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Marriage, Divorce, Inheritance

Whom to marry & who is Mahram and Non-Mahram

Surah An- Nisa, 4:22-24

وَلاَ تَنكِحُواْ مَا نَكَحَ آبَاؤُكُم مِّنَ النِّسَاء إِلاَّ مَا قَدْ سَلَفَ إِنَّهُ كَانَ فَاحِشَةً وَمَقْتًا وَسَاء سَبِيلاً

Wa laa tankihuu maa nakaha 'aabaaa-'ukum-minan-nisaaa-'i 'il-laa maa qad salaf: 'in-nahuu kaana fashishatanw-wa maqtaa, - wa saaa-'a sabii-laa.
22. And do not marry women whom your fathers have previously married - although what is past is past: this, verily, is a shameful deed, and a hateful thing, and an evil way.

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالاَتُكُمْ وَبَنَاتُ الأَخِ وَبَنَاتُ الأُخْتِ وَأُمَّهَاتُكُمُ اللاَّتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَآئِكُمْ وَرَبَائِبُكُمُ اللاَّتِي فِي حُجُورِكُم مِّن نِّسَآئِكُمُ اللاَّتِي دَخَلْتُم بِهِنَّ فَإِن لَّمْ تَكُونُواْ دَخَلْتُم بِهِنَّ فَلاَ جُنَاحَ عَلَيْكُمْ وَحَلاَئِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلاَبِكُمْ وَأَن تَجْمَعُواْ بَيْنَ الأُخْتَيْنِ إِلاَّ مَا قَدْ سَلَفَ إِنَّ اللّهَ كَانَ غَفُورًا رَّحِيمًا

Hur-rimat 'alaykum 'um-mahaa-tukum wa banaa-tukum wa 'akhawas-tukum wa 'am-maa-tukum wa khaalaa-tukum wa banaatul -'akhi wa banaatul-'ukhti wa 'um-ma-haatukumul-laatiii 'arza - nakum wa 'akhawaa-tukum-minar-razaa-'ati wa 'um-ma-haatu nisaaa-'ikum wa rabaaa-'ibukumul-laatii fii hujuurikum - min-nisaaa-'ikumul-laatii dakhaltum-bihinn, - fa'il-lam takuunuu dakhaltum bihin-na falaa junaaha 'alaykum; - wa halaaa-'ilu 'abnaaa-'ikumul-laziina min 'aslaa-bikum wa 'an-tajma-'uu baynal-'ukhtayni 'il-laa maa qad salaf; 'in-nallaaha kaana Ghafuurar Rahiimaa.
23. Forbidden to you are your mothers, and your daughters, and your sisters, and your aunts paternal and maternal, and a brother's daughters, and a sister's daughters; and your milk-mothers, and your milk-sisters; and the mother of your wives; and your step-daughters who are your foster-children - born of your wives with whom you have consummated your marriage; but if you have not consummated your

marriage, you will incur no sin (*by marrying their daughters*)*; and* (*forbidden to you are*) *the spouses of the sons who have sprung from your loins; and* (*you are forbidden*) *to have two sisters* (*as your wives*) *at one and the same time – but what is past is past: for, behold, God is indeed much forgiving, a dispenser of grace.*

وَالْمُحْصَنَاتُ مِنَ النِّسَاء إِلاَّ مَا مَلَكَتْ أَيْمَانُكُمْ كِتَابَ اللّهِ عَلَيْكُمْ وَأُحِلَّ لَكُم مَّا وَرَاء ذَلِكُمْ أَن تَبْتَغُواْ بِأَمْوَالِكُم مُّحْصِنِينَ غَيْرَ مُسَافِحِينَ فَمَا اسْتَمْتَعْتُم بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً وَلاَ جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُم بِهِ مِن بَعْدِ الْفَرِيضَةِ إِنَّ اللّهَ كَانَ عَلِيمًا حَكِيمًا

Wal–Muhsanaatu minan nisaaa–'i 'il–laa maa malakat–ay–maanukum. Kitaabal–laahi 'alaykum. Wa 'uhil–lalakum–maa waraaa–'a zaalikum 'an–tab–taghuu bi–'amwaalikum–muhsi–niina ghayra musaa–fihiin. Famas–tamta – tam–bihii minhum–na fa–'aatuuhun–na 'ujuura–hun–na fariizah. Wa laa junaaha 'alaykum fiimaa tarr–zaytum–bihii mim–ba dil–fariizati, 'innal–laaha kaana 'Aliiman hakiimaa.
24. And (*forbidden to you are*) *all married women other than those whom you rightfully possess* (*through wedlock*)*: this is God's ordinance, binding upon you. But lawful to you are all* (*women*) *beyond these, for you to seek out, offering them of your possessions, taking them in honest wedlock, and not in fornication.*
And unto those with whom you desire to enjoy marriage, you shall give the dowers due to them; but you will incur no sin if, after (*having agreed upon*) *this lawful due, you freely agree with one another upon anything* (*else*)*: behold God is indeed all knowing, wise.*

Terms of marriage to up to four wives

Surah An–Nisa, 4:3

وَإِنْ خِفْتُمْ أَلاَّ تُقْسِطُواْ فِي الْيَتَامَى فَانكِحُواْ مَا طَابَ لَكُم مِّنَ النِّسَاء مَثْنَى وَثُلاَثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلاَّ تَعْدِلُواْ فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَى أَلاَّ تَعُولُواْ

Wa 'in khiftum 'al–laa tuqsituuu fil–yataamaa fan – kihuu maa taabalakum–kinan–nisaaa–'i masnaa wa sulaasa wa rubaa '. Fa–in khiftum 'al–laa ta'–diluu fawaa–hidatan 'aw maa malakat 'aymaanukum. Zaalika 'adnaaaa 'al–laa ta– 'uuluu.
3. And if you have reason to fear that you might not act equitably towards orphans, then marry from among (*other*) *women such as are lawful to you –* (*even*) *two, three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then* (*only*) *one – or* (*from among*) *those whom you rightfully possess. This will make it more likely that you will not deviate from the right course.*

Ordained to treat all wives equally which may not be possible

Surah An – Nisa, 4:129

وَلَن تَسْتَطِيعُواْ أَن تَعْدِلُواْ بَيْنَ النِّسَاء وَلَوْ حَرَصْتُمْ فَلاَ تَمِيلُواْ كُلَّ الْمَيْلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ وَإِن تُصْلِحُواْ وَتَتَّقُواْ فَإِنَّ اللّهَ كَانَ غَفُورًا رَّحِيمًا

Wa lan–tastatii–‘uuu ’anta‘–diluu baynan–nisaaa–’i wa lau harastum falaa tamiiluu kul–lal–mayli fataza–ruuhaa kal–mu–‘allaqah. Wa‘in tus–lihuu wa tat–taquu fa–’in–nallaah kaana Ghafuurar–Rahiimaa.
129. And it will not be within your power to treat your wives with equal fairness, however much you may desire it; and so, do not allow yourselves to incline towards one to the exclusion of the other, leaving her in a state, as it were, of having and not having a husband. And if you put things to rights and are conscious of Him – behold, God is indeed much–forgiving, a dispenser of grace.

Ordinance when accusation by husband is without witnesses

Surah An – Nur, 24:6–10

وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُن لَّهُمْ شُهَدَاء إِلَّا أَنفُسُهُمْ فَشَهَادَةُ أَحَدِهِمْ أَرْبَعُ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ

Wal–laziina yarmuuna ’az–waajahum wa lam yakul–lahum shuhadaa–’u ’il–laaa ’anfusuhum fa–shahaadatu ’ahadihim ’arba–‘u shahaa–daatim–bil–laahi ’in–nahuu laminas–saadiqiin;
6. And as for those who accuse their wives (*of adultery*) *but have no witnesses except themselves, let each of these* (*accusers*) *call God four times to witness that he is indeed telling the truth,*

وَالْخَامِسَةُ أَنَّ لَعْنَتَ اللَّهِ عَلَيْهِ إِن كَانَ مِنَ الْكَاذِبِينَ وَيَدْرَأُ

Wal–khaamisatu ’an–na la‘–natal–laahi ‘alayhi ’in–kaana minal–kaazibiin.
7. and the fifth (*oath to be*) *that the curse of God on him* (*i.e. the husband*) *if he is one of the liars.*

عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ

Wa yadra–’uu ‘anhal–‘azaaba ’an tash–hada ’arba–‘a shahaadaatim bil–laahi ’in–nahuu laminal kaazibiin;
8. And it shall avert the punishment from her (*i.e. the wife*) *if she testifies four times* (*swearing*) *by God, that verily he* (*i.e. the husband*) *is one of the liars,*

وَالْخَامِسَةَ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِن كَانَ مِنَ الصَّادِقِينَ

Wal-khaamisata ’anna ghazabal-laahi ‘alayhaaa ’in-kaana minas-saadiqiin.
9. And the fifth (*oath*) *to be that the wrath of God be on her if he be of the truthful ones.*

وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ وَأَنَّ اللَّهَ تَوَّابٌ حَكِيمٌ

Wa lau laa fazlul-laahi ‘alaykum wa rahma-tuhuu wa ’an-nal-laaha Taw-waabun Hakiim.
10. And had it not been God’s grace upon you and His mercy - and that God is Oft-Returning. All-wise (*ye had been ruined indeed*).

If one accuses his wife of adultery, and brings no witness in support of his accusation - the accusation could be genuine and also can be a false excuse of a wicked husband to get rid of his wife. However, with such a charge of gross disloyalty against the wife, it would be against the human nature for the normal harmony of the married life to continue between the two spouses. The wedlock is automatically dissolved. But the allegation could also be correct, in which case the wife should be punished. Conversely if it is a false charge, then the husband must be punished.

While laying the charge upon the wife, the husband should swear for four times pointing to his wife saying “I bear witness before God that what I say is true that the women, my wife, has committed adultery”, and at the end of these oaths, repeated for four times he should invoke the curse of God saying, “ May the curse of God be upon me (the husband himself) if I be a liar.”

On the other hand, the wife is also given the choice of receiving the sentence or to acquit herself in a similar way - She must repeat for four times - “I bear witness before God that what my husband accuses me of adultery is a lie” and the fifth time she should say, “May the wrath of God be on me (the wife herself) if what he says is true.”

With this, the wife is forever separated from her husband, with the wedlock dissolved, never again to be effected between the two and if the wife be pregnant the issue will not be called as that of the husband but exclusively of the wife.

It is admirably noted here how the Islamic justice is tempered with mercy recognising the individual responsibility of every human being, man and woman, to his or her faith in God and God’s Authority.

Iddah period of wife after husband’s death

Surah Baqarah, 2:234

وَالَّذِينَ يُتَوَفَّوْنَ مِنكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلاَ جُنَاحَ عَلَيْكُمْ فِيمَا

فَعَلْنَ فِي أَنفُسِهِنَّ بِالْمَعْرُوفِ وَاللّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

Wal–lazina yutawaf–fawna minkum wa yazaruuna ’azwaajan–yatarab basna bi–’anfusi–hin–na arba–’ata ‘ash–hurinw–wa ‘ashraa Fa’izaa balagh– na ‘ajalahun–na falaa junaaha a’lay. Kum filma fa–alna fiii ’anfusi–hin–na bil–ma’–ruuf. Wal–laahu bimaa ta–maluuna khabiir.

234. And if any one of you die and leave wives behind, they shall undergo, without remarrying, a waiting–period of four months and ten days; whereupon, when they have reached the end of their waiting–term, there shall be no sin in whatever they may do with their persons in a lawful manner. And God is aware of all that you do.

Laws of Inheritance

Surah An–Nisa, 4:11–12

يُوصِيكُمُ اللّهُ فِي أَوْلاَدِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الأُنثَيَيْنِ فَإِن كُنَّ نِسَاء فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُن لَّهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلأُمِّهِ السُّدُسُ مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَآؤُكُمْ وَأَبناؤُكُمْ لاَ تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعاً فَرِيضَةً مِّنَ اللّهِ إِنَّ اللّهَ كَانَ عَلِيما حَكِيمًا

Yuusii–kumul–laahu fiii ’aw–laadikum:liz–zakari mislu haz–zil–’unsa–yayn: fa–’in–kun–na nisaaa–’an –fawqas–natayni fala hun–na sulusaa maa tarak; wa’in– kaanat waahidatan–fala–han–nisf. Wa li–’aba–wayhilikul–li waahidim–min–humassudusu mim–maa taraka ‘in–kaana lahuu walad; fa–’il–lamyakul–lahuu waladunw–wa wa–risahuuu ‘abawaahu fali–’um–mihis–sulus; fa–in–kaanalahuuu’ikh–watun–fali–’um–mi–his–sudusu mim ba, ’–di wa–siy–yatin–yuusii bihaa ’aw dayn. Aabaaa–’ukum, wa abnaaa–’ukum laa tadruuna ‘ay–yuhum’aqrabu lakum naf–’aa. Farii–zatam–minallaah; ’in–nallaahakaana ‘Aliiman Hakiimaa.

11. Concerning (*the inheritance of*) *your children, God enjoins* (*this*) *upon you: The male shall have the equal of two females’ share; but if there are more than two females, they shall have two–thirds of what* (*their parents*) *leave behind; and if there is only one, she shall have one–half thereof.*

And as for the parents (*of the deceased*)*, each of them shall have one–sixth of what he leaves behind, in the event of his having* (*left*) *a child; but if he has left no child and his parents are his* (*only*) *heirs, then his mother shall have one–third; and if he has brothers and sisters, then his mother shall have one–sixth after* (*the deduction of*) *any bequest he may have made, or any debt* (*he may have incurred*)*.*

As for your parents and your children – you know not which of them is more deserving of benefit from you: (*therefore this*) *ordinance from God. Verily, God is all–knowing, wise.*

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلَكُمُ الرُّبُعُ مِمَّا تَرَكْنَ مِن بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِن لَّمْ يَكُن لَّكُمْ وَلَدٌ فَإِن كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُم مِّن بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا

أَوْ دَيْنٍ وَإِن كَانَ رَجُلٌ يُورَثُ كَلاَلَةً أَو امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُواْ أَكْثَرَ مِن ذَلِكَ فَهُمْ شُرَكَاء فِي الثُّلُثِ مِن بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرَ مُضَآرٍّ وَصِيَّةً مِّنَ اللّهِ وَاللّهُ عَلِيمٌ حَلِيمٌ

Wa lakum nisfu maa taraka ’azwaa–jukum ’il–lam–yakullahun–na walad; fa–’in–kaana lahun–na waladun – falakumurrubu– ‘u mim–maa tarakna mimba ‘–di Wa – siyyatin–yuusiina bihaaa ’aw dayn. Wa lahunnar–rubu– ‘u mim–ma taraktum ’il–lam–yakul–lakum walad; fa–’in–kaana lakum waladun–falahun–nas–sumunu mimmaa taraktum–mim–ba ‘–di Wa–siyyatin–tuu–suuna bihaaa ’aw dayn. Wa ’in–kaana rajulun yuu–rasu kalaalatan ’a–wimra–’atunw–wa lahuuu ’akhun ’aw ’ukhtun – fali – kul–li washidim–min–humas–sudas; fa–’in–kaanuuu ’ak–sra min zaalika fahum shura–kaaa–’u fis–sulusi mim–ba ‘–di Wa–siyyatin–yuusaa bihaaa ’aw daynin ghayra muzaaarr. Wa–siyyatam–minallaah; wallaahu ‘Aliimun Haliim.

12. And you shall inherit one–half of what your wives leave behind, provided they have left no child; but if they have left a child, then you shall have one–quarter of what they leave behind, after the deduction of any bequest they may have made, or any debt (*they may have incurred*)*. And your widows shall have one–quarter of what you leave behind, provided you have left no child; but if you have left a child, then they shall have one–eighth of what you leave behind, after* (*the deduction of*) *any bequest you may have made, or any debt* (*you may have incurred*)*.*

And if a man or a woman has no heir in the direct line, but has a brother or a sister, then each of these two shall inherit one–sixth; but if there are more than two, then they shall have one–third (*of the inheritance*)*, after* (*the deduction of*) *any bequest that may have been made, or any debt* (*that may have been incurred*)*, neither of which having been intended to harm* (*the heirs*)*.*

This is the injunction from God: and God is all–knowing, forbearing.

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