

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

«وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا
لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً
إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾»
الرؤم ٢١

«And among His signs is that He created for you, from yourselves, spouses that you may dwell (in joy and security) unto them, and He set between you love and mercy; surely in that are signs for those who reflect.»

[Ar-Rūm 30:21]

﴿وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً﴾

THE QUEST FOR LOVE & MERCY

REGULATIONS FOR MARRIAGE & WEDDING IN Islām

Revised Edition

مُحَمَّدٌ مُصْطَفَى الْجِبَالِي

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«And hold fast, all together, by the rope of Allāh,
and be not divided among yourselves.»¹

C) PRESENTING THE ISLĀMIC SOLUTION

Inviting to the Truth includes providing realistic Islāmic solutions to contemporary problems. There is no doubt that Allāh's guidance is the only comprehensive way to resolving people's problems at the individual and communal levels. Allāh (ﷻ) says:

﴿وَأَنْ أَحْكُمَ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ، وَلَا تَتَّبِعْ أَهْوَاءَهُمْ﴾ المائدة ٤٩

«Judge between them according to what Allāh has revealed, and do not follow their errant views.»²

The Muslim Family

“The Muslim Family” is a series of books that presents detailed discussions relating to the family life, starting with courting and marriage, and extending into raising children according to Islām. To-date, this series consists of the following titles:

1	The Quest for Love & Mercy Regulations for Marriage & Wedding in Islām	﴿وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً﴾
2	Closer than a Garment Marital Intimacy According to the Pure Sunnah	﴿هِنَّ لِبَاسٍ لَكُمْ، وَأَنْتُمْ لِبَاسٍ لِهِنَّ﴾
3	The Fragile Vessels Rights and Obligations between the Spouses in Islām	«رفقاً بالقوارير»
4	Our Precious Sprouts Islāmic Regulations for Newborns	أفلاذُ أكبادنا

The first three parts of this series, including this current book, deal with various aspects of marriage.

Marriage holds a position of perpetual significance because of the central role it plays in the human life. It is not surprising, therefore, that the scholars of Islām have discussed it in extensive writings through the ages.

Under the contemporary influence of non-Islāmic cultures, many misconceptions have been introduced into various areas of Islām — spilling into issues of marriage, divorce, and other family-related matters.

Viewing the needs and concerns of the Muslims who are forced to live in such alien environments, we find that most Islāmic writings on marriage are restricted in scope — having been written for different cultures and backgrounds.

1 *Āl 'Imrān* 3:103.

2 *Al-Mā'idah* 5:49.

This leaves quite a large gap that needs to be filled for the benefit of the English-speaking Muslims — which is what we attempt to fulfill in this 3-book set that covers various aspects of marriage according to the authentic Sunnah:

The first book discusses the importance and advantages of marriage, selecting a spouse, the courting process, the marriage contract, the wedding celebration, the *walimah*, and forbidden marriages. It provides a practical procedure for performing the marriage contract and includes a model marriage certificate.

The second book discusses the proper etiquettes of marital intimacy, forbidden acts of intimacy, the perils of *zinā*, and birth control. It answers many frequently-asked questions about various acts of intimacy.

The third book discusses the rights and obligations of the two spouses. It includes brief biographies of the Mothers of the Believers, realistic pictures from the life of the Prophet (ﷺ) with his wives, and a complete discussion of the *hadith* of Umm Zar'.

This series deals with marriage and other family issues in a practical approach, taking advantage of the author's years of experience in the field of marriage and counseling. Each book serves as a complete handbook within its scope — providing reliable knowledge based on authentic evidence from Allāh's Book and His Messenger's (ﷺ) Sunnah.

This Book

This is the first book in “the Muslim Family” series. It discusses all steps involved in establishing the marriage. This includes the importance and advantages of marriage, qualities to be sought in a spouse, the courting process, conditions and requirements for the marriage contract, etiquettes for marriage consummation, wedding celebration, and forbidden types of marriage. It also points out a large number of violations to Islām that are commonly committed by Muslims at every step of the marriage process.

Within its scope, this book thoroughly covers all issues that are conventionally discussed or inquired about — which makes it valuable as a reference and a textbook. At the same time, its simple presentation

makes it easy to read and understand by the layman.

The first edition of this book was published five years ago (June 2000). While keeping the original content, this “revised edition” has the following main enhancements:

- ▷ It corrects many typing errors, both in the Arabic and English texts.
- ▷ It improves the style and structure of many sentences and paragraphs.
- ▷ It replaces the original “Prelude” and “Arabic Terms” with improved versions.
- ▷ The cover's color-scheme and other art-work have been modified.

Acknowledgement

All praise and thanks are due to our Lord (ﷻ) who facilitated the completion of this work. May He further reward all the Muslims who helped and supported this effort in various ways. In particular, may Allāh (ﷻ) reward my *shaykh* and teacher, Muḥammad Nāṣir ud-Dīn al-Albānī whose works have benefited us in ways beyond description, my son ‘Abdullāh who designed the original cover, Sundus al-As‘ad who proof-read the manuscript of the original edition, and my daughters who proofread the manuscript and provided valuable suggestions.

We ask Allāh (ﷻ) to make this humble effort helpful and profitable to the Muslims, forgive our shortcomings, purify our work from hypocrisy and conceit, and accept it from us.

﴿رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ،
وَأَجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا﴾ الفرقان ٧٤

«Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and make us leaders

for the pious.»¹

﴿رَبِّ اجْعَلْنِي مُقِيمَ الصَّلَاةِ وَمِنْ ذُرِّيَّتِي، رَبَّنَا وَتَقَبَّلْ دُعَاءِ ﴿١﴾
رَبَّنَا اغْفِرْ لِي وَلِوَالِدَيَّ وَلِلْمُؤْمِنِينَ يَوْمَ يَقُومُ الْحِسَابُ ﴿٢﴾﴾

إبراهيم ٤٠-٤١

«My Lord! Let me establish the prayer, and the same for my progeny. Our Lord! Answer my *du'ā'*. Our Lord! forgive me and my parents and the believers on the Day of Reckoning.»²

Our Lord, forgive us and all of the believers, and bestow Your peace and praise upon our Prophet Muḥammad (ﷺ).

Muhammad Mustafa al-Jibālī
Al-Madīnah al-Munawwarah
Wednesday, 26 Rajab 1426
31 August 2005

CHAPTER 1

A BLESSED BOND

Marriage Is One of Allāh's Laws

Allāh (ﷻ) created our world and the laws that govern it. Among Allāh's laws is that we need food to survive, air to breathe, rain for vegetation, and so on.

One of Allāh's important laws is that things are created in pairs; and from these pairs, reproduction occurs. Allāh says:

﴿وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ ﴿١﴾﴾ الذاريات ٤٩

«We have created all things in pairs, that perhaps you may remember.»¹

This applies to human beings who are made of male-female pairs as well. Humankind started with our father, Ādam, and our mother, Ḥawwā' (Eve). From that pair, Allāh (ﷻ) created all of the other people, as He (ﷻ) says:

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ، وَخَلَقَ مِنْهَا زَوْجَهَا، وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً. ﴿١﴾﴾ النساء ١

«O people! Revere your Lord who has created you from a single soul, created from it its mate, and dispersed from both of them many men and women.»²

1 *Ath-Thāriyāt* 51:49.

2 *An-Nisā'* 4:1.

1 *Al-Furqān* 25:74.

2 *Ibrāhīm* 14:40-41.

And He (ﷺ) says:

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ، وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا، إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ، إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ﴾ ﴿١٣﴾ الحجرات

«O people! We have created you from one male and one female, and have made you nations and tribes so as to know one another. The noblest among you in the sight of Allāh is the most pious. Verily, Allāh is All-Knowing and All-Aware.»¹

This continues to be the way of reproduction for humans, as Allāh (ﷻ) says:

﴿وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا، وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً، وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ﴾ ﴿٧٢﴾ النحل

«Allāh has given you spouses from yourselves, and has given you, from your spouses, children and grandchildren, and has provided you with good things for your sustenance.»²

Islām Urges the Muslims to Marry

DEFINITION

The word commonly used in Islāmic texts for marriage is *nikāh*. In the original Arabic language, it means “intercourse”. But it was then applied to the marriage agreement because it is a means to intercourse.³

Thus the statement, “He performed *nikāh* on the daughter of so and so,” normally means that he executed an agreement for marriage. On

1 Al-Hujurāt 49:13.

2 An-Naḥl 16:72.

3 Lisān ul-'Arab.

the other hand, the statement, “He performed *nikāh* on his wife,” means intercourse. In this book, we will mostly replace the word “*nikāh*” with its English equivalents to avoid confusion.

A COMMAND FROM ALLĀH AND HIS MESSENGER

Allāh (ﷻ) commands the believers to marry and help those under their charge to marry as well. He says:

﴿وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ، إِنْ يَكُونُوا فُقَرَاءَ يُعْنِهِمُ اللَّهُ مِنْ فَضْلِهِ، وَاللَّهُ وَاسِعٌ عَلِيمٌ﴾ ﴿٣٢﴾ النور

«Marry the unmarried among you and the righteous of your male and female slaves. If they should be poor, Allāh will enrich them from His favors. Allāh is Bountiful and Knowing.»¹

Also, Allāh’s Messenger (ﷺ) commanded the young people to marry, and advised those of them who could not afford it to fast as a means of controlling their sexual desire. Ibn Mas‘ūd (رضي الله عنه) reported, “We were with the Prophet (ﷺ) while we were young and had no wealth whatsoever. So Allāh’s Messenger (ﷺ) said:

«يا معشرَ الشبابِ، مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغْضَىٰ لِلْبَصْرِ وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وَجَاءٌ.»

«Young men, those among you who can afford marriage should do so, for it helps lower the gaze and guard the private parts (from *zinā*). And those who cannot afford it should fast, for fasting is a repression (of desire) for him.»²

Similarly, Anas (رضي الله عنه) reported that the Prophet (ﷺ) said:

1 An-Nūr 24:32.

2 Recorded by al-Bukhārī, Muslim, and others.

«عليكم بالباءة، فَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ.»

«You should marry. And those who cannot afford it should fast, because it restrains their desire.»¹

And 'Uthmān (رضي الله عنه) reported that Allāh's Messenger (ﷺ) said:

«مَنْ كَانَ مِنْكُمْ ذَا طَوْلٍ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغْضُ لِلْبَصْرِ

وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَا فَالصَّوْمُ لَهُ وَجَاءٌ.»

«Anyone among you who has the ability should marry, because it helps lower the (lustful) gaze and guard the private parts. And whoever cannot afford it should fast, because fasting is a restraint (of desire) for him.»²

ALLĀH'S PROMISED HELP

Allāh's Messenger (ﷺ) indicates that Allāh promises to help any person who aspires to marry in order to avoid sinning. Abū Hurayrah (رضي الله عنه) reported that Allāh's Messenger (ﷺ) said:

«ثَلَاثَةٌ حَقٌّ عَلَى اللَّهِ عَوْنُهُمْ: الْمَجَاهِدُ فِي سَبِيلِ اللَّهِ،

وَالْمُكَاتِبُ الَّذِي يَرِيدُ الْأَدَاءَ، وَالنَّاكِحُ الَّذِي يَرِيدُ الْعَقْفَ.»

«There are three individuals that it is a right upon Allāh to help them: a fighter for Allāh's cause, a *mukātib*³ who wants to pay himself off, and one who seeks marriage for the purpose of preserving his chastity.»⁴

1 Recorded by aṭ-Ṭabarānī (in *al-Awṣaṭ*) and aḍ-Ḍiyā' ul-Maqqdisī. Verified to be authentic by al-Albānī (*Ṣaḥīḥ ul-Jāmi'* no. 4058).

2 Recorded by an-Nasā'ī. Verified to be authentic by al-Albānī (*Ṣaḥīḥ ul-Jāmi'* no. 6498).

3 A slave who makes a contract with his master to purchase his freedom.

4 Recorded by Aḥmad, at-Tirmithī, an-Nasā'ī, and others. Verified to be *ḥasan* by al-

In another report, Abū Hurayrah (رضي الله عنه) said that Allāh's Messenger (ﷺ) said:

«حَقٌّ عَلَى اللَّهِ عَوْنُ مَنْ نَكَحَ أَلْتِمَاسَ الْعَفَافِ عَمَّا حَرَّمَ اللَّهُ.»

«It is a right upon Allāh to help one who seeks to marry for the purpose of avoiding what Allāh has prohibited.»¹

DANGER OF BACHELORSHIP

A strange phenomenon has recently developed among Muslims, without being confined to one country or nationality — a phenomenon whose consequences can prove to be most devastating to the Muslim community. This phenomenon is the alarming number of unmarried Muslim men and women.

On an individual level, it may appear that bachelorship poses a very insignificant threat to the Islāmic world. However, in Islām, unlike other religions, matters are weighed in light of their benefits or harms to the community as a whole. So, what is the effect of single unmarried men and women on the community? To find the answer to this question, all one has to do is look at the non-Muslim communities. Every day we are confronted by the perversion and sinful practices that the non-Muslims find acceptable in their societies. This occurs because of their unnatural decision to abstain from marriage.

No Muslim would want the Muslim *Ummah* to fall into lifestyles like those of Pompeii or Sodom and Gomorrah — towns that Allāh totally destroyed because of their perversion and disobedience. Protection against a fate similar to that can only be through lawful marriage.

Albānī (*Ṣaḥīḥ ul-Jāmi'* no. 3050).

1 Recorded by Ibn 'Adiyy. Verified to be *ḥasan* by al-Albānī (*Ṣaḥīḥ ul-Jāmi'* no. 3152).