك، ما تقول في المرأة تكون في السفر مع الرجال ليس فيهم  
لها ذو محرّم، و لا معهم امرأة، فتموت المرأة، ما يصنع بها؟ قال: «يُغسل منها ما أوجب الله عليه التيمم، و لا  
تمسّ، و لا يُكشف لها شيء من محاسنها التي أمر الله بسترها.» قلت: فكيف يصنع بها؟ قال: «يغسل بطن كفيها، ثمّ  
«يغسل وجهها، ثمّ يغسل ظهر كفيها

Mufadhhal stated, “I said to Imam Sadiq (‘a), ‘May I be sacrificed for you! What must be done regarding a woman who traveled with non-*mahram* men and died with no accompanying women?’ He answered, ‘They must wash [*ghusl*] the areas of *Tayammum*, but they must not touch her and must not expose that which Allah has appointed to be covered.’ Mufadhhal said, ‘Then what should be done?’ He replied, ‘First, one must wash the inner surface of her hands, then her face, then the outer surface of her hands.’”[16](#)

## Reason Two

Some Hadith do not plainly mention the face and hands although they indirectly denote the fact that

covering the face and hands is not obligatory.

احمد بن محمد بن أبي نصر، عن الرضا (ع)، قال: سألته عن الرجل يحلّ له أن ينظر إلى شعر أخت امرأته؟ فقال: «لا، إلا أن تكون من القواعد.» قلت: أخت امرأته و الغريبة سواء؟ قال: «نعم.» قلت: فما لي من النظر إليه منها؟ فقال: «شعرها و ذراعها»

Ahmad ibn Muhammad ibn Abinasr said, “I asked Imam Ridha (‘a) if a man can look at the hair of his wife’s sister. He answered, ‘No, unless his wife’s sister is old and decrepit.’ I then said, ‘A wife’s sister and non-*mahram* women are the same?’ He answered, ‘Yes.’ I said, ‘So what parts of an old woman may I look at?’ He answered, ‘Their hair and arms.’”<sup>17</sup>

The fact that the narrator of this Hadith asks about the permissibility of looking at the hair of one’s wife’s sister but does not ask about looking at her face shows that he regarded its permissibility certain, or else asking about looking at her face had precedence. Additionally, from the fact that in reply to the question regarding the extent one can look at an old woman, the Imam answered, ‘her hair and arms’ and did not add her face, shows that he too regarded the permissibility of looking at a woman’s face an obvious fact that did not need explaining, otherwise, he should have mentioned it.

احمد بن محمد بن أبي نصر، عن الرضا (ع)، قال: «يؤخذ الغلام بالصلاة و هو ابن سبع سنين، و لا تغطّي المرأة شعرها منه حتى يحتلم»

Ahmad ibn Muhammad ibn Abinasr cited from Imam Ridha, “A boy is made to pray at seven years of age but women cover their hair from him when he starts having involuntary ejaculations of semen during sleep [*ihtilam*].”<sup>18</sup>

عبدالرحمن بن الحجاج، قال: سألت أبا إبراهيم (ع) عن الجارية التي لم تدرك متى ينبغي ألا تغطّي رأسها ممّن ليس «بينها و بينه محرم؟ و متى يجب عليها أن تقنّع رأسها للصلاة؟ قال: «لا تغطّي رأسها حتى تحرم عليها الصلاة»

Abd ur-Rahman ibn al-Hajjaj said, “Regarding a girl who is not yet mature, I asked Imam Musa ibn Ja’far (‘a), ‘When must she cover her head from non-*mahram* men and when must she veil her head for *salat*?’ He answered, ‘She need not cover her head until the age that prayer becomes prohibited for her [due to menstruation].”<sup>19</sup>

These two Hadith indicate that the necessity of covering one’s head and hair is an effect of physical maturity; however, nothing is said of the necessity of covering the face. If it was truly obligatory, stating this fact would have precedence. Thus, it is demonstrated that covering one’s face is not obligatory for women.

### Reason Three

As I have indicated, it can be discerned from the statement *لَا يُبَدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا* that covering the hands and face is not obligatory since various Hadith of the *Ahl ul-Bayt* state that applying *Surmah* and wearing rings are instances of *مَا ظَهَرَ مِنْهَا* and need not be covered. Hence, covering the face and hands, which are the locations of these adornments, must not be necessary.

Moreover, the statement *وَلْيَضْرِبَنَّ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ*, which is mentioned in this same verse, also indicates the inessentiality of covering the face because it advises women to cast their veil or headscarf over their necks and breasts and says nothing about covering their face, which shows that it is not necessary. Additionally, in the Hadith from Mas'adah ibn Sadaqah, which was previously mentioned in this discussion, the face and two hands were enumerated as instances of *مَا ظَهَرَ مِنْهَا*.

### Reason Four

Various Hadith and historical facts reveal that at the time of the Prophet of Allah (S), it was not traditional for women to cover their face and they would go about in public places with their faces uncovered. Men would see their faces, they would talk to each other, socialize and barter, and women would listen to Hadith from the Prophet (S) and cite them to men.

There are hundreds of female narrators of Hadith, including even the wives and daughters of the Prophet (S). 'Ayishah, Hafsa, Umm Salamah, and Fatimah ('a) have cited hundreds of Hadith and this necessitates men seeing women's faces and hearing their voices. The Prophet of Allah (S) neither commanded women to cover their faces, nor did he forbid men from looking at their faces and hearing their voices, unless it was with sexual and lewd intentions.

Jabir ibn 'Abdullah Ansari has said: One day the Prophet of Allah ('a) went to see Fatimah ('a) while I was with him. When he came to the door of her house, he knocked and declared, 'as-Salamu 'Alaykum.' From within the house, Fatimah ('a) said, 'Alayk as-Salam, O Prophet of Allah!' The Prophet (S) said, 'May I enter your home?' Fatimah ('a) replied, 'You may.' The Prophet of Allah (S) said, 'Shall I enter with my companion?' Fatimah ('a) replied, 'O Prophet of Allah! I do not have on my headscarf.' The Prophet (S) said, 'Cast the extras of your cloak on your head.' Fatimah ('a) did so. Then the Prophet of Allah (S) said, 'as-Salamu 'Alaykum.' Fatimah ('a) replied. Then the Prophet (S) said, 'Shall I enter with my male companion?' She answered, 'Please enter.'

"The Prophet of Allah (S) entered the house and I too entered.

"My eyes came across the face of Fatimah ('a), which was yellow like turmeric. The Prophet of Allah (S) declared, 'O daughter! Why is your face yellow so?' She replied, 'O Prophet of Allah! It is from intense hunger.' The Prophet of Allah (S) prayed, 'O Lord who satiates the hungry, satiate Fatimah daughter of Muhammad!' I swear by Allah! After the prayer of the Prophet of Allah (S), I looked at the face of Fatimah ('a). Blood flowed into her face and it became red and after that she no longer felt hungry.[20](#)

This narrative shows that Fatimah's ('a) face was uncovered in such a way that Jabir first saw its yellowness and after the prayer of the Prophet (S), its redness.

Sa'd Iskaf cites from Imam Baqir ('a), "A young man of the *Ansari*<sup>21</sup> encountered a woman in the streets of Madinah. In those times, women would cast their headscarves behind their ears. The *Ansari* youth stared at her until he came to her and passed her, and then he looked at her from behind. Suddenly, his head hit piece of sharp bone or glass that was sticking out of the wall. His face was cut and blood flowed upon his chest and clothes. The youth said, 'I swear to God! I shall complain about this woman before the Prophet of Allah (S).'

The youth came into the presence of the Prophet of Allah (S). The Prophet asked, 'Why are you thus bloody?' The youth recounted the tale. Just then, Gabriel came upon the Prophet (S) and revealed unto him verse 30 of Surah Nur (This verse and its subsequent verse were explicated in detail at the beginning of this chapter).

This account shows that at the time of the Prophet (S) and the advent of Islam, not only did women leave their faces uncovered, they also cast their headscarves behind their ears. Consequently, their ears, earrings, necks, and breasts were apparent. The affair of this *Ansari* youth took place in this period, which was when he took his complaint to the Prophet (S) and the verse of Hijab was revealed unto the Prophet (S).

This verse advises women to cast the fringes of their headscarves around their necks so that their ears, earrings, necks, and breasts are covered. However, interestingly, no instruction was given regarding covering the face and this demonstrates its inessentiality. In order to prevent ethical and social corruption and the recurrence of incidents similar to the affair of the *Ansari* youth, the verse of Hijab counsels men and women to cut off their stares and shun leering and lecherousness.

## Philosophy of Hijab

As previously stated, one of the certain commandments of Islam is the necessity of covering. However, an important question is, 'What is the philosophy of Hijab? Why has Islam thus taken away the freedom of women? And, is not this an injustice?'

In reply, it must be said that the object of Islam in legislating Hijab is fortifying the holy foundations of family, preventing sexual deviations and their detrimental consequences, ensuring social health and security, facilitating the cleansing of the social environment, and decreasing moral corruption. Moreover, not only is this amount of limitation not disadvantageous to women, it is in the overall interests of women, their children, husbands, and all members of the society.

In order to clarify this issue, I shall state several premises.

## First Point

We must bear in mind that women and men are two pillars of the society, and that individual welfare, tranquility, and comfort is greatly based upon the health, security, and purity of our living environment. Thus, assuring the health, security, and purification of the environment from corruption is our mutual responsibility and we must cooperate and work together to attain these goals.

## Second Point

Women are delicate and exquisite creatures and are naturally fond of make-up, adornments, beauty, flaunting, ostentation, and charming others. They wish to take over the hearts of men with their allure; however, men crave variety and are very weak against their sexual desires. Their sexual desires are easily excited and they eventually lose control. When these unruly and rebellious desires are aroused, even reason, law, and religion are generally useless in harnessing them.

Everything about women is arousing to men—especially young men: their adornments, their pretty clothes, their delicate voices, their allure and coyness, their bodies, hair, and even the warmth of their bodies can kindle this wild instinct.

## Third Point

There are many men in the society that cannot marry due to poverty, unemployment, low income, continuing education, military service, and a large number of other reasons. The tally of these individuals, who are at the juncture of adulthood and the outburst of sexual instincts, is rather high. The regretful situation of these people who are part of the society cannot be disregarded.

**Considering the previous points, the following question arises:** What is in the best interests of women—uninhibitedness and absolute freedom in dress and behavior or observing Hijab and enduring some restrictions?”

In order to arrive at a correct answer, it is better that we consider two hypothetical communities and compare their pros and cons.

## Community A

In this community, women have complete freedom regarding their apparel and their association with men. In order to satisfy their natural tendencies, they are flamboyant and gaudy, they leave their homes made-up, half-bare, and with beautiful, colorful, and voguish clothes. With absolute liberty, they socialize and consort with all sorts of men in public places.

They ravish the hearts of every male, intentionally, and unintentionally, with their scanty clothes, their beauty, and their allure and wherever they go, they drag behind themselves a caravan of hearts. Those

that are not married inhabit cinemas, cabarets, dance parties, parks, and the streets until midnight hours in complete freedom. Furthermore, those who are married go wherever they want with or without their spouses with the excuse of freedom as their right.

In this community, boys and girls are free to associate with one another, become close friends, and even have sexual relationships. Men are also completely free to consort with women as they please. They can have relations with any willing woman or anyone they are able. Together they can go to theatres, nightclubs, parties, wander the streets and places of ill repute, and indulge in all sorts of debauchery.

The women of such communities are free in adornment, degeneracy, exiting their homes, associating with any men, and having sexual relations; however, these freedoms come with a price and have the following consequences:

Instability of the sacred foundations of family; indifference of men and women toward the home and family; suspicion of spouses towards one other and trying to police one another; family conflicts; abundance of illegitimate or vagrant children with no guardians; accrument of mental illnesses; increase of murder, crime, and suicide; escalation of the number of unmarried women and men; postponement of the age of marriage; indifference of young men and women toward establishing families; inclination of youths toward various moral corruptions and sexual deviations; upsurge of divorce statistics; and superabundance of men and women who must inevitably live alone and suffer loneliness.

Cases of such societies with disrupted families are evident in the West. Put aside raw emotions and thoroughly contemplate the matter. Is such a community truly in the interests of women, men, youths?

## **Community B**

In this society, women have an active role on the stage of life. They occupy suitable jobs with necessary facilities and in this way perform their duties to the society. Like men, women have a great presence in schools, colleges, universities, research centers, hospitals, clinics, laboratories, legislative offices, government departments, and other important and suitable offices. They completely observe Hijab and covering—except their hands and faces. They do not apply make-up and adornments before entering public places and their place of work. They leave their homes covered, plain, and without cosmetics and they make their adornments, cosmetics, and allure exclusive to their husbands and use them in the privacy of their own home.

They accept these restrictions selflessly and in good will in order that the environment is free of deviation and corruption. They do this with regard to the state of youths and men who do not have the power to marry. They observe Hijab so that men do not become indifferent towards their own wives due to seeing the beauties of other women, and so that these men do not turn their hearty families into a scene of a battlefield with excuses and quarrels.

They accept this limitation so that young men and women—who are the children of these same

women—are safe from corruption, sexual deviations, and mental illnesses; and so they may marry and establish a family at a suitable time and with the availability of necessary resources and facilities.

They accept this limitation to help fortify the foundations of family—a thing of which they are also a part—and thus reduce the tally of divorce, living single, and distressed and guardianless children.

In this community, most families have good interrelations, the relationships of spouses are relatively genial, and there are fewer disputes. Moral corruption and sexual deviations are comparatively low among youths. Young men and women are interested in marriage and establishing the holy institution of family. The amount of divorces and single men and women is not high. There are fewer vagrant youths and children without guardians.

In this society, parents feel more assured of the purity of their children from immorality, sexual divergence, and mental disorders.

Is living in such a community in the better interests of women or the first? Any thoughtful person would regard the second community superior.

Islam also regards living in the second community better and healthier. This is why it has legislated Hijab and has asked women to observe it and cover their adornments and beauties from non-*mahram* men.[22](#)

The Prophet (S) has forbidden women to beautify themselves for males other than their husbands and has stated:

عن النَّبِيِّ (ع) فِي حَدِيثِ الْمَنَاهِي، قَالَ: «و نَهَى أَنْ تَتَزَيَّنَ لغيرِ زَوْجِهَا، فَإِنْ فَعَلْتَ كَانَ حَقًّا عَلَى اللَّهِ أَنْ يَحْرِقَهَا بِالنَّارِ.»

A woman must not adorn herself for any save her spouse, and if she were to do so, it would be a just reward for Allah to burn her in the Fires [of Hell].[23](#)

Imam Muhammad Baqir ('a) has stated:

جَابِرُ بْنُ يَزِيدَ، قَالَ: سَمِعْتُ أَبَا جَعْفَرٍ مُحَمَّدَ بْنَ عَلِيِّ الْبَاقِرِ (ع) يَقُولُ: «و لَا يَجُوزُ لَهَا أَنْ تَتَطَيَّبَ إِذَا خَرَجَتْ مِنْ بَيْتِهَا.»

A woman must not perfume herself when she wants to exit her house.[24](#)

He has also stated:

جَابِرُ بْنُ يَزِيدَ الْجَعْفِيُّ، قَالَ: سَمِعْتُ أَبَا جَعْفَرٍ مُحَمَّدَ بْنَ عَلِيِّ الْبَاقِرِ (ع) يَقُولُ: «و لَا يَجُوزُ لِلْمَرْأَةِ أَنْ تَصَافِحَ غَيْرَ ذِي

«محرم إلا من وراء ثوبها

It is not permissible for a woman to shake hands with a non-*mahram* save over her clothing.[25](#)

In order to cleanse the social environment, Islam does not suffice with legislating Hijab. In addition to this, it enjoins men to shun leering and to cast their eyes away from watching non-*mahram* women.

The Quran states:

قُلِ الْمُؤْمِنِينَ يَعْضُوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ

***“Tell the faithful men to shorten their glances and guard their private parts; this is purer for them (it helps keep their purity). Surely, Allah knows all they do.”***[26](#)

Imam Sadiq (‘a) has stated:

على بن عقبة، عن أبيه، عن أبي عبدالله (ع) قال: سمعته يقول: «النظرة سهم من سهام إبليس مسموم، وكم من نظرة أورثت حسرة طويلة».

Looking at non-*mahram* persons is a poisonous arrow of the arrows of Satan and many (such) gazes entail lingering regret.[27](#)

He has also stated:

عقبة، عن أبي عبدالله (ع)، قال: «النظرة سهم من سهام إبليس مسموم، من تركها لله عزوجل لا لغيره أعقبه الله». «أمنأ و إيمانأ يجد طعمه».

Looking at non-*mahram* persons is a poisonous arrow of the arrows of Satan and to whoever abandons it for Allah and none save Him, God shall bestow the pleasure of security and faith.[28](#)

Again he has stated:

«عن الكاهلي، قال: قال أبو عبدالله (ع): «النظرة بعد النظرة تزرع في القلب الشهوة، و كفى بها لصاحبها فتنة».

A look after a look nourishes lust in one’s heart and is enough to cause strife (or temptation) for its owner.[29](#)

Noble Sadiq (‘a) has also stated:

قال الصادق (ع): «من نظر إلى امرأة فرفع بصره إلى السماء، أو غضّ بصره لم يرتدّ إليه بصره حتّى يزوجه الله من الحور العين.»

He who looks at a woman and immediately looks up to the sky or casts down his eyes, Allah will wed him to a houri (in paradise) before his gaze levels again.[30](#)

The Prophet of Allah (S) has declared:

«عن رسول الله (ص) قال: «من صافح امرأة حراماً جاء يوم القيامة مغلولاً، ثمّ يؤمر به إلى النار»

He who shakes hands with a non-*mahram* woman shall come chained on the Last Day and will then be cast into the Fire.[31](#)

He stated elsewhere:

«قال رسول الله (ص): «من فاكه امرأة لا يملكها، حبسه الله بكلّ كلمة كلّها في الدنيا ألف عام»

He who jests with a woman who is not his, for every word he has spoken to her in the world, Allah shall imprison him for one thousand years.[32](#)

Amir al-Mu'minin, 'Ali ibn Abu Talib ('a) has stated:

«عن عليّ (ع) قال: «لا يخلو بامرأة رجل، فما من رجلٍ خلا بامرأة إلا كان الشيطان ثالثهما»

A man must not go into a secluded place with a woman, because no man goes into a private place with a woman save that the third of them is Satan.[33](#)

Musa ibn Ja'far has cited from his forefathers from the Prophet of Allah (S) who stated:

«موسى بن جعفر، عن آبائه (ع)، عن رسول الله (ص) قال: «من كان يؤمن بالله و اليوم الآخر، فلا يبيت في موضع يسمع نفس امرأة ليست له بمحرم»

He who has faith in Allah and the Last Day shall not sleep in a place where he hears a woman breathing who is not *mahram* to him.[34](#)

[1.](#) – The word non-*mahram* denotes males that are not close family members in front of whom women must cover themselves and behave modestly. The relationships of *mahram* men (close family members) are explained in more detail and mentioned in verses in ensuing sections. [trans.]

[2.](#) – Surah Nur 24:30–31.

- [3.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 201.
- [4.](#) – Ibid.
- [5.](#) – Majma' ul-Bayan, vol. 7, p. 138.
- [6.](#) – Surah Ahzab 33:59.¶
- [7.](#) – Surah Ahzab 33:32–33.
- [8.](#) – Maharim is the plural form of mahram. Maharim are close relatives with whom one cannot be married. Additionally, one's spouse is a closer form of mahram. Women are only obliged to cover their private parts before maharim and before their spouse they are not required to cover at all. [trans.]
- [9.](#) – They may see her entire body save her private parts; even so, modesty is always a rule of thumb. Naturally, one's husband may look at any part of his spouse's body for pleasure or otherwise. [trans.]
- [10.](#) – A chador is a type of loose cloth that covers the whole body except the face and hands. [trans.]
- [11.](#) – An aba is a type of robe traditionally worn by Arabs. [trans.]
- [12.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 212.
- [13.](#) – Ibid, vol. 20, p. 201.
- [14.](#) – Nur uth-Thaqalayn, vol. 3, p. 590.
- [15.](#) – Ibid.
- [16.](#) – Wasa'il ush-Shi'ah, vol. 2, p. 522.
- [17.](#) – Ibid, vol. 20, p. 199.
- [18.](#) – Ibid, vol. 20, p. 229.
- [19.](#) – Ibid, vol. 2, p. 228.
- [20.](#) – Tafsir-e Nur uth-Thaqalayn, vol. 3, p. 587.
- [21.](#) – Ansar literally means helpers. It is the denomination of the new Muslims of Madinah (then called Yathrib) who invited the Prophet (s) and his followers to live in their city away from the persecutions of the idolaters of Mecca. [trans.]
- [22.](#) – Surah Nur 24:31.
- [23.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 212.
- [24.](#) – Ibid, p. 220.
- [25.](#) – Ibid, p. 222.
- [26.](#) – Surah Nur 24:30.
- [27.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 191.
- [28.](#) – Wasa'il ush-Shi'ah, p. 192.
- [29.](#) – Ibid, p. 192.
- [30.](#) – Ibid, p. 193.
- [31.](#) – Ibid, p. 198.
- [32.](#) – Ibid, p. 198.
- [33.](#) – Mustadrak al-Wasa'il, vol. 14, p. 265.
- [34.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 185.

## Marriage and its Merits

The family is a small social unit that begins with the union of husband and wife and is fortified with the birth of children. Marriage is a natural need for humans, which is sanctioned by pronouncing the formula of the marriage contract (the marriage vows).

Islam assigns great importance upon establishing the family and regards it as a holy event. Various

Hadith consider family the finest institution in existence. Imam Muhammad Baqir ('a) has cited from the Prophet of Allah (S):

«عن أبي جعفر (ع) قال: قال رسول الله (ص): «ما بُني بناء في الإسلام أحبّ إلى الله عزوجل من التزويج

No institution has been established in Islam that is more loved by Allah, the Honored, the Glorified, than marriage.[1](#)

Imam Sadiq ('a) has cited from the Prophet of Allah (S):

عن أبي عبدالله (ع) قال: قال رسول الله (ص): «ما من شيء أحبّ إلى الله من بيت يعمر في الإسلام بالنكاح، و ما من شيء أبغض إلى الله من بيت يخرّب في الإسلام بالفرقة، يعنى الطلاق

Nothing is more loved by Allah than a house that is populated through marriage and nothing is more hated by Allah than a house that is broken through separation (i.e. divorce).[2](#)

Marriage is an invaluable Islamic tradition, the necessity of which the Holy Prophet (S) and Immaculate Imams ('a) have emphasized. Amir al-Mu'minin ('a) has declared:

«قال أمير المؤمنين (ع): تزوّجوا فإنّ رسول الله (ص) قال: «من أحبّ أن يتّبع سنّتي فإنّ من سنّتي التزويج

Marry because the Prophet of Allah (S) has stated: Those who wish to follow my traditions must know that marriage is one of them.[3](#)

The Prophet of Allah (S) has stated:

«قال رسول الله (ص): «النكاح سنّتي فمن رغب عن سنّتي فليس منّي

Marriage is my tradition and whoever forsakes my tradition is not of me.[4](#)

Islam does not regard marriage (and procreation) as an animalistic deed and it does not enjoin its followers to monastic existence and abandonment of marriage. On the contrary, it regards it as a way of purification [*tazkiyah*] and edification [*tahdhib*] of the soul, abstinence from sin, and proximity to Allah. Imam Sadiq ('a) has stated:

«قال أبو عبدالله (ع): «ركعتان يصلّيهما المتزوّج أفضل من سبعين ركعة يصلّيها عزب

Two *rak'ats*<sup>5</sup> prayer of a married person is superior to seventy *rak'ats* prayer of an unmarried person.<sup>6</sup>

The Holy Prophet (S) has stated:

«قال النبي (ص): «ركعتان يصلِّيهما متزوّج أفضل من رجل عزب يقوم ليله و يصوم نهاره

Two *rak'ats* prayer of a married person is superior to the worship of an unmarried man who spends his nights in prayer and his days in fast.<sup>7</sup>

Imam Sadiq has cited from the Prophet of Allah (S):

«عن أبي عبدالله (ع) قال: قال رسول الله (ع): «رُدَّال موتاكم العزَّاب

The worst of your dead are those who die without marrying.<sup>8</sup>

Marriage and establishing a family is valuable according to Islam and has many merits, some of which are explained below.

## 1. Instrument of Love and Friendship

In this turmoil imbued life we humans require peace, tranquility, and love. We all need a sympathetic confidant, supporter, and well-wisher who we can love and enjoy his or her sincere love, aid, and support in return. We each need a person who can be our partner in life—someone who is loyal, kind, and sympathetic in health and sickness, in prosperity and hardship, in happiness and despondency, in wealth and poverty, and by and large in all circumstances.

Who is better for meeting this need than a spouse and what place is better than the warm camaraderie of family. Allah, the Exalted, states in the Quran:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

***“And of His signs is that He has created for you, from yourselves, spouses that you may gain peace through them and He has set among you love and compassion. Surely in this there are signs for thoughtful people.”<sup>9</sup>***

## 2. Instrument of Continenence and Immunity from Sin

Humans naturally require sexual relations and release. Controlling sexual desires is challenging if they are not satisfied legitimately and they draw a person to deviation and sin. Thus, marriage is the best and

healthiest implement for satisfying natural sexual instincts and immunization against deviation. The Prophet of Allah (S) has stated:

«قال رسول الله (ص): «من أحبَّ أن يلقى الله طاهراً مطهراً فليلقه بزوجةٍ

Whoever wishes to meet Allah pure and immaculate must marry. [10](#)

The noble Imam Sadiq ('a), has cited from the Prophet of Allah (S):

«عن أبي عبدالله (ع) قال: قال رسول الله (ص): «من تزوجَ أحرز نصف دينه

Whoever gets married has guarded half of their religion. [11](#)

Noble Musa ibn Ja'far ('a) has cited from his forefathers who cited from the Prophet of Allah (S):

موسى بن جعفر (ع)، عن النبيّ (ص)، قال: «ما من شابّ تزوّج في حداثة سنّه إلا عَجَّ شيطانه: يا ويلاه، يا ويلاه، عَصَمَ مِنِّي ثلثي دينه، فليتَّق الله العبد في الثلث الباقي

When someone marries when they are young, their devil cries: 'Woe unto me! Woe unto me! This youth has protected two thirds of their religion from me. So for the remaining third this person must fear Allah and be His devout servant.' [12](#)

### [3. Instrument of Physical and Mental Health](#)

Sexual desires and release are natural needs that bring about physical and mental health. Control and suppression of these needs strain the psyche and damage one's equilibrium. The origin of many mental disorders such as depression, despair, anxiety, phobia, pessimism, nihilism, distrust, and anger may be suppression of sexual instincts. Thus, timely marriage and legitimate sexual fulfillment can be considered a key factor in physical and mental health. The Prophet of Allah (S) has stated:

قال رسول الله (ص): «زوّجوا أيا ماكم؛ فإنّ الله يحسن لهم أخلاقهم، و يوسّع لهم في أرزاقهم، و يزيدهم في مروّاتهم»

Wed unto each other your unmarried men and women; for then surely Allah shall improve their behavior, expand their livelihood, and increase their humaneness. [13](#)

## 4. Increase in the Well-being of the Social Environment

If individuals marry at the outset of their maturity, they shall love and depend on their families and become immune to many types of moral corruption. As a result, the statistics relating to rape, taking advantage of girls and women, fornication, sexual acts with members of the same sex, masturbation, and even addiction, murder, theft, and many other crimes will plummet. Timely marriage has a great effect upon the health and security of the environment. This is why Islam advises parents and caregivers to prepare the means of marriage for those who have not yet married. The Quran states:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ

***“And join your single men and women and your righteous bondservants in matrimony. If they are poor, Allah will enrich them of His bounty. And Allah is the Facilitator, the Omniscient.”***<sup>14</sup>

The Prophet of Allah (S) has declared:

«عن النبيّ (ص) قال: «من حقّ الولد على والده ثلاثة: يُحسِّن اسمه، و يعلمه الكتابة، و يزوجه إذا بلغ

A father has three duties toward his children: he must give them worthy names, teach them literacy, and wed them when they mature.<sup>15</sup>

## 5. Procreation

Islam favors procreation and regards it as an important objective of marriage. Imam Muhammad Baqir (‘a) has cited from the Prophet of Allah (S):

عن أبي جعفر (ع)، قال: قال رسول الله (ص): «ما يمنع المؤمن أن يتخذ أهلاً؛ لعلّ الله يرزقه نسمة تثقل الارض بلاه الله الآلهة.»

What is wrong with a believer taking a spouse; it may be that Allah provides them with a child that vitalizes the world with (speakers of the adage of monotheism:) la ilaha illallah.<sup>16</sup>

The Prophet of Allah (S) has stated:

«قال النبيّ (ص): تناكحوا تكثرُوا؛ فَإِنِّي أَبَاهِي بِكُمْ الْأُمَمِ يَوْمَ الْقِيَامَةِ و لو بالسقط

Marry so you increase because surely I shall take pride in you, among the civilizations, on the Day of

Judgment, even (counting) miscarriages. [17](#)

## 6. Pleasure and Sensuality

An important merit of marriage is legitimate sexual pleasure and gratification. Sexual acts bring about one of the highest of worldly pleasures and, according to Islam, are not only decent and legitimate acts if done with the intention to become closer to Allah [*qasd-e qurbat*] but also good deeds that have rewards [*thawab*]. Furthermore, sexual relations are even obligatory in some circumstances.

## Conditions of the Marriage Contract

Marriage is a sacred contract that is realized with the synthesis of several factors:

1. Consent of the man and woman
2. Permission of the woman's father or grandfather (assuming that she is previously unwed)
3. Determination of the *Mahr* (*Mahr* can be real estate, cash, credit, or any other type of property, whether abundant or meager) [18](#)
4. Vocalization of the marriage formulas (by the man and woman or their representative—someone who is acquainted with the Arabic language)

After vocalization of the marriage formulas (marriage vows), the individual lives of the woman and man turn into familial life, and thus the man and woman gain new responsibilities.

[1.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 15.

[2.](#) – Ibid, p. 16.

[3.](#) – Ibid, p. 17.

[4.](#) – Bihar al-Anwar, vol. 103, p. 220.

[5.](#) – Rak'at is the basic unit of Salat, the compulsory daily Islamic prayer. [trans.]

[6.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 18.

[7.](#) – Wasa'il ush-Shi'ah, p. 19.

[8.](#) – Ibid, p. 19.

[9.](#) – Surah Rum 30:21.

[10.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 18.

[11.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 17.

[12.](#) – Bihar al-Anwar, vol. 103, p. 221.

[13.](#) – Ibid, p. 222.

[14.](#) – Surah Nur 24:32.

[15.](#) – Makarim al-Akhlaq, vol. 1, p. 253.

[16.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 14.

[17.](#) – Bihar al-Anwar, vol. 103, p. 220.

[18.](#) – Mahr is a specified (at time of marriage) amount that a man must pay his wife as a wedding gift. [trans.]

# Mutual Rights and Responsibilities of Spouses

According to Islam, the family is a small social unit that makes up the society. This small unit is formed of a woman and a man and is extended by producing children. Members of a family have a close relationship and common goals and interests. The happiness of each member depends on the happiness of the whole family. After marriage, men and women must consider all the members of the family not only their individual selves.

The relationship between a husband and wife is not like that of neighbors or friends; it is much more extreme—on the verge of unity. The Quran expresses this nicely:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

***“And of His signs is that He has created for you, from yourselves, spouses that you may gain peace through them and He has set among you love and compassion. Surely in this there are signs for thoughtful people.”<sup>1</sup>***

The statement, ‘He has created for you, from yourselves, spouses’, indicates the intensity of the connection and relationship. In another verse regarding husbands and wives it states:

...هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ...

***“They (women) are a garment for you (men) and you are a garment for them.”<sup>2</sup>***

Portrayal of wives and husbands as one another’s clothing reflects their close connection and relationship since clothes are the closest of things to one’s body and are greatly needed in order to protect one from heat and cold, to cover imperfections, and confer tranquility and beauty. Husbands and wives are also such in respect with each other and must necessarily be so.

Islam greatly favors fortification of the structure of family and decent relations between spouses, and thus it has designated specific rights and responsibilities for each. These rights and responsibilities may be summarized within two main categories: *common* and *exclusive*. Both of these categories will be elucidated in the succeeding sections.

## Common Rights and Responsibilities

The rights and responsibilities that pertain to both husband *and* wife are as follows:

## 1. Sociability

Wives and husbands must behave properly with one another and observe fine etiquette. The Quran declares:

...وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ...

**“And consort with them (your wives) in honor and equity [*ma’ruf*].”<sup>3</sup>**

The word *ma’ruf*, which has been used in this sentence, is the opposite of *munkar* (meaning wicked) and means behavior that is approved by both reason and religion. Even though this verse is addressed to men, women also hold this obligation.

Husbands and wives must be kind, well-mannered, cordial, cheerful, compassionate, helpful, sympathetic, courteous, just, truthful, supportive, trustworthy, loyal, well-wishing, and polite with one other. Various Hadith also emphasize sociability and geniality between spouses. The Prophet of Islam (S) has stated:

«عن النبيّ (ص)، قال: «أكمل المؤمنين إيماناً، احسنهم خلقاً، و خياركم خياركم لنسائه»

The most complete persons in faith are those who have the best manners and the good among you are those who are good with their wives.<sup>4</sup>

## 2. Attracting the Attentions of One’s Spouse

Husbands and wives must observe each other’s desires in cleanliness, clothing, the style of their hair and beard, etc. Islam advises women at home to apply cosmetics and adorn themselves for their husbands, wear their best clothes, be neat and clean, and apply fragrant perfumes. Imam Sadiq (‘a) has declared:

عن أبي عبدالله (ع) قال: «جاءت امرأة إلى رسول الله (ص)، و قالت: يا رسول الله! ما حقّ الزوج على المرأة؟» — في حديث إلى أن — قال: «و عليها أن تتطيّب بأطيب طيبها، و تلبس أحسن ثيابها، و تتزيّن بأحسن زينتها، و تعرض نفسها عليه غدوة و عشية، و أكثر من ذلك حقوقه عليها»

A woman came to the Prophet of Allah (S) and asked, ‘What are the rights of a husband regarding his wife?’ He replied, ‘Her duty is to perfume herself with the best scenting of her perfumes, and to dress in the nicest of her attires, and adorn herself with the finest of her adornments, and thus offer herself to her husband morning and night; and more than these are his rights regarding her.<sup>5</sup>

A man also has these responsibilities toward his wife; he must be neat and clean, perfumed and well-dressed, he must style his hair and face regularly, and make himself handsome for his wife. Imam Ja'far ibn Muhammad ('a) has cited the Prophet of Allah (S) through his fathers:

جعفر بن محمد، عن أبيه، عن جدّه علي بن الحسين، عن عليّ (ع)، قال: قال رسول الله (ص): «ليتهيأ أحدكم  
لزوجته كما تتهيأ زوجته له» — قال جعفر بن محمد (ع): — «يعنى يتهيأ بالنظافة

'Each of you must prepare yourselves for your wives; just as your wives prepare themselves for you.'  
Then Imam Ja'far ('a) stated, 'This means that each of you must be neat and clean.'<sup>6</sup>

The Prophet of Allah has stated:

قال النبيّ (ص): «حقّ المرأة على زوجها أن يسدّ جوعتها، و أن يستر عورتها، و لا يقبح لها وجهاً، فإذا فعل ذلك  
فقد و الله أدّى حقّها».

The rights of a wife regarding her husband are that he must provide her nourishment and clothing and must not appear to her with an ugly appearance. If he does these, by Allah, surely he has satisfied her rights.<sup>7</sup>

Hasan ibn al-Jahm has said:

حسن بن الجهم، قال: رأيت أبا الحسن (ع) اختضب، فقلت: — جعلت فداك — أختضبت؟ فقال: «نعم، إن التهيئة  
مما يزيد في عفة النساء، و لقد ترك النساء العفة بترك أزواجهنّ التهيئة»، — ثمّ قال: — «أيسرّك أن تراها على ما  
»تراك عليه إذا كنت على غير تهيئة؟» قلت: لا. قال: «فهو ذلك

I saw Imam Musa ibn Ja'far ('a) who had dyed his hair. I said, 'May I be sacrificed for you! You have dyed your hair!?' He replied, 'Yes. Surely the preparations of a husband for his wife increases her modesty [*iffat*]. Truly some women have abandoned their modesty because their spouses abandoned preparation.' Then he asked, 'Do you like to see your wife the way you appear to her when you have not prepared yourself?' I answered, 'No.' He declared, 'She feels the same.'<sup>8</sup>

### **3. Pleasure and Gratification**

Even though seeking pleasure and sexual gratification is not the whole aim of marriage, it is one of the chief goals and initial motivators for marriage and has a considerable effect in strengthening the structure of the family and preserving a good relationship between spouses. Hence, gratification is one of the responsibilities of husbands and wives. Husbands and wives must be prepared to give each other sexual pleasure and gratification. Whenever one party is inclined to sexual acts, the other must prepare themselves and not bring excuses. The Prophet of Islam (S) would instruct women as follows:

«أبو بصير عن أبي جعفر (ع) قال: قال رسول الله (ص) للنساء: «لا تطولنّ صلاتكنّ لتمنعنّ أزواجكنّ»

Do not lengthen your *Salat* to forestall your husbands (from sexual pleasure).[9](#)

Husbands and wives must not only think about their own pleasure in lovemaking; rather, they must also consider their partner's pleasure and gratification. This is because regular sexual satisfaction has a significant effect on good relations between spouses and bolsters the constitution of their family.

Addressing men, Amir al-Mu'minin ('a) has declared:

«عن عليّ (ع) قال: قال رسول الله (ص): «إذا أتى أحدكم امرأته فلا يعجلها»

Whenever you approach your wives, do not hurry (in lovemaking).[10](#)

According to a Hadith, Imam Ridha ('a) has stated:

«عن الرضا (ع) — فى حديث إلى أن — قال: «و اشتهدت منك مثل الذى تشتبهه منها»

Your wives expect from you similar to that which you expect from them.[11](#)

## 4. Rearing and Edifying Children

Caring for children, providing for their health, training their bodies and souls, and educating them in knowledge and morality are shared duties of fathers and mothers. This necessitates their cooperation and mutual deliberation and diligence. A father has a greater responsibility in this matter, but the role of a mother is more sensitive and constructive.

## Exclusive Duties of Husbands and Wives

### a. Men's Obligations

In addition to their common duties, due to their particular genesis, men have specific responsibilities, some of which are enumerated herein:

#### 1. Supervision of the Family

In Islam, the responsibility of guardianship, supervision, and management of the family have been set on the shoulders of men. Allah, the Exalted, has stated in the Holy Quran:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ...

*“Men are the protectors and supervisors of women because of the advantage Allah has given some over others and because they support them from their means. Therefore righteous women are those who are humble and who guard (in their husband’s presence and absence) his rights and secrets, which Allah has ordained to be guarded.”<sup>12</sup>*

Family affairs must be performed by mutual agreement, consultation, and cooperation of the husband and wife; however, this small society, like any other society, cannot run well without a prudent and influential supervisor and manager. Most families that lack a manager do not have a desirable situation. Hence, either the wife must take on the responsibility of supervising and safeguarding the family or the husband.

Again due to the particular genesis of men and women, since most men are generally more rational, as opposed to emotional, than women; are more prepared to manage and supervise the family; and are better equipped to bear hardships, the burden of supervising the family has been set on their shoulders. Conversely, women are more emotional and passionate than men. Therefore, it is in the best interests of the family that women accept the supervision of men and perform important affairs after consulting with their husbands and, in the event of a disagreement, accept their husbands’ judgment.

It must be noted that male supervision does not mean that the man can selfishly manage the family by exploiting his power and do whatever he wants and prohibit other members of the family from expressing their opinions. This is because a prudent manager and supervisor knows very well that no institution, great or small, may be administrated by force and selfishness; especially in view of the fact that the household must be a place of peace, tranquility, and nurturing for the children who are to be the future architects of the society.

In point of fact, the intent of male supervision is that correct planning for administrating the family must be first and foremost and these plans must be made through consultation and an exchange of views of other members of the family; through procuring their cooperation in managing affairs; through coming to a mutual understanding in decisions and resolving problems; and finally, having the last word in disagreements.

The supervisory duties of men may be summarized in three categories:

1. Providing for the expenses of the family, making plans through consultation, and managing the incomes and expenditures of the family
2. Safeguarding, protecting, and looking after all members of the family
3. Overseeing religious, moral, and cultural issues of family members, guiding them towards improvement and spiritual and physical development, and preventing social and ethical corruption within the family

## 2. Providing Financial Support [nafaqah]

In Islam, it is a man's duty to provide for all living expenses of the family. Ishaq ibn 'Ammar asked the noble Imam Sadiq ('a):

سأل إسحاق بن عمّار أبا عبد الله (ع) عن حقّ المرأة على زوجها قال: «يشبع بطنها، و يكسوها، و إن جهلت غفر لها.»

'What are the rights of a wife upon her husband?' He replied, 'He must fill her stomach and provide her clothing and if she makes a mistake, he must forgive her.'<sup>13</sup>

## 3. Honor, Gentleness, and Lenience

A man must be appreciative of his wife and regard her as a blessing from God. He must honor her, be gentle with her, forgive her mistakes, and refrain from strictness and stubbornness. Islam regards this attitude a wife's right and a husband's duty. Imam Sajjad ('a) has stated:

قال عليّ بن الحسين (ع): «و أمّا حقّ الزوجة: فأَنْ تعلم أنّ الله جعلها سكناً و أنساً، فتعلم أنّ ذلك نعمة من الله عليك فتكرمها و ترفق بها، و إن كان حقك عليها أوجب، فإنّ لها عليك أنّ ترحمها؛ لأنّها أسيرتك، و تطعمها و تكسوها، و إذا جهلت عفوت عنها.»

The rights of a wife are that you must know that Allah has made her (an instrument of) peace and friendship; then you must know that she is a blessing from Allah upon you, so honor her and be lenient and gentle with her. Even though you also have rights upon her, you must be kind and forgiving toward her because she is captivated by you. And you must provide her food and clothing and when she makes a mistake, you must forgive her.<sup>14</sup>

## 4. Religious and Moral Guidance

Men are obligated to make provision for religious, ethical, and belief related issues of their wives. Either they must help them in this matter themselves, or they must provide the instruments for their learning. A man must be careful of his wife's morality and conduct. He must encourage her to virtuous deeds and praiseworthy behavior and dissuade her from evil deeds and indecent behavior. In short, he must free her from the fires of Hell and invite her to Heaven.

This is one of the results and requirements of supervision, which is the responsibility of men. The Quran proclaims:

..يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ

***“O people of faith! Save yourselves and your families from the Fire whose fuel is humans and stones.”<sup>15</sup>***

## **b. Women’s Obligations**

Women also have heavy responsibilities towards their husbands, some of which have been indicated in various Hadith. All these responsibilities can be epitomized in one phrase: taking good care of one’s husband. Amir al-Mu’minin (‘a) has stated:

«قال عليّ (ع): «جهادُ المرأة حُسنُ التَّبَعُلِ»

The jihad of a woman is taking good care of her husband. <sup>16</sup>

The phrase حُسنُ التَّبَعُلِ (taking good care of one’s husband) in this Hadith is a concise term, however, it has an extensive meaning and encompasses all virtues. Regarding a woman who takes good care of her husband, it can be said:

She accepts the supervision and administration of her husband and defends and supports it. She guards her husband’s station in the family and among the children. She consults with him in important issues. She obeys his commands. If in some circumstances he deems it unwise that she leaves the house and does not permit it, she acquiesces.

With good manners, virtuous behavior, and kindness she heartens her husband and turns her home into a focus of serenity and love. In times of trouble and difficulty she aids her husband and consoles and encourages him. She is trustworthy of her husband’s property and avoids waste, extravagance, and thriftlessness.

She encourages him to do good deeds. At home she wears her best and most attractive clothes; she adorns herself and applies cosmetics as her husband wishes, and shows her willingness and inclination openly and at all times. She works hard to manage the household and train the children well. She is faithful in her husband’s secrets, trustworthy, loving, compassionate, etc.

It can be said regarding such a woman that she takes good care of her husband and her actions are on the same tier as Holy Jihad.

In Hadith several issues are greatly emphasized:

1. Obeying one’s husband in religiously permissible issues
2. Submission to one’s husband in sleeping together, sexual pleasure, and lovemaking; except where religiously prohibited

3. Trustworthiness and preservation of the property of one's husband
4. Preserving one's modesty and chastity
5. Getting permission from one's husband in exiting the house

Imam Sadiq ('a) has cited the Prophet of Allah (S) through his fathers:

عن أبي عبدالله (ع) عن آبائه (ع) قال: قال النبي (ص): «ما إستفاد امرئ مسلم فائدة بعد الإسلام أفضل من زوجة مسلمة تسره إذا نظر إليها، و تطيعه إذا أمرها، و تحفظه إذا غاب عنها فى نفسها و ماله»

No Muslim man has gained more benefit after becoming Muslim than through a Muslim wife who gives him a feeling of happiness when he looks at her, and obeys him when he gives her a command, and guards herself and his property when he is absent. [17](#)

Imam Muhammad Baqir ('a) has stated:

عن أبي جعفر (ع) قال: جاءت امرأة إلى النبي (ص) فقالت: يا رسول الله! ما حق الزوج على المرأة؟ فقال لها: «أن تطيعه، و لا تعصيه، و لا تصدق من بيته إلا بإذنه، و لا تصوم تطوعاً إلا بإذنه، و لا تمنعه نفسها و إن كانت على ظهر قتب، و لا تخرج من بيتها إلا بإذنه»

A woman came to the Prophet (S) and said, 'O Messenger of Allah! What are the rights of men upon their wives?' He replied, 'She must obey him and not be disobedient. She must not give charity from his house without his permission. She must not perform voluntary fasts without his permission. She must not deny him her body, even if she is on the back of a camel. And she must not exit her home without his permission. [18](#)

- [1.](#) – Surah Rum 30:21.
- [2.](#) – Surah Baqarah 2:187.
- [3.](#) – Surah Nisa' 4:19.
- [4.](#) – Bihar al-Anwar, vol. 71, p. 389.
- [5.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 158.
- [6.](#) – Mustadrak al-Wasa'il, vol. 14, p. 296.
- [7.](#) – Bihar al-Anwar, vol. 103, p. 254.
- [8.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 246.
- [9.](#) – Ibid, vol. 20, p. 164.
- [10.](#) – Mustadrak al-Wasa'il, vol. 14, p. 221.
- [11.](#) – Ibid.
- [12.](#) – Surah Nisa' 4:34.
- [13.](#) – Makarim al-Akhlaq, vol. 1, p. 248.
- [14.](#) – Bihar al-Anwar, vol. 74, p. 5.
- [15.](#) – Surah Tahrim 66:6
- [16.](#) – Bihar al-Anwar, vol. 103, p. 252.

[17.](#) – Wasa'il ush-Shi'ah, vol. 20, p. 41.

[18.](#) – Ibid, p. 158.

## The Mahr of Women and its Philosophy

When the marriage vows are recited, the husband gives his wife a gift that is called *Mihr* or *Sadaq*. The word *Mihr* does not appear in the Holy Quran, however, the word *Sadaq* has been employed. The Quran states:

وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِن طِبْنَ لَكُمْ عَن شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا

**“And give unto women their *Sadaq* willingly and if they freely remit any part of it to you, consume it in pleasure and delight.”[1](#)**

No specific amount has been determined for *Sadaq*—it is a matter that is decided by mutual agreement between the woman and man. Imam Baqir (‘a) has stated:

«قال أبو جعفر (ع): «الصدّاق ما تراضيا عليه من قليل أو كثير، فهذا الصدّاق

*Sadaq* is something that the betrothed agree upon, whether slight or considerable.[2](#)

There is no minimum amount set for *Mahr* although various Hadith suggest that it not be excessively low. Imam Sadiq (‘a) has cited Imam ‘Ali (‘a) through his forefathers:

«جعفر بن محمّد، عن آبائه، عن عليّ (ع) قال: «إنّي أكره أن يكون المهر أقلّ من عشرة دراهم؛ لئلا يشبه مهر البغي

I do not like *Mahr* to be less than ten dirham, so it does not resemble the payment of a prostitute.[3](#)

Additionally, no maximum amount has been specified for *Sadaq*. Even though a high *Mahr* is not forbidden, Islam does not regard setting high *Mahr* and competing in *Mahr* to be prudent and has advised against it. Amir al-Mu'minin (‘a) has declared:

«عن عليّ (ع) قال: «لاتغالوا بمهور النساء فتكون عداوة

Do not set substantial *Mahr* for women and do not compete in its excess for this causes enmity.[4](#)

We must not be so uncompromising in determining *Mahr* so as to hamper the marriage of young adults. We must refrain from excess and determine an appropriate and moderate *Mahr* that befits the standing of engaged couples and the social station of their families and is also compatible with the financial means of the husband-to-be.

Furthermore, there is no limitation in the type of *Mahr*—it can be any type of property; such as gold, silver, real estate, currency, domestic appliances, carpets, dishes, cars, clothes, and any other thing that can be owned. However, it is in the good interests of the woman that, if feasible, she sets her *Mahr* to be real estate, gold, silver, and such. This is so its worth does not decrease over time and can be her reserve.

*Mahr* can be either granted immediately or be given on credit. It can be the responsibility of the husband or any other person who agrees to pay it, and depends on the mutual agreement of the couple.

If the *Mahr* was agreed to be paid on demand, the woman may request it before consummation of her marriage. If the husband has the means to pay it, he must do so. If he declines, the wife may abstain from sexual relations. This refusal is not considered *nushuz*<sup>5</sup> and thus her husband cannot withhold her financial support.

If the *Mahr* is on credit and a specific time has been agreed for reimbursement, the woman may not demand it before its time and if no date has been set, the wife may ask for it at any time. If the husband has the means to pay, he must immediately do so.

The true owner of *Mahr*, regardless of the type of property, is the wife. No one has the right to use or take possession of her property without her consent; even her father, mother, or husband. The profits of a woman's properties also belong to herself. The Prophet of Allah (S) has stated:

قال رسول الله (ص): «إِنَّ اللَّهَ لِيَغْفِرَ كُلَّ ذَنْبٍ يَوْمَ الْقِيَامَةِ إِلَّا مَهْرَ امْرَأَةٍ، وَ مَنْ اغْتَصَبَ أُجْبِرًا أَجْرَهُ، وَ مَنْ بَاعَ حُرًّا.»

Surely Allah will forgive any sin on the Day of Resurrection save the sin of one who misappropriates the *Mahr* of a woman or the wages of a hired person, or who sells a free person (as a slave).<sup>6</sup>

It was asked of Imam Musa ibn Ja'far ('a):

احمد بن ابى نصر قال سأل ابوالحسن الاول (ع) عن الرجل يزوج ابنته، اله ان يأكل صداقها؟ قال: «لا، ليس ذلك له.»

'May a father consume the *Mahr* of his daughter?' He replied, 'No, he does not have such right.'<sup>7</sup>

If *Mahr* is on credit and the responsibility of the husband, he must pay it on demand and as soon as possible.

Regarding a man who had married a woman but did not intend to pay her *Mahr*, Imam Sadiq ('a) declared:

فضيل بن يسار، عن أبي عبدالله (ع) في الرجل يتزوج المرأة و لا يجعل في نفسه أن يعطيها مهرها: فهو زنا.

This is [considered] fornication.[8](#)

Imam Sadiq ('a) has also declared:

«عن أبي عبدالله (ع) قال: «من أمهر مهرًا ثم لا ينوي قضاءه كان بمنزلة السارق

He who designates *Mahr* for his wife but does not intend to honor it is equivalent to a thief.[9](#)

The noble Imam Sadiq ('a) thus cited the Prophet of Allah through his forefathers:

عن الصادق، عن آبائه (ع) عن النبيّ (ص) - في حديث المناهي - قال: «من ظلم امرأة مهرها فهو عند الله زنا، يقول الله عزّوجلّ يوم القيامة: عبدي! زوجتك أمّتي على عهدي فلم توف بعهدي، و ظلمت أمّتي. فيؤخذ من حسناته». فيدفع إليها بقدر حقّها، فإذا لم تبق له حسنة، أمر به إلى النار بنكته للعهد، إنّ العهد كان مسؤولاً

He who wrongs his wife regarding her *Mahr* is considered by Allah a fornicator. On the Day of Judgment, Allah, the honored, the glorified, shall say unto him: 'O servant! I married My servant unto you according to My covenant; however, you were not faithful to My covenant and oppressed My servant.' Therefore, He shall take his benefactions and good deeds [*hasanat*] as much as is her right and give them unto her and if he is left with no benefactions, He will order him cast into the Fire because he did not honor his pledge and surely all will be questioned regarding their pledges.[10](#)

## The Philosophy of Mahr

Some may question the legislation [*tashri'*] of *Mahr* and declare: 'Men and women physically and instinctually need each other. Because of this they are attracted to one another and consequently get married. Taking this into consideration, what is the reason for *Mahr*? With the legislation of *Mahr* women are debased and downgraded to the level of a trade commodity. Men buy women with *Mahr* like one buys a slave.'

In answer, it must be said: In Islam neither are women considered commodities or slaves, nor is *Mahr* deemed a trade price; rather, *Mahr* is a gift or endowment that a husband bestows upon his wife in order

to revere her and demonstrate his devotion to her.

In order to explicate the issue and further clarify the philosophy of the legislation of *Mahr* two points shall be enumerated.

**First point:** Even though men and women physically need each other and naturally desire one another, each of them has special characteristics:

One characteristic of women is their delicacy and beauty which is one aspect of men's attraction to them. The most important factor of women's influence is their beauty; something for which men have a unique regard. A woman intrinsically [*fitri*] understands this and thus utilizes various means of beautification and adornment in order to appear more beautiful and penetrate deeper into a man's heart.

A second quality of women is that even though they have sexual needs similar to men, they are stronger in masking their instinctive desires. They appear free from desires and usually do not propose to men. A woman prefers to permeate the heart of a man and cause him to become enamored with her so that he asks for her hand in marriage. Makeup, flirtatiousness, coyness, and coquettishness of women originate from this issue. Thus, a woman deeply desires to enthrall the heart of a man and capture his love and devotion.

However, men are weak against their desires and cannot conceal their inner passions. This is why they propose to women. Men desire and yearn for women and pursue them. When a man realizes that a woman desires his devotion, he reveals his adoration and welcomes her coyness and coquetry. In order to prove his love, he uses any means necessary: he spends money, buys her gifts, and holds marriage and wedding parties.

The contract of *Mahr* is one such means. In order to prove his affection, honor his wife, and attain her heart, he bestows upon her a gift called *Mahr*.

The Quran also expresses *Mahr* in this manner, as it is called صدقاتهنَّ and introduces it as a *Nihlah*, which means gift or endowment. This is one of the advantages and philosophies for the legislation of *Mahr*.

**Second Point:** The contract of *Mahr* gives the woman a relative amount of peacefulness and ease of mind, so that she may perform the duties that genesis has placed upon her. Even though when a man and woman are married they pledge to be faithful to one another and collaborate and cooperate in fostering and training their children, contrary instances have been observed where the man does not perform his duties and refrains from providing living expenses and helping to correctly rear their children whereas nature has put specific responsibilities upon women in childrearing that cannot be avoided.

This issue can be elucidated with an analogy: men are like the planter and women, the plantation. He plants his seed in the woman's womb and subsequently he is technically free to go his own way.

Canonically, legally, and morally, men are responsible toward their wives and children. However, because *nature* has not given the man any immediate responsibilities, he can leave his wife with the child in her womb and “fly free”. Of course, most men are not this way; but even so, it is possible and this happens on occasion.

However, a woman is not free in this manner and is obliged to endure her arduous term of pregnancy, delivery, and the ensuing convalescence. After giving birth, she cannot cast aside her feeble and blameless child or leave it hungry. She is compelled to nurse and nurture her baby. Due to her intense maternal affection and the bond that is then created, she cannot leave her child after the nursing phase and has no option but to care for her child.

During this time, she needs a means of livelihood—home, food, clothes, etc. What can this hapless woman do in such a situation? Naturally, women should be apprehensive about such possibilities. It might be that one reason for the divine legislation of *Mihr* is to foster in women a reasonable amount of security and ease as regards such likelihoods. If *Sadaq* is real estate or hard cash women can take it and use it when in need and if it is on credit she may demand it at any time.

In short, *Mihr* may be described as an instrument of assurance and backup for marriage.

Imam Sadiq (‘a) has stated:

عن الصادق (ع) قال: «إِنَّمَا صَارَ الصَّدَاقُ عَلَى الرَّجُلِ دُونَ الْمَرْأَةِ—وَإِنْ كَانَ فَعَلَهُمَا وَاحِدًا—لِأَنَّ الرَّجُلَ إِذَا قَضَى حَاجَتَهُ مِنْهَا قَامَ عَنْهَا وَ لَمْ يَنْتَظِرْ فَرَاغَهَا فَصَارَ الصَّدَاقُ عَلَيْهِ دُونَهَا لِذَلِكَ.»

The reason that [the responsibility of] *Sadaq* has been placed upon the man not the woman—even though their actions are the same—is that when the man’s needs are satisfied he rises from her and does not await her release; for this reason *Sadaq* is his responsibility not hers. [11](#)

[1.](#) – Surah Nisa’ 4:4.

[2.](#) – Wasa’il ush-Shi’ah, vol. 21, p. 240.

[3.](#) – Ibid, p. 253.

[4.](#) – Ibid, p. 266.

[5.](#) – Nushuz is when a spouse does not perform his or her obligatory marital duties toward the other. These duties have been enumerated in the previous chapter. [trans.]

[6.](#) – Wasa’il ush-Shi’ah, p. 266.

[7.](#) – Ibid, p. 272.

[8.](#) – Ibid, p. 266.

[9.](#) – Ibid, p. 266.

[10.](#) – Wasa’il ush-Shi’ah, p. 276.

[11.](#) – Wasa’il ush-Shi’ah, vol. 21, p. 268.

# Nafaqah (Financial Support) and its Philosophy

According to Islam providing for the expenses of the family, including the expenses of his spouse, is a husband's duty. A man must finance all his partner's expenses, even if she is wealthier than he. The necessity of *nafaqah* is one of the certain commandments of Islam. It is the right of a wife. If a husband does not pay it, it remains a debt upon him and must be paid on demand. If he refuses to pay *nafaqah*, an Islamic religious magistrate may divorce them at the wife's request.

Imam Muhammad Baqir ('a) has declared:

أبو بصير، قال: سمعت أبا جعفر (ع) يقول: «من كانت عنده امرأة فلم يكسها ما يوارى عورتها، ويطعمها ما يقيم  
صلبها كان حقاً على الإمام أن يفرق بينهما.»

[Regarding] he who has a wife but does not provide her adequate clothing and food, it is the duty of an Imam to separate them. [1](#)

Ishaq ibn 'Ammar has stated:

إسحاق بن عمّار، قال: قلت لأبي عبدالله (ع): «ما حق المرأة على زوجها الذي إذا فعله كان محسناً؟ قال: يشبعها،  
و.و يكسوها، وإن جهلت غفر لها.»

I asked Imam Sadiq ('a), 'What rights does a wife have upon her husband, which if he fulfills he will be virtuous in this respect?' He replied, 'He must provide her food and clothes and forgive her indiscretions.' [2](#)

*Nafaqah* consists of all needs of a family, with regard to available resources and conventions [*urf*] of the time, place, and social level of the family. Some of these needs are enumerated below:

1. Food, fruit, and other such needs according to standard requirement
2. Seasonal clothing according to the needs and social level of the family
3. Carpeting and beds
4. Cooking, eating, and drinking utensils
5. Cooling and heating appliances
6. Living quarters that provides comfort for the family and is in accordance with the social standing of the family

7. Personal care and medical expenses

8. Hygienic and cosmetic products

## Criticism

The issue of *nafaqah* has been criticized such: Legislation of this commandment has dishonored women and through it, they are considered stipendiary servants who are given food, board, and clothing for their round the clock exertions and onerous housework.

## Response

In answer, it must be argued that this criticism is derived from the enmity or benightedness of the critic because, according to Islam, housework is not the duty of a wife; even regarding fostering, tending, and nursing children, no responsibility has been placed upon a wife. She can choose to do nothing and ask for a servant or she can ask for wages for performing housework and fostering and nursing her children. Even so, her *nafaqah* has been placed upon her husband.

According to this, how can one say that women are dishonored and have been considered stipendiary servants?

It is worthy of note that even though housework and house management is not the duty of women according to the law of Islam, it is considered morally crucial and essential for familial affection and intimacy. It is mentioned in Hadith as *حُسن التَّبَعُل* (taking good care of one's husband) which was mentioned previously, in chapter five. A mistress of the house who is interested in the endurance and warmth of the family endeavors as far as she is able to foster and edify her children and efficiently manage her home; albeit in willingness and relish not due to legal compulsion and coercion. The wives of the Prophet (S), his daughter Zahra, and the wives of the Immaculate Imams and Saints of Islam were such.

## Criticism

Even though men and women need each other to satisfy their ardor, have children, and raise them, why are all of the family's expenses, even the wife's personal expenditures a husband's responsibility? Why should husbands work and toil while wives eat and sleep and do not even do housework? Is this not unfair to husbands? Why should women be their husbands' dependants so they are forced to obey them and tolerate their bullying and restrictions? Is it not better for both women and men to work and jointly pay for the family expenses?

## Response

Several points must be expounded in order to refute this criticism.

1. Nature and genesis has placed heavy burdens of responsibility upon women, who are compelled to carry them out; such as pregnancy, giving birth, nursing their babies, nurturing, fostering, and training and edifying their young. These demanding responsibilities require great time and effort to be performed well, and are not compatible with working extensively outside one's home.
2. Women have monthly cycles and require rest during these periods.
3. Housework and child care are not women's duties either canonically or legally; however, according to ethics and mores, they cannot eschew these desiderata because they are considered essential to familial life and greatly affect the beauty and repose of the home and hearten husbands.
4. Women are delicate, elegant, and beautiful beings and these are their most important instruments of attraction and charm for their husbands. Working in difficult and tiresome jobs outside their homes harms the elegance and loveliness of women, which in turn decreases their attractiveness for their husbands; this is neither to women's nor men's benefit. If both men and women work to pay for living expenses, they will have to compete with men and therefore might be required to accept arduous jobs such as laboring in mines, ironworks, and automobile, petrochemical, and cement industries, civil engineering, railroads, trucking, and grueling graveyard shift jobs.

If women and men were equally obligated to work and provide living expenses, naturally, such problems could arise.

Accordingly, it is clear that women cannot be forced to work like men in order to pay for expenses. Thus, Islam has made men accountable for the family's livelihood, so that women may fulfill their genetic duties at their own leisure and with ease of mind, endeavor in fostering and edifying their children, preserve their cheeriness and attraction, maintain their place in their spouse's hearts, and make their home a place of love and tranquility.

Hence, with love of wife and children, peace of mind, and gratified with their lives, men endeavor more diligently to produce the family's livelihood and bestow it upon their partners with willingness and genuine sincerity.

In consequence, pragmatically, with true regard to the interests of men, women, and their children, and to fortify the cornerstones of married life, Islam has given men the duty of providing for the family's *nafaqah* and has not irrationally sided with one party and imposed on the other.

It is in the interests of both women and men that *nafaqah* be the charge of men and women be the dependants of men. Because men are attracted to and fond of women, they desire to spend for them,

and not only are they without resent, they are completely satisfied and feel good about themselves when they behave in this way. The financial dependence of women is not a drawback and it does not make them stipendiary servants; rather, it strengthens the backbone of marriage. Basically, in familial life, a man's earnings belong to the family, they are utilized for acquiring necessities; therefore, financial independence or the lack thereof is not an issue.

Here, it must be pointed out that the aim of Islam in making men responsible for *nafaqah* is not to thwart employment of women, make them consumers and 'stay-at-homers', and obstruct them from having jobs and responsibilities outside their homes. Instead, Islam intends that women *not be forced* to work and provide living expenses; however, with regard to her abilities, preferences, and facilities, and the mutual agreement of spouses, a wife can choose an acceptable job and perform her responsibilities outside her home, and thus have an independent income.

Naturally, her income belongs to herself and she need not use it for family expenditures. A virtuous woman would, however, with purity of heart, like her husband, prefer to donate it to the family so that it would have a part in managing and improving familial life and increase serenity and love within the entire family.

[1.](#) – Wasa'il ush-Shi'ah, p. 509.

[2.](#) – Ibid, p. 510.

## Women's Inheritance in Islam

In Islam, men and women have equivalent rights, including but not limited to working, acquiring wealth, possession of property, and the concept of inheritance. The Quran declares:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ  
نَصِيبًا مَّفْرُوضًا

***“For men there is a share from what their parents and close relatives leave, and for women there is a share from what their parents and close relatives leave, be it little or considerable; a definite share.”<sup>1</sup>***

This verse makes it clear that, like men, women inherit and have a definite share. The verses regarding inheritance were revealed to the Prophet (S) at a time that women in the world, and especially among the benighted Arabs, were bereft of worth or status. In the Age of Ignorance, men were ashamed when they heard that their newborn child was a girl and many innocent baby girls were even buried alive.

The possessions of the deceased went to their sons or eldest son only, and girls were deprived of inheritance altogether unless a father determined an amount in his will or his sons took pity upon their female siblings and gave them something. Thus, when the verse of inheritance gave women a *definite share* in the legacy, some people were astonished. Regarding the conditions revolving around this verse's revelation, Imam Fakhr Razi has written:

Ibn 'Abbas gives account that Aus ibn Thabit Ansari died and left behind his wife and three daughters. Two of his male cousins by the names of Sawid and 'Arafjah, who were his inheritors, came and took all his possessions. Aus' wife came to the Prophet (S) and told her story and said, 'Aus' two inheritors left nothing for my daughters and I.' The Prophet (S) said, 'Return home until I see what God instructs.' Subsequent to this was the revelation of the aforementioned verse, which shows that both men and women inherit.<sup>2</sup>

Indeed, by legislating women's inheritance in such times, Islam has honored women and has considered their status as inheritors equal to that of men. However, in Islamic law, the share of women's inheritance is half that of men's. Allah, the Almighty, has stated in the Quran:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةً مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

***“Allah charges you in regard with your children: a son’s share is equal to the share of two daughters; if the [children] are [only] daughters and two or more, their share is two thirds of the legacy, and if there is only one daughter, her share is half [of the legacy]; and each of the parents inherit one-sixth of the legacy if the deceased had children, and if the deceased had no children and the parents are the only heirs, the mother inherits one-third; if the deceased had brothers, the mother inherits one-sixth; [all this is] after executing the will and settling the debts of the deceased. You do not know which of your parents and children benefit you the most. This is Allah’s injunction; surely Allah is All-knowing, All-wise.”*** <sup>3</sup>

According to Islam, sons inherit twice that of daughters, brothers twice that of sisters, and husbands inherit twice that of wives, except regarding the father and mother of the deceased: if they are living at the time of their child's death, each equally receives one sixth of the deceased's legacy.

## Criticism

The law of inheritance has been thus faulted: Why have women been discriminated against, with allotment of half the share of men? Is this not prejudice and oppression?

## Response

The difference in the inheritance shares of women and men must not be considered dissociate from other laws and commandments and discussed and judged independently. It is true that, regarding inheritance, Islam has differentiated between men and women. However, this differentiation is due to realistic perception and the financial obligations that men bear. In Islam, men have to bestow *Mahr* upon their wives. All the expenses of a wife and children must be paid for by men. Thus, men must work diligently to provide all living expenses whereas women are not required to work and pay for such living expenses.

If a woman has wealth, she is not required to spend it for her family; she may save it if she desires. All possessions that she gains through work, *Mahr*, gifts, inheritance, or any other legitimate method are solely hers and she can amass it all if she wishes. This is in contrast to men, who are legally and canonically required, in addition to bestowing *Mahr*, to provide all living expenses of their spouses and all other members of the family.

Thus, women are partners in all the possessions of their husbands, including their husband's inheritances, which are indirectly given to them; while a woman's inheritance is absolutely and unquestionably hers only. Because of this, Islam intended to assist men by formulating the laws of inheritance in this manner.

With regard to this fact, can one still say that Islam discriminates against women in regard to inheritance?

If you fairly examine the matter, you will affirm that not only have women not been treated in a biased manner, they have been supported. Various Hadith indicate this reason. Imam Ridha ('a) has declared:

عن الرضا (ع) قال: علّة إعطاء النساء نصف ما يُعطي الرجال من الميراث؛ لأنّ المرأة إذا تزوّجت أخذت و الرجل يُعطي؛ فلذلك وقرّ على الرجال. و علّة أخرى في إعطاء الذكر مثلي ما تُعطي الأنثى في عيال الذكر إن احتاجت، و عليه أن يعولها، و عليه نفقتها، و ليس على المرأة أن تعول الرجل، و لاتؤخذ بنفقته إن احتاج فوقرّ على الرجل لذلك «.... و ذلك قول الله: الرَّجَالُ قَوَامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَ بِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ

The reason that women receive half the share of men from inheritance is that when a woman marries, she takes and the man gives; for this reason, men have a larger share. Another reason is that a wife is the dependant of her husband and he must pay for her expenses, but a wife is not required to pay her husband's expenses or financially support him in need. Hence, men have a larger share and this is [the interpretation of] the declaration of Allah: ***Men are the protectors and supervisors of women because of the advantage Allah has given some over others and because they support them from their means***<sup>4</sup>

Hisham ibn Salim narrates:

هشام بن سالم، قال: إنَّ أبي العوجاء قال للأحول: ما بال المرأة الضعيفة لها سهم واحد و للرجل القوي المؤسّر سهمان؟ قال: فنكرت ذلك لأبي عبدالله (ع). فقال: «إنَّ المرأة ليس عليها عاقلة، و لا نفقة، و لا جهاد—و عدّد أشياء غير هذا— و هذا على الرجال؛ فلذلك جُعِل له سهمان و لها سهم.»

Ibn Abil'uja' said to Ahwal, 'Why should a weak woman get one share while a wealthy man gets two shares?' He answered, 'I asked this same question of Imam Sadiq ('a), he answered: '*Aqilah* (blood price)<sup>5</sup>, *nafaqah*, and Jihad—and some other things—are not obligatory for women, they are for men; thus, two shares have been designated for men and one for women.'<sup>6</sup>

<sup>1</sup>. – Surah Nisa' 4:7.

<sup>2</sup>. – Tafsir-e Kabir, vol. 9, p. 194.

<sup>3</sup>. – Surah Nisa' 4:11.

<sup>4</sup>. – Bihar al-Anwar, vol. 104, p. 326; Surah Nisa' 4:34.

<sup>5</sup>. – This is the blood price that must be paid by the family of unaccountable individuals, such as minors or mentally incapacitated persons, due to injuries or fatalities that are caused by such people. [trans.]

<sup>6</sup>. – Bihar al-Anwar, vol. 104, p. 327.

## Islam and Polygamy

Islam allows polygamy and permits men, under specific circumstances, to have at most four wives at any given time.

Polygamy was customary before Islam and was not abrogated with the coming of Islam; instead, Islam has corrected and set various conditions for the practice. The principle was permitted, but polygamy was limited to four wives.

In authorizing polygamy, Islam does not have the intention of siding with men and encouraging them to form harems or overindulge in sexual desires and debauchery or to overlook the rights of women and oppress them. Rather, Islam's aim is to uphold a range of women's natural rights—the right to marriage, forming a family, and having and rearing legitimate children. Of course, the rights of men have also been kept in mind. The permitting of polygamy, while observing prescribed conditions, is a social necessity and in the ultimate interests of both women and men and in order to elucidate this matter, the following two premises are indicated.

**First premise:** Even though female births are not more than that of males, statistics show that the number of women who are available for marriage is often more than men. There are two reasons for this:

First, the fatalities of men, especially young men, exceed fatalities of girls and women. This becomes evident by referring to the casualties of incidents such as war, falling from heights, getting buried under debris, drowning, mine and industry mortalities, car accidents, work related accidents, etc. Because of these accidents, which are not few, the equilibrium between men and women is lost and the ratio of women to men increases. This is evident in the human casualties of recent wars, such as the wars of Iraq and Iran, America and Iraq, Russia and Afghanistan and their internal wars, Serbia and Bosnia, and other wars and acts of aggression that occur all over the globe. The human death toll in these battles is monstrously high and the majority of deaths concerns men and youths that either had not married or had married recently before their demise. Now consider the increase of women over men as a result of these wars.

Second, some scientists hold that women's resistance to diseases is higher than that of men. Studies of the deaths of children, adolescents, and young adults affirm this theory. The average lifespan of women is longer than men. Statistics show a higher rate of widowed women than widower men.

Thus, the number of single women who want and need to marry is higher than the number of single men who need and desire marriage. We all have seen many widowed women who wish to remarry a desirable man but cannot due to the circumstances. On the other hand, there are not many unmarried men who wish to marry that cannot find a woman willing to marry.

**Second premise:** One of the natural rights of all human beings is the right to marriage and formation of a family; just as humans have the right to have jobs, homes, health and hygiene, food, and clothes, they also have the right to marriage. All humans, both males and females, have the right to marry, enjoy familial peace and love, develop lasting emotional attachments, and bring forth and raise legitimate children. As human beings, women have this right. Thus, social laws must be regulated in such a manner that this natural right is readily available to all.

In short, in every society there are a large number of unmarried women who need and desire to marry and if they do not, they may be driven to deviation and corruption. The number of single men who are willing to marry widows is not high enough to appease the requirements of every society, due to the fact that young men usually prefer to marry previously unmarried women, who are already more than enough to satisfy their numbers. On this account, what must widows who wish to remarry do? In this case, the society must either accede to sexual freedom, corruption, and unrestraint, such as has been accepted in the West or, as in Islam, must follow a polygamous system.

In order to resolve this problem to the advantage of widowed women, who wish to marry and perhaps start a family, and prevent social corruption and sexual deviations, Islam has allowed polygamy.

Another justification for polygamy is sterility or incapacity of a man's spouse. In the event that a woman is completely sterile or pregnancy is harmful to her due to an incurable illness, and her husband feels the need for a child, both reason and conscience give assent to his right to remarry.

Additionally, if one's wife is ill and cannot satiate the sexual needs of her husband, remarrying becomes a necessity for the man. In order to resolve this problem, the man either has to divorce his first wife or marry again without divorcing her. The second option is to the advantage of the first wife because she does not become destitute and alone in her illness.

Nevertheless, it must be stressed that in light of the fact that the most important benefit of marriage is familial love, tranquility, and affection, monogamy is far preferable to polygamy. Moreover, Islam does not encourage men to remarry to appease their concupiscence and to sacrifice familial love and peace for evanescent pleasure. The reason that Islam acquiesces to polygamy is due to a social necessity and in order to protect the rights of widowed women and women who need to marry.

Conditions of time, place, societies, and personal resources and facilities differ regarding this issue. If there is no personal or social necessity for polygamy, monogamy is preferable and if polygamy is required in a society or for some persons, women and men must cooperate in attaining this goal. A man who intends to remarry for one of these reasons must adhere to his financial and physical means and in the event that he does not have the means to manage two households, he must forego remarriage. Then, if he has the means, he must discuss the issue with his wife and prove to her the necessity for remarriage, assure her that he will observe justice and equality among his wives, and obtain her consent in any fair manner possible.

The duty of such a wife is self-sacrifice in order to ensure personal and social necessities; she must set aside harsh emotions, mind the predicament and needs of her husband or widowed women, and above all else, she must think of God's satisfaction and thus, allow her husband, his legitimate request.

If remarriage results through mutual consent of husband and wife, it will be far less problematic for everyone involved.

## Conditions for Polygamy

Islam tolerates polygamy; however, it has placed various conditions for it that, in practice, are very difficult to observe. These are as follows:

1. Possession of sufficient financial resources to provide all expenses of each family
2. Physical prowess for completely satisfying the sexual desires of each wife
3. Observance of complete justice and equality among each family in every way without any favoritism

Allah, the Almighty has declared in the Quran:

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

**“...then marry [other] women, who seem virtuous to you, two or three or four; and if you fear that you cannot do them justice, then one [only]...”<sup>1</sup>**

This verse gives permission for polygamy on the condition that there is no likelihood of refraining to observe fairness and justice, which is rather unfeasible and very hard to attain.

A man who has more than one wife is obligated to observe equality, justice, and fairness among his wives in the amount, type, and quality of *nafaqah*, sexual enjoyment and intercourse, and even in mannerism. It is the duty of polygamous men to behave comparably in all events, even if their wives are different in age, beauty, character, social status, and other virtues and perfections.

It is clear that completely adhering to justice and fairness is quite challenging and few men can be sure about their ability to shoulder such heavy responsibilities whereas the Quran makes it quite clear that if they doubt their ability to behave equally and justly with their wives, they should suffice themselves with one wife.

Consequently, polygamy in Islam is a very onerous and high-liability undertaking, something that most men are not competent enough to accomplish.

<sup>1</sup>. – Surah Nisa’ 4:3.

## Divorce in Islam

Islam tolerates divorce and separation of a husband and wife under specific conditions; however, Islam regards divorce as abhorrent and reprehensible. Thus, it has been censured in Hadith. Imam Sadiq (‘a) has declared:

عن أبي عبدالله (ع) قال: «إِنَّ اللَّهَ عَزَّ وَجَلَّ يَحِبُّ الْبَيْتَ الَّذِي فِيهِ الْعَرَسُ، وَيَبْغُضُ الْبَيْتَ الَّذِي فِيهِ الطَّلَاقُ، وَ مَا مِنْ شَيْءٍ أَبْغَضَ مِنَ الطَّلَاقِ»

Verily, Allah loves a house in which a wedding is held and hates a house in which a divorce is conducted and there is nothing more hateful than divorce.<sup>1</sup>

Noble Sadiq (‘a) has elsewhere announced:

«.عن أبي عبدالله (ع) قال: «ما من شيءٍ أحلَّه الله أبغض إليه من الطلاق، وإنَّ الله يبغض المطلق الذَّواق»

Among that which Allah has made permissible there is nothing He hates more than divorce and Allah

hates a man who divorces and marries many women.[2](#)

He has also stated:

عن أبي عبدالله (ع) قال: «بلغ النبي (ص) أن أبا أيوب يريد أن يطلق امرأته فقال رسول الله: إن طلاق أم أيوب  
لحوب، أي إثم».

When the Prophet of Allah heard that Abu Ayyub (Ayyub's father) intended to divorce his wife, he declared: The divorce of Umm Ayyub (Ayyub's mother) is a sin.[3](#)

Imam Muhammad Baqir ('a) cited from the Prophet of Allah (S):

عن أبي جعفر (ع) قال: قال رسول الله (ص): «أوصاني جبرئيل عليه السلام بالمرأة حتى ظننت أنه لا ينبغي طلاقها  
إلا من فاحشة مبيّنة».

Gabriel ('a) commended wives to such an extent that I presumed divorce is not permissible unless a wife performs an explicit act of unfaithfulness and infidelity.[4](#)

Noble Sadiq ('a) had stated:

«عن الصادق (ع) قال: «تزوجوا و لا تطلقوا؛ فإنّ الطلاق يهتّر منه العرش».

Marry and do not divorce because surely divorce shakes the very Throne of God [*'Arsh*].[5](#)

The Prophet of Allah (S) has proclaimed:

«قال رسول الله (ص): «ما أحبّ الله مباحاً كالنكاح، و ما أبغض الله مباحاً كالطلاق».

Allah loves no permissible like marriage, and Allah hates no permissible like divorce.[6](#)

Islam holds divorce as an extremely ugly and vile act, which must be avoided within the bounds of possibility as it even rocks the very Throne of God. Even though it has not been forbidden, for various reasons, it is severely condemned. In order to prevent divorce, Islam campaigns against its causes, some of which are enumerated below:

One influential factor for divorce is the disheartenment of a husband for his legitimate wife and his fondness and affection towards non-*mahram* women. The chief instrument for this is lack of adequate *Hijab* among women and leering in men. When a man looks upon a woman who is more beautiful and attractive than his own wife he may become infatuated with her and become disheartened with his wife.

Little by little he makes familial life bitter by finding faults, seeking excuses, and picking quarrels, which might ultimately lead to divorce.

In order to keep this from happening, on the one hand, Islam enjoins women to observe *Hijab*, cover their attractions from men, and refrain from being alluring for anyone but their own husbands. On the other hand, Islam directs men to abstain from looking at, and joking and bantering with non-*mahram* women. If their eyes happen upon a non-*mahram* woman, they must not linger and immediately look away.

Another agent for divorce is indifference of spouses towards one other and apathy and lack of passion in fulfillment of the sexual needs of one another. Many divorces and deviations occur when a husband or wife is not sufficiently sexually gratified.

To prevent this, Islam instructs women to wear their best clothes when at home, make themselves up according to their husbands' wishes, and display themselves with ardent fervor. Moreover, Islam charges men to observe cleanliness and personal hygiene, style themselves, and show a handsome and warm demeanor for their wives.

Furthermore, Islam advises both women and men that when making love and performing sexual acts, they must not only think of their own pleasure and release but seek to give pleasure and gratification to their partner also.

A third catalyst for divorce is misconduct, discourteousness, carping, picking quarrels, and stubbornness in a husband, wife, or both. Statistics show that the prime reason for most divorces is behavior incompatibility of spouses.

Islam strives to pre-empt these factors and strengthen the cornerstones of the holy institution of family by prescribing various rights and responsibilities for men and women. In addition, it advises against selfishness, egocentricity, autocracy, and recalcitrance, and advocates tolerance, forgiveness, and resolving differences with reason, fairness and affection.

The moral obligations of both women and men have been explicated in detail in various books on ethics, but some of these have been indicated in chapter five.

Islam has also anticipated the need for a team of arbitrators to resolve the disputes of spouses and preclude divorce. This team consists of two mediators; one chosen by the wife's family, and one by the husband's. They may be of the couple's family or unrelated. The Quran states:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

**“And if you fear a breach between the two, then choose an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah shall effectuate concord among them. Surely, Allah is All-knowing, All-aware.”<sup>7</sup>**

In order to bring about reconciliation, the team of arbitrators arranges a meeting with the wife and husband. They unearth the problem, hear out both sides with punctiliousness and fairness and advise, in friendship and love, each person regarding their mistakes and shortcomings. They remind each of the spouses of their responsibilities. Then they enjoin the couple to forgiveness, tolerance, observance of marital duties, and determination to fortify the holy institution of their marriage and family. They also warn them of the detrimental effects of discord and separation. In this manner, they restore harmony among the pair.

However, it must be expressed that the reconciliation brought about by Islamic arbitrators is different from the settlement that results from the force of law. Judicial settlement is like the placating of two partners or neighbors or two persons who are hostile towards one another by obstructing them from encroaching upon each other’s rights, whereas the reconciliation brought about by the team of arbitrators has nothing to do with judicial constraint; rather, it results from rectifying rancor, uprooting the source of the disputes, endeavoring to create mutual understanding, consolidating familial love, heartening the couple regarding their life together, and normalizing the relations between them.

The merits of this method over the modern judicial method are obviously far superior. If, however, after careful scrutiny and necessary action, the arbitrators realize that the conflicts are excessively deep-seated and that the flames of marital love and affection have been completely quenched and there is no hope for concord after encouraging forgiveness and forbearance, they may leave the couple to their own devices or they advise them to seek a divorce.

Another instrument that may prevent divorce or at least forestall it is the payment of *Mihr*. A man who has paid his wife’s *Mihr*, does not have the right to take it back, and if he has not, he must pay it completely before divorce. The Holy Quran states:

وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَّكَانَ زَوْجٍ وَآتَيْتُمْ إِحْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَتَأْخُذُونَهُ بِهَتَانَا وَ إِنَّمَا مَبِينَا\* وَ كَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا

**“And if you desire to take a wife instead of a [current] wife and have given her much wealth, do not take back any part of it; would you take it back with slander and blatant sin. And how shall you take it while you have taken pleasure of each other and after they have taken from you a strong pledge (at the time of marriage)”<sup>8</sup>**

*Mihr* is the canonical and lawful right of women and they can collect it in any way possible. If the husband has not given it, he must pay it before the divorce. If it is a large enough amount, it can to some

extent impede divorce, especially for people who are not financially well-off.

Another factor is keeping and fostering children and providing for their expenses, which are both the duty of men. In the event that the couple's conjugal relationship is normal and the husband and wife live together, women mostly handle the responsibility of fostering children. This gives men a better opportunity to work and provide family expenses.

However, if they are separated by divorce, the husband must take custody of their children and rear them (in addition to providing their expenses) and jointly accomplishing these two endeavors is very difficult. Additionally, children need motherly affection and this is a need that a man cannot deliver himself. This is why if a father contemplates the matter well and examines the consequences and difficulties of such an action, he usually is discouraged from getting a divorce.

Consequently, the existence of children and the responsibility of fostering them may be considered a support for the persistence and consolidation of the family institution and an obstruction for divorce.

Another factor is the necessity for two righteous witnesses. Islam necessitates the presence of two righteous witnesses when the formula of divorce is recited because it must be recited correctly, which is not achievable by just anyone. Also, the two righteous witnesses must be present when the formula is recited so they may bear witness to the recitation if necessary in the future.

Because a reciter of the divorce formula and two righteous witnesses are not easily available and require time to find, men are impeded from a hasty divorce.

In the meantime, it is possible that the husband sees reason and attenuates his resentments and stubbornness, thinks well about the downsides of divorce and its future complications, and thus changes his mind. Well-wishing friends and advisers can help in this matter. Even after all the necessary conditions are accumulated, the reciter of the divorce formula and the witnesses do not carry out the divorce immediately. They endeavor to resolve differences and make peace among the couple and delay the divorce as long as they deem necessary to give the man and woman more time to think about their future and change their minds. Because Islam is opposed to divorce, it attempts to prevent it in any manner possible.

Finally, after all the conditions of divorce are fulfilled and the process completed, Islam does not consider the marriage terminated; it has determined a duration called *'iddah*<sup>9</sup> in which after a revocable divorce a man may return to his previous marriage by mutual consent without having to recite the formula of marriage and determine *Mahr* anew.

Islam favors the continuance of marriage to such degree that even after the divorce it gives the couple an opportunity, for the duration of *'iddah*, to contemplate well and return to one's spouse if they both consent.

## The Philosophy of Divorce

Some might criticize the principle of divorce thus: If divorce is truly hated by Islam, as has been previously stated, why has it not prohibited it? Essentially, how is the union of legitimacy and detestability possible? Why has Islam permitted divorce and what is its philosophy?

In answer it must be said: Even though divorce is hateful and ugly, sometimes it is a necessity that cannot be avoided. For instance, surgical removal of parts of the body is painful and abhorrent but it is crucial in certain conditions and is to the benefit of humans; such as when a person has cancer. If enduring the marriage is torturous and unendurable for the husband and wife and the problem cannot be solved in any other way, divorce may be the best solution.

For example, one of these instances is where the fires of a husband's love and affection for his spouse are completely extinguished. Here, the woman has fallen from her beloved status of attractiveness and the foundations of the family are in ruins. A home that does not have love is cold, dark, and sinister; not only has it lost its tranquility in the eyes of the wife and husband, it is a forbidding prison and fiery hell.

Matrimony is a natural union of a man and woman. It is completely different from all other social contracts such as transactions, leases, mortgages, and peace treaties. They are wholly social and contractual with no instincts and nature involved whereas marriage is a natural union that has its roots in the essence and instincts of couples and stems from natural needs and desires. Marriage results from the inner attraction of a man and woman and their desire for unification, linkage, and unanimity.

This attraction has been instilled differently in each gender. For men it manifests as love and affection, desire and possession of the female individual. For women it exhibits as self-beautification, allure, and captivation of a man's heart. Men want to possess their beloved and women want to be their husbands' beloved and attain their hearts.

The foundations of family are grounded on these two principles and if each part of a couple achieves their inner desires the institution of family becomes warm, pleasant, and beautiful. Men are heartened by their family and work hard to secure the ease and welfare of the family. Women consider themselves happy and successful and endeavor diligently in taking good care of their husbands, children, and home.

On the other hand, if a husband does not have affection towards his legitimate wife (or vice versa) and despises seeing and associating with her, and if the wife feels that she has fallen from her status of beloved and that her husband does not like her, the family has lost two of its key pillars and is considered dilapidated and ruined. Living in such a cold and broken family is exacting and painful for both women and men and its continuance is not to either's advantage. In such a state of affairs, even though Islam despises divorce, it is regarded as the best solution and thus allows it. Hence, the legitimization of divorce is for such cases.

Another item is lack of behavioral compatibility: when a man and woman have incongruent morals and attitudes or unlike beliefs. They might both be selfish, spiteful, inflexible, and fight continually; they may not listen to reason or advice or refuse to adjust and rectify themselves. Living in such a family is grueling and agonizing and maintaining it is neither to the woman's advantage nor the man's. In such instances divorce seems to be the best solution and thus Islam authorizes it.

As one can see, there are some cases in which divorce is a social necessity and the best solution; hence, it cannot be prohibited.

One might say: Even if we accept the necessity of divorce in some cases, why then is the law regarding divorce so general? It gives any capricious man permission to divorce, with the merest of excuses, expelling his unfortunate wife, who has expended her youth, energy, health, and spirit in her disloyal husband's house from her cherished home and taking another wife soon after. Is not allowance of such divorces oppression towards women?

In reply it is said: Islam is also exceedingly opposed to capriciousness and inhumane divorces. It campaigns extensively against its causes, has determined conditions and rules for divorce, and has set obstructions that can to a great extent prevent divorce.

If, however, for any reason a wife falls from her cherished status and becomes hated by her husband, what must be done? The wife knows that she is not her husband's sweetheart and the mistress of the house, and that her husband dislikes her. This painful occurrence causes the greatest humiliation and anguish for a woman. Is it right to forcefully keep such a woman in wedlock with laws and prevent her from divorce?

A woman can be kept in wedlock with the force of law and the man forced to pay her *nafaqah*; however, no laws can create love, which is the backbone of marital life, between the couple. Even though Islam loathes divorce, it seems to be the best solution to some problems.

It might be asked: If divorce is necessary and the best answer to some problems, why is it specific to men, and why do women not have sanction to divorce? These feelings may also originate in women. A woman may lose her love for her husband and abhor continuing their conjugal relationship. In such a situation it can be said: Because there is no love, in essence, their familial life has ended and the wife must have the right to divorce her husband and proclaim the termination of their marriage.

In answer, it is said: A wife's disinterestedness cannot be considered the end of marital life; rather, it is a sign of her husband's shortcomings and faults or his negligence regarding performing his nuptial duties and caring for his wife. The key to a woman's love and affection is in her husband's hands. If a man truly loves his spouse and desires her plentifully, performs his duties regarding his wife, and rectifies his behaviors, usually the wife gains high spirits, hope, and love for her husband and endeavors to retain her husband's heart indefinitely.

Thus, if a woman is unenthusiastic toward her life and husband, it is the fault of her husband. In such a situation, divorce is not necessary; the husband must be informed of his duties and the delicate and subtle art of caring for a wife, so that he reconsiders his ways, speech, and manners, and strives to gain his wife's heart in any method possible and give her hope for a better future.

It may be asked: What must a wife do if her husband beats her, does not provide her *nafaqah*, makes life hard on her, does not correctly perform his sexual duties, torments and harasses her, curses and swears at her, and even refrains from divorcing her? Do you tell her to have patience and "grin and bear it" until her death arrives? Why have women not been given the right to divorce in such cases, so that they may be freed of their torturous prison?

In answer it is said: Islam is based upon justice, fairness, and human rights; thus it never allows or approves of such indecent and oppressive behavior. Islam greatly opposes such mannerisms and defends the rights of women.

In such cases, a woman must approach the team of arbitrators and ask them to advise and council her husband and induce him to observe justice and fairness, and to perform his duties. If they are successful, she continues her life with him and if he does not see the light and amend his ways, she must advance her complaint to a canonical Islamic judge or family court.

The judge summons the offending husband and demands that he refrain from oppression and abuse and that he perform his duties. If he does not accept, he is obligated to divorce her. If he refuses to do so, the judge himself divorces them and forcefully takes the wife's rights from her husband.

1. – Wasa'il ush-Shi'ah, vol. 22, p. 7.

2. – Ibid, p. 8.

3. – Ibid, p. 8.

4. – Makarim al-Akhlaq, vol. 1, p. 248.

5. – Ibid, p. 225.

6. – Mustadrak al-Wasa'il, vol. 15, p. 280.

7. – Surah Nisa', 4:35.

8. – Surah Nisa', 4:20–21.

9. – The 'iddah of a revocable divorce is the duration of three menstrual cycles of a woman after divorce.

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