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Dialogue on Marriage

Our neighbour, Hussain has invited us to attend the wedding party of his son, Ali. It will take place at five o'clock in the afternoon of this coming Friday. We shall be with them on this happy occasion.

- * But Ali is still in the prime of his youth. He is only twenty years old. It is not yet time for him to get married!
- Do I hear that you say it is not time for him to marry! He is as you very young and active mentally and physically. Because his sexual urge is strong, he needs to be able to satisfy it. Marriage at an early age is the best defence against falling prey to that which is sinful. That is because man's soul is bent on temptation;

"And I do not declare myself innocent, most surely (man's) self is wont to command (him to do) evil, except such as my Lord has had mercy on, surely my Lord is Forgiving, Merciful", declares The Almighty. (12/53).

I must admit that the moment my father started talking about man's sexual urge, I felt embarrassed. Young people at my age feel constrained when it comes to discussing these matters, although we need to discuss them.

When my father saw me blush, he remarked:

- Are you embarrassed?
- * Yes, for talking about sex is not an easy subject.
- And talking of sexual drive is embarrassing. Isn't it?
- * Yes.
- Yet, it is a biological need which every ordinary man and women feels the urge to satisfy, in the same way hunger and thirst are satisfied.

- * Nevertheless, Ali is still young.
- At a certain stage, man must get married.
- * Do you mean it is a requirement of the shari'a law?
- Yes, to marry is obligatory for people, whose sexual desire could lead them to committing that which is haraam.
- * So, Ali was courageous enough to decide to marry, while still at a tender age.
- Brave, and principled. He decided to enter into holy matrimony to ward off temptations and satisfy his sexual desire. For him, it was a matter of principle, because his firmness could have been undermined and he could have been tempted into wrong doing.

For such unsettling experience, Ali preferred to face the problem head on and approach his father, expressing an interest in marriage, and acting upon the Prophetic saying, "He who gets married shall safeguard half of his religion; so he must fear Allah in the remaining half".

Furthermore, marriage is one of the acts that are loved by God Almighty,

"And one of His signs is that He created mates for you from yourselves that you may find rest in them, and He instilled in you love and compassion for one another; most surely there are signs in this for a people who reflect". (30/21).

"O people! be careful of (your duty to) your Lord, Who created you from a single being and created its mate of the same (kind) and spread, from these two, many men and women ...". (4/1).

Traditions extolling the virtue and merit of marriage abound. The Prophet (s.a.w.) was quoted as saying, "Get married and encourage (your sons and daughters) to marry". It has also been narrated from Imam Mohammad al–Baqir (a.s.) thus, "There has not been created any institution in Islam which is more favoured and dearer to Allah than wedlock". And Imam Mousa al–Kadhim (a.s.) had this to say, "Three (types) of people shall find refuge in the shade of the Creator's Throne on the Day of Judgement where there shall be no shade but His: A man who took it upon himself to set up his brother in matrimony, a person who did his brethren a service, and a third who did not breach the trust placed in him by others".

There are more such hadiths that, beside urging men and women to get married, stress the revulsion for staying celibate.

- * Do I hear that you said, "Men and women"?
- Yes, it is makrouh (a repulsive or repugnant act) for both men and woman not to enter into matrimony. There are scores of traditions, or hadiths, that urge women to marry. Imam Abu Abdullah (a.s.) said, "The Messenger of God Almighty (s.a.w.) forbade women from becoming recluses so that they shun

marriage". And, "It is blissful not to delay the marriage of women".

- * So, marrying at an early age is a good thing to do. Yet, father, the cost of marriage nowadays is enormous.
- Maybe, but Islam calls upon us to avoid being extravagant in marriage arrangements.
- * And what about the staggering sums of dowry the families of some would-be brides ask for?
- It is mustahab to ask for small dowries, and it is makrouh to demand a big dowry. The Prophet (s.a.w) said, "The best among the women of my umma (Islamic community) are those who have brighter faces and smaller dowries".

It is worth noting, however, that our Prophet (s.a.w.) gave his daughter, Fatima in marriage to Imam Ali (a.s.) for a small dowry – a coat of arms.

- * What about a person who does not have a job or a regular income to sustain a family?
- Allah, the Most High, said in His Holy Book,

"And marry those among you who are single and those who are fit among your male slaves and your female slaves; if they are needy, Allah will make them free from want out of His grace; and Allah is Ample-giving, Knowing". (24/32).

In a commentary on this verse, Imam Ja'far as-Sadiq (a.s.) said, "Whomsoever steered clear of the road of matrimony for fear of bearing the extra burden of starting a family, he has thought badly of Allah, for He said, "Allah will make them free from want out of His grace".

- * There is the problem, that has been created by some some families of would-be brides who make it difficult for prospective husbands. They spoil the chances of their daughters getting married by setting unatainable targets. They seek to appraise the suitability of the bridegroom against certain criterion that they deem befitting to their daughters. The result is that many a woman are left unmarried. This attitude, however, is not new.
- It has been narrated that Imam Mohammad al-Baqir (a.s.) received a letter from Ali bin Asbat, in which he asked him for advice on how best he could give his daughters in marriage, because he could not find the right men for them. This was the Imam's reply, "I took note of your letter regarding the situation of your daughters. Do not dwell on your idea, May Allah have mercy on you, because the Messenger of Allah (s.a.w.) said: Whoever approached you with the intention of marrying, you should look at their character and piety. If these were acceptable, go ahead and give your women in marriage to them. Should you refrain from that, there shall be discord in the land and great immorality".
- * At this point, my father left me to my thoughts, pondering the array of harmful social practices that our

society has evolved. Such adverse social customs have nothing to do with Islam and its injunctions that recognize, above all, good ethical standards as prerequisites for choosing a husband or a wife.

Soon it was time for my father and I to go to Ali's wedding party.

The atmosphere was full of joy and happiness; people were clad in beautiful clothes, and bouquets of flowers adorned the tables.

An alim was there to conduct the marriage ceremony. There was a dignified silence, only to be broken by his voice of addressing the bride, on the other side of a screen. He was asking for her agreement to act as her proxy in entering into the marriage contract. After reciting few verses from the Holy Qur'an and narrating Prophetic hadiths, appropriate to the occasion, he said to the bride, "Do you agree, O Fatima! that I represent you and declare you wife of Ali, son of Mohammad for a dowry of five hundred Dirhams? If you agree, say: You be my attorney". With a faint voice, revealing some diffidence, Fatima replied: You be my attorney.

No sooner had she uttered the sentence, the sound of cheering erupted. The smiles of people were everywhere.

The alim then approached Ali and announced, "I wed you Fatima, daughter of Ahmed for a dowry of five hundred Dirhams in cash". Thereupon, Ali responded, "I Accepted the marriage".

- * However, why is the dowry so small?
- This is the dowry set by the Prophet (s.a.w.), i.e. five hundred silver dirhams then.
- * Has Fatima the right to enter into the marriage contract without a third party, i.e. without someone to officiate?
- Yes, either or both parties to the contract can enter into the marriage directly, i.e. without appointing agents; it is preferable, though, that the formula of "assent and acceptance" is adhered to.
- * How?
- It is, for example, when the woman says, "I give you myself in matrimony". The man should say, "I accepted the marriage".

This is the case in a permanent marriage.

- * Is there another form of marriage that is not permanent?
- Yes, there is the fixed-term marriage where a duration and a dowry for the marriage are fixed. As for the duration, it should not exceed the age of either party to the marriage contract.

In common with permanent marriage, man and woman can enter into the marriage contract themselves or through proxies. If both decide to enter into the contract themselves, the form of words used by the woman should be, "I give you myself in marriage for (x days, months, years) for a dowry of (x dirhams)". The man should respond immediately, i.e. without hesitation or pause, "I accepted the marriage".

- * Does this mean that they become man and wife?
- Yes, except that they do not inherit one another, that the husband is not obliged to maintain the wife, and that he is free not to stay overnight with her. Should the duration of marriage expire, the woman should no longer be halal for the man to have sex with. In permanent marriage, the wife is halal for the man as long as they live, unless it is terminated by divorce.

However, there are conditions attached to the marriage contract:

- 1. The verbal proposition of marriage and its acceptance. That is, it is not sufficient for both parties to agree the marriage, be it permanent or fixed-term; nor would the written contract alone be sufficient to consummate the marriage.
- 2. The intent to consummate the marriage, be it by the man or wife, if they have performed the contract rite themselves, or their representative.
- 3. The wholehearted agreement of man and wife.
- 4. Explicitly identifying both the man and the woman to be wed. Thus, the contract shall not be valid, if, for example, a man said to another, "I give you one of my daughters in marriage".
- 5. [Performing the verbal formula of contract in Arabic, where possible].
- 6. The person who conducts the marriage ceremony should be [adult] and sane.

If all these conditions are met, the marriage contract shall be valid and both its parties shall be man and wife with immediate effect.

- * Immediately, even before the wedding party is over?
- Yes, when the contract is complete, both parties become man and wife.

However, you should know that the validity of the marriage of a sane adult virgin woman is subject to the permission of her father or paternal grandfather [even if she was independent].

- * What about a non-virgin woman?
- She would have independent decision over her marriage.
- * If a man married a woman on the presumption that she was virgin, but discovered afterwards that she

was not, has he the right to annul the marriage contract?

- Yes, he has the right to deem the contract null and void.
- * Should he decide to waive his right, what would the alternative be?
- He should be able to receive the difference in dowry between that of a virgin and non-virgin woman.
- * Has the man the right to marry any woman he likes?
- Yes, he has such a right, except for certain categories of woman whom he cannot marry for they are forbidden due to blood relationship. These are:
- 1. Mother and paternal grandmother.
- 2. Daughter and his son's daughters.
- 3. Sister, her daughters and their daughters.
- 4. Brother's daughters and their daughters.
- 5. Paternal and maternal aunts.
- 6. Mother-in-laws and their paternal and maternal grandmothers, that is even the marriage was not consummated.
- 7. Step daughter of a marriage that was consummated.
- 8. Step mother and step grandmother.
- 9. Daughter-in-law and the wife of a grandson.
- 10. Sister-in-law, at the lifetime of his wife, for it is forbidden to marry two sisters at the same time.
- 11. Nursing mother and her daughters by birth and otherwise, who are forbidden to him because of lineage, since the principle of prohibition is one.

It is also forbidden for the natural father of the suckling infant to marry the natural daughters of the nursing mother [and the daughters of the man whose milk they shared, be they blood related or by way of suckling]. It is to be noted, however, that not every type of breast feeding necessarily leads to prohibition of marriage. Some of the parameters that render breast feeding a source of forbidding marriage are as follows:

a. The suckling must be administered directly from the breast of the woman, i.e. it is not of a consequence, if the woman's milk was fed to the baby by a feeding bottle.

- b. The suckling child should be less than two years old. Breast feeding a child over two years old is irrelevant.
- c. The suckling should contribute to the child's flesh building and bone strengthening. If, however, this is unclear, breast feeding of a "full day and night" or "fifteen suckling sessions" would be considered to have contributed to breast feeding. If the matter can not be resolved, by applying these limits, ihtiyat should be observed.

It is to be noted, though, that in applying the time limit of "one full day and night", no other source of feeding, apart from the woman's milk, must be given during that time. Should the child be prevented from breast feeding for part of the time, or was given milk from another woman or other food, the principle would not apply. [It is important that the suckling child is hungry from the outset, so that he takes its fill, and is contented by its feeding].

The fifteen sessions of breast feeding, should form an uniterupted sequence by one woman. Each suckling session should be complete, in that the baby should take its fill.

There are more rules regarding breast feeding detailed in jurisprudence books.

- * If a man married according to the dictates of the sacred shari'a law, what should he expect from his wife?
- Allah The Most High, says in His Holy Book,

"Your wives are a tilth for you, so go into your tilth when you like, and do good beforehand for yourselves ..." (2/223)

A man can lawfully have sexual intercourse with his wife. That is, she must not prevent him from doing so, except where there is a valid reason preventing that. It is forbidden for the wife of a permanent marriage to go out without her husband's permission.

A husband should provide maintenance for his wife, by permanent marriage, be it food, clothes, or accommodation commensurate to his income and lifestyle.

He is not permitted to refrain from having sex with his wife for more than four months, unless she allows it, or there is a valid reason that could entail harm or an untenable situation. This prohibition is even more rigorous, if the wife is young.

- * What would happen if the husband did not provide maintenance for his wife?
- He shall be indebted with the cost of maintenance. If he insisted on withholding it, despite her demand, she is permitted to take it out of his property, even without his knowledge.

There are, however, other rules that are designed to uphold the moral code:

- 1. It is forbidden, for any man or woman, who are not married to each other, to look or touch one another with sexual desire and satisfaction; this also applies to children. It is also haraam for people of the same sex, to do this to one another, if they are men, women, or children.
- 2. Apart from husband and wife, it is forbidden to look at the private parts of other people, male and female [including discerning children].
- 3. It is forbidden for a man to look at the body and hair of a woman to whom he is not married. It is permissible, though, to look at her face and hands, provided that the manner of looking does not arouse sexual desire. Likewise, the woman is not allowed to look at a man to whom she is not married, except for his head, hands, and feet, provided that this does not arouse sexual desire.
- 4. Apart from the private parts, and without sexual desire, men and women can look at the bodies of their counterparts. Likewise, with the exclusion of private parts and barring sexual gratification, men and woman can look at the bodies of their maharim. Accordingly, one can look at the body of one's mother, sister, aunt, niece, and grandmother.
- * What about looking at one's sister-in-law, and paternal and maternal cousins?
- No, it is not permissible to look at them, because they do not fall within the same category of maharim, i.e. they are alien to him.
- 5. The woman must cover her hair and body because they are forbidden to be exposed to the gazes of men [including the boy who is capable of rational action, if such exposure could arouse his sexual desire]. The face and hands are excluded from this restriction, provided she was sure of not committing a sinful act, and that exposing such parts of the body is done with the aim of enticing men into malicious looking.
- 6. If a man was committed to marrying a particular woman, he is permitted to look at those parts of her body such as face, hair, neck, hands, wrists, and legs, but without sexual desire.
- 7. A male physician is permitted to look and touch a patient woman's body, if the treatment calls for it. This is so, if the woman was forced to seek treatment with a male physician, because he was more capable of administering better treatment than a female physician. Conversely, she should seek treatment with a woman doctor.
- 8. A Muslim man is allowed to marry a Christian or a Jewish woman on a temporary basis.
- * That is despite her not being Muslim nor a believer, and her not believing in the permissibility of temporary marriage?
- Nevertheless, marrying her on such basis is allowed.

3. A man is not permitted to many more than lour w	official by way of permanent marriage. He also has
the right to divorce his wives.	

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