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Marriage and Divorce in Islam

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1. Introduction

Marriage has been ordained by Allah as the correct and legal way to produce children and replenish the earth. The family is the basic unit of an Islamic nation or society. Marriage in Islam is more than just a means of obtaining legal sex; it is an extremely important institution which safeguards the rights of men, women and children while satisfying the physical, emotional and intellectual needs of the family members.

Marriages built on principles of love, honour; respect and mutual caring are far superior to temporary relationships with a variety of partners. Such marriages stabilise society by protecting its primary unit, the family. Islam therefore, advocates strongly marriage and discourages its dissolution.

This paper discusses the concepts of and Islamic rulings concerning various issues relating to marriage and divorce. The aim is to outline the purposes, goals and benefits of marriage; pillars and conditions of marriage; some dos and don'ts of marriage; causes of marriage breakdown and success factors in marriage; marriage discord and ways of handling it; the what, why and how of divorce; and finally suggest ways by which the institution of marriage would be safeguarded and marriage breakdown leading to widespread divorce be curbed among in Muslim societies.

2. The Concept of Marriage

Marriage, as prescribed by Allah, is the lawful union of a man and woman based on mutual consent. It is a contract that results in the man and woman living with each other and supporting each other within the limits of what has been laid down for them in terms of rights and obligations. It is a mutual contract between a man and a woman whose goal is for each to enjoy the other, become a pious family and a sound society.

Marriage is a solemn covenant that makes an incomplete human being a complete one.¹ It is supposed to take a person out of the hectic lifestyle that one is in and place him in an organised environment giving them a path to follow in life and a shoulder to lean on.

Marriage arranges one's life and provides spiritual, physical, emotional and psychological companionship. This companionship generates and sustains love, kindness, compassion, mutual confidence, solace and succor. It lays a spiritual and legal foundation for raising a family.

Marriage is a religious duty and is consequently a moral safeguard as well as a social necessity because through marriage, families are established and the family is the fundamental unit of the society. Islam does not equal celibacy with

¹ Nisaa, 4:21

high *taqwaa* or *eemaan*. Marriage acts as an outlet for sexual needs and regulates it so one does not become a slave to his desires. Furthermore, marriage is the only legitimate way to indulge in intimacy between a man and a woman except in the case of concubine. Thus, Islam, unlike other religions is a strong advocate of marriage. There is no place for celibacy like, for example the Roman Catholic priests and nuns.

3. The Purposes and Benefits of Marriage

The general purpose of marriage is that the sexes can provide company to one another, love to one another, procreate children and live in peace and tranquility to the commandments of Allah. Marriage serves as a means to emotional and sexual gratification and as a means of tension reduction. It is also a form of worship because it is obeying Allah and his messenger. It is seen as the only possible way for the sexes to unite.

As a meaningful institution, marriage has the following purposes:

Procreation

This is one of the most important purposes of marriage; namely, to contribute through legitimate means to the continuity and preservation of the human race. The sexual urge serves the function of bringing the mates together for the fulfillment of this basic objective. The procreational objective has four aspects: to fulfill the will of God; to seek the love of the Prophet Muhammad (Peace and blessing of Allah be upon him); to benefit from the prayer of the child; and to profit from its intercession on behalf of its parents. Clearly, this goal could be achieved without marriage, but when actions are undertaken in disobedience to Allah, they do not receive the blessing of Allah and the whole society is corrupted. The Prophet (Peace and blessing of Allah be upon him) said: "Marry the loving and the child-bearing, for I shall outstrip the other nations with your numbers on Qiyama."² The goal is to produce righteous children who will be obedient to Allah and who will be a source of reward for their parents after they die. The Prophet (Peace and blessing of Allah be upon him) will NOT be boasting before the other nations on the day of Qiyama with children of Muslim parents who left the path of Islam.

Fulfillment of the Natural urge

The sexual urge is perhaps the most powerful human inclination. It seems not to be an end in itself, but a means to bring the mates together for the purpose of fertilization. Yet its fulfillment is the most enjoyable and absorbing of human experiences. Failure to fulfill this urge is likely to lead either to deviation or to maladjustment. Deviation is dishonourable and is strictly forbidden in Islam.

² Ahmad and Abu Dawud

Men are inclined toward women and women are inclined toward men by their nature. Marriage is the institution which fulfills this desire and channels it in ways pleasing to Allah Most High. Allah mentions this attraction: "It has been made attractive to people the love of the desires for women, sons ..." ³ The Messenger of Allah (Peace and blessing of Allah be upon him) himself has made clear that the attraction between the sexes is something natural and not something to be denied or suppressed but it should be channeled in the ways pleasing to Allah (Most High). He said: "Women and perfume have been made beloved to me of this world of yours and my peace of mind is in the prayer." ⁴

The desire of men and women for each other is an urge which needs to be fulfilled. If it is left unfulfilled, it will be a source of discord and disruption in society. For this reason, the Prophet (Peace and blessing of Allah be upon him) ordered all men who are capable of meeting the responsibilities of marriage to do it: "Whichever of you is capable should marry for it will aid him in lowering his gaze and guarding his body (from sin). As for the one who is not capable, fasting is his protection." ⁵

A Healthy Relaxation

In marriage there is comfort to the soul, there is beauty to look at, there is company, and there is play and joking and relaxation, all of which relieve the heart from its burdens and make the mind better able to concentrate during prayers and worship. To be always serious and deprive the soul of its joy is boring to the heart and could blind it. Relaxing through the company of the spouse is healthy; and that is why the Qur'an describes the spouse as a source of mutual comfort. It is said that it is wise to divide one's time over three types of activities: worshiping the Lord, self-examination and entertainment of the heart. ⁶

A Comfortable Home

Marriage, moreover, provides co-operation in the household and greatly relieves one from worries. ⁷ Spouses cooperate in the management of the house, in its upkeep, in cooking and washing, and so forth. And thus there will be more time for worship and seeking knowledge, and a climate conducive to concentration. It is therefore said that a righteous wife is not a worldly asset only; she is a sure way to success on the Day of Judgement.

Social Importance

Finally, by adding responsibilities upon the individual, marriage enhances his status in society and gives him an opportunity for training in bearing the hardships of life. Living with a spouse, a person of different inclinations and

³ Aal Imraan, 3:14

⁴ Ahmad

⁵ Nasa'i

⁶ A'araaf, 7:189; Rum, 30:21

⁷ Rum, 30:21

background, trains one in accommodating oneself to new experiences; each party helps the other in the exercise of the virtues of patience and forbearance. The responsibility of rearing children and the need to earn for their living are added meritorious aspect arising from marriage.

However, marriage can also represent a test or be afflicted with some harmful situations. The worst of them is failing to seek sustenance from the lawful. If that becomes difficult, the husband may become tempted to reach his hand into the *haraam*. Another affliction concerns falling short with regard to the rights of women and being patient with their character and their annoyances. In that there is a great danger because the man is the “shepherd” in the household and is to be questioned about those under his care. More so, marriage will be a source of trial if ones family becomes a distraction from the remembrance of Allah such that he spends his days and nights enjoying his family and fails to make time for his heart to ponder the hereafter and to work for it

4. The Ruling Concerning Marriage

Marriage in Islam is recommended as a religious requirement⁸ and the way of the Prophets.⁹ Some scholars maintain that if a person has the ability to marry and treat his wife properly and fears strongly that he will engage in unlawful acts if he does not, then marriage in his case is obligatory; if he does not have the financial or physical means to marry or feels certain that he will not treat his wife properly then marriage in his case is forbidden; if he has the means to marry, but feels strongly that he will not treat his wife properly, marriage in his case is disliked; and if on the other hand, he has the means to marry and has no fear of mistreating his wife or of committing the unlawful if he does not marry, then marriage in his case is preferred.

The opinion that marriage is overall preferred seems to be the strongest opinion even though it may reach the level of obligation for those with the ability to marry and treat their wives properly and fear strongly that they will engage in unlawful acts if they did not based on the Prophet's (Peace and blessing of Allah be upon him) statement: “Whoever has the ability should marry for it is better in lowering the gaze and guarding one's chastity. Whoever is not able let him fast for it is for him a restraint.”¹⁰ Also, there is a collective obligation on the Ummah as a whole to promote, defend and facilitate the institution of marriage. If marriage suffers from neglect or, for example, unreasonably high dowries which force people to postpone marriage too long, it is a collective obligation on the Ummah to come to its aid and to ensure that as many people as possible live within the context of a marriage. Also, if the Muslims come to have too many single women because of the abandonment of polygamy, it becomes a collective

⁸ Nur, 24:32

⁹ Ra'ad, 13:38

¹⁰ Bukhari

obligation on the Muslims to address and correct this situation.

5. Who to marry and who not to marry

Allah mentioned most of the categories of women one is not allowed to marry either permanently or temporarily and those allowed in the following verses:

And do not marry women whom your fathers married except what has already passed. It was indeed obscene, hateful and an evil way. Forbidden to you in marriage are: your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's sisters, your sister's daughters, your wet nurse, your 'sisters' by nursing, your wives mothers, your step daughters under your guardianship born of your wives with whom you have consummated - if you did not consummate then there is no sin upon you, the wives of your blood sons, two sisters at the same time, except for that which has already passed. Verily, Allah is Forgiving, Merciful. And those already married except those whom your right hand possesses (through capture); Allah's ordinance upon you. And allowed for you are all besides these if you seek them with your property seeking chastity not fornication...¹¹

This category includes those one is forbidden to marry due to relationship of blood or marital relations as well as some who are forbidden due to breast feeding. Those Forbidden due to blood relations are descendants due to a relationship with a woman no matter how far (a man's daughter, granddaughter, etc.); ascendants of women no matter how far (mother, maternal and paternal grandmother, etc.); descendants from his parents no matter how far (sisters, half sisters, sisters children, etc.); and siblings of male and female ascendants no matter how far (paternal and maternal aunts, great aunts, etc.). Those permanently forbidden because of marital relations are wives of ascendants no matter how far, whether consummated or not (father's wife, grandfather's wife, etc.); wives of descendants no matter how far, with or without consummation; ascendants of wives (such as the mother-in-law) whether consummated or not; and descendants of wives (step-daughters and their children) only if the marriage is consummated. Those permanently forbidden due to breast feeding are mothers and sisters by breast feeding and by extension the Prophet (Peace and blessing of Allah be upon him) said: "Breast feeding makes forbidden what is forbidden through blood relations."¹²

The second category of women a man is forbidden to marry are those forbidden for temporary reasons. If the reason ceases to exist, marriage between them becomes lawful. They include the following:

¹¹ Nisaa, 4:22-24

¹² Muslim

- (i) While being married to a woman, a man cannot marry her sister or any of her aunts.
- (ii) If a person divorces his wife three times, it is not allowed for him to marry her again unless and until she marries someone else (not as a trick to get back to him), consummates that marriage and that marriage is subsequently legally ended.
- (iii) Any woman if a man already has four wives.
- (iv) Marrying a woman who is already married or who is in *'idda* due either to death or divorce until it is finished.
- (v) A woman upon whom a man has made *li'aan* unless he confesses that he lied. *Al-li'aan* is where the husband accuses the wife of adultery but cannot bring witnesses so he swears that it occurred and the two are separated after the wife swears that she is innocent. He can never marry her again unless he confesses that he was lying.
- (vi) A woman who is neither Muslim nor Jewish or Christian.

The individual seeking marriage must have his priorities straight and be clear about which characteristics are most important in a spouse in order to have a successful marriage. There are many characteristics that are important in a husband or a wife but some are exceedingly more important than others. Emphasising the wrong qualities can lead to disaster down the road just as being neglectful of certain considerations can do likewise. Understanding the goals and priorities of marriage in Islam may guide the Muslims to the Islamic methodology of seeking marriage in Islam and stop them from blindly following the disbelievers in their ignorant notions of the importance of 'getting to know each other' and other such concepts which in reality contribute nothing to and, more often, sabotage a marriage.

The Prophet Muhammad (Peace and blessing of Allah be upon him) taught his followers in many Hadiths about the various characteristics which one looks for in a spouse and their relative importance. Among those Hadith is the following: "A woman is married for her religion, her wealth or her beauty. You must go for the one with religion, may your hands be in the dust! (if you fail to heed)"¹³. And: "If someone with whose piety and character you are satisfied comes to you, marry to him. If you do not do so, there will be trials in the earth and a great deal of evil."¹⁴

Some of the most important characteristics that can be found in the Qur'an and the Sunnah (prophetic tradition) related to selecting good spouse include:

Religion

In the previous Hadith, the Prophet (Peace and blessing of Allah be upon him)

¹³ Muslim

¹⁴ Tirmidhi

mentioned various characteristics that people, by their nature and custom, look for in a spouse. He did not advocate any of them, but merely stated them as facts of human nature, except for the issue of religion, i.e., a prospective spouse's piety and practice of Islam, their fulfilling of what is mandatory and their avoidance of what is unlawful.¹⁵

The characteristic of piety applies to the groom just as much as to the bride. The guardian of the woman should make this his first and top priority, just as the man looking for a wife should make it his. The Prophet said: "If someone with whose piety and character you are satisfied comes to you, marry to him. If you do not do so, there will be trials in the earth and a great deal of evil."¹⁶

Character and Behaviour

In the previous Hadith addressed to those in charge of the marital affairs of Muslim women and girls, the Prophet (Peace and blessing of Allah be upon him) commanded them to facilitate their marriage when they are satisfied with two issues: the faith of the suitor and his character.

Character is of extreme importance in Islam and goes hand in hand with faith and piety. The Prophet has even described it as the purpose of his mission to mankind, "I have only been sent to complete good character";¹⁷ "I am a guarantor of a house in the highest part of Paradise for one who makes his character good";¹⁸ "Righteousness is good character";¹⁹ and "The believers with the most complete *Eemaan* (faith) are those with the best character."²⁰

One of the important issues of character in the mates is the quality of intimacy. This means to be kind, loving and compassionate. Therefore, the prospective spouse must ask and find out about the other person's behaviour and manners. As a sign also, one may look at the manners and behaviour of the other person's family, for often (but not always) the behaviour of people of the same family are similar. In other words, some characteristics whether good or bad, tend to run in some families such as anger, politeness, stinginess, generosity, lying, truthfulness and so forth.

Child-Bearing

The Prophet (Peace and blessing of Allah be upon him) recommended men to marry women who are child-bearing. This characteristic is related to some of the goals and purposes of marriage that were mentioned earlier such as enlarging the Muslim Ummah (community), raising pious families as cornerstones of

¹⁵ Baqarah, 2:221

¹⁶ Tirmidhi

¹⁷ Haakim

¹⁸ Abu Dawud

¹⁹ Muslim

²⁰ Abu Dawud

society, and so forth. The Prophet said: “Marry the loving and the child-bearing, for I shall outstrip the other nations with your numbers on Doomsday.”²¹

The scholars mention that a man can look at a woman's female relatives to get an idea whether she is apt to get pregnant easily and often or not. This attribute should also apply to the man. For example, a Muslim man who had a vasectomy before getting married would not be an appropriate husband for a Muslim girl getting married for the first time.

Virginity

There are many Hadiths which recommend a man to marry a virgin woman, such as the Hadith of Jabir (May Allah be pleased with him) when married an older and previously married woman, the Prophet (Peace and blessing of Allah be upon him) remarked: “Why not a virgin? You could have played with her and her with you.”²² The scholars have stressed that this good attribute applies to the husband just as it applies to the wife.

Beauty

Beauty is another important characteristic to be looked for in a spouse. It has a certain role to play since one of the purposes of marriage is to keep both mates from sin. The best way to achieve this is if there is a strong attraction between the husband and wife.²³ Although this will surely grow over time, initial impressions can in some cases become an obstacle to a successful marriage. The Prophet separated Qays bin Shammaas from his wife in the famous case of *Kuhl'* (i.e. a woman asking for separation from her husband) and her stated reason was that he was exceedingly displeasing to her.²⁴ There are many Hadiths that urge the prospective spouse to take a look at the other before undertaking the marriage. Once, a companion told the Prophet (Peace and blessing of Allah be upon him) that he was going to get married. The Prophet (Peace and blessing of Allah be upon him) asked if he had seen her. When the man replied in the negative, he said: “Go and look at her, for it is more likely to engender love between the two of you.”²⁵

Beauty has its role but it should be remembered that it is way down on the priority list, under piety, character and religion. When a person puts beauty above all else, the results can be disastrous. This is one big reason young people seeking to get married must be helped by more mature family members in making their choice.

The Prophet (Peace and blessing of Allah be upon him) encouraged men

²¹ Ahmad and Abu Dawud

²² Bukhari

²³ Nasaa'i and Ahmad

²⁴ Muwatta Maalik

²⁵ Ahmad

considering marriage to a particular woman to get a look at her. He said in a Hadith: “If one of you proposes to a woman and if he is able to look at a part of her that motivates him to marry her, let him do so.”²⁶

The purpose of this look is very specific: to help one determine whether or not he would like to marry that person. It is therefore, recommended that the suitors see each other before going through with marriage. It is unreasonable for two people to be thrown together and be expected to relate and be intimate when they know nothing of each other. The couples are permitted to look at each other with a critical eye and not a lustful one.

The Hadith does not abrogate the limits of what a woman may expose to non-*mahaarim* (marriageable relatives). She must continue to be well covered, except for her face and hands, in front of all of them, and the prospective husband, even if he has proposed, is no exception to this.

The woman also has a right to look at her prospective husband. Many scholars have stated that women desire the same things that we (men) do. Some have even said that it is even more important for the woman to see the man. This is because the man holds the right of instant and unconditional divorce in case he is displeased with his wife. It is not so easy for the woman to get out of a marriage and so she must have priority on this issue.

Also, the hand of a lady is only to be sought in marriage with the consent of her guardian as the Prophet (Pbuh) did with A’isha (May Allah be pleased with her).²⁷ However, if she is matured and old enough to decide for herself, she may be approached directly²⁸; though the marriage contract even in this case as to be with the consent of her guardian.²⁹ Parents may request or even persuade people of proven integrity, religious background and moral standing to seek the hand of their daughters in marriage if considered appropriate.³⁰

6. Marriage Contract

Marriage in Islam is a contract. Thus, as in any contract in Islam, there are elements which are considered essential to its existence, called *arkaan*, the possibility of stipulations of different kinds, legal effects of the contract, etc. Each of these should be understood properly in order to ensure that the marriage has been performed in the proper manner and the rightful effects of the marriage are granted to each of the participating partners.

Rukn (plural: *arkaan*) can be translated as “pillar” and is an essential part of the

²⁶ Abu Daawud

²⁷ Bukhari

²⁸ Muslim and Nasaa’i

²⁹ Abu Dawud, Tirmidhi, Ibn Maajah and Ahmad

³⁰ Qasas, 28:27; Bukhari; Muslim and Nasaa’i

legal reality of something. Without it, that legal reality does not exist. *Shart* (plural: *shuroot*) can be translated as “prerequisite” or “condition” is a requirement for the legal reality/validity of something but is external to it and/or does not completely void the legal reality if not found.

All the scholars agree that “offer and acceptance” (*Al-Ijaab wa al-qubool*) is among the *arkaan* of a marriage. There is a difference of opinion concerning the other *arkaan*. There are a variety of opinions as to exactly which phrases are valid in the transaction of the marriage contract. Of all these opinions, it seems clear that the best of them is that any wording that makes the intent of the contract clear to all involved should be considered a valid marriage, while the best format would be that actually used by the Prophet (Peace and blessing of Allah be upon him) and his companions. Also, it is considered best if the contract is executed in spoken form. However, due to need or necessity, it may be done through writing or signing. According to the majority of the scholars, it is not necessary for the marriage contract to be transacted in Arabic, even for those who have the ability to speak Arabic.

With respect to marriage, there are four different kinds of conditions which must be met: conditions required for initiating the contract, those required for the soundness of the contract, those required for the execution of the contract and those required for making the marriage binding. In the first category, the two people must meet the qualification of legal competence and the woman cannot be from those categories of women that are forbidden for a man to marry. In the second category, ten conditions are mentioned some of which are agreed upon by virtually all the scholars while others are the subject of some disagreement: the woman is permissible to the man; the offer and acceptance is of a permanent nature and not temporary; at least two non-discredited witnesses; both parties to the contract and the bride have willingly accepted the marriage; the bride and groom are specifically identified and known; neither of the two contracting parties are in a state of *ihraam*; the marriage must be with a dowry (*mahr*); the parties and witnesses are not bound to keep it quiet; no party is on his deathbed; the presence of the guardian or representative (*wali*) of the woman.

In the third category, the bride and groom must be legally capable for such a marriage, i.e., sane, conscious, past the age of puberty, etc. The contract can take place earlier than this, but the execution must wait until the time that they can actually enter into the marriage relationship. Under the fourth condition, if the fore mentioned conditions are met, neither party has the right to annul the marriage provided that the husband is socially compatible and qualified for the woman; that the dowry is at least equivalent to those similar to her; and that there is no defect in either spouse except where the woman was said to be a virgin but is then discovered to be otherwise or where either spouse is not physically capable of marital relations. If, after being married, any of these

conditions are not met, both parties (bride and groom) would have the right to annul the marriage. The matter would be taken to a judge or one in authority. However, this is a right or an option. Once the parties accept the marriage with the deficiency it contains, they will after that be bound to such a marriage.

7. Some Don'ts in Marriage

Marriage in Islam has some don'ts. They include:

Being alone with the 'Fiancée'

No matter what words, promises, commitments, etc. have passed between the parties, until the marriage contract has been transacted and a man and woman are actually married, there is no relationship at all between them and they are to each other as any other strange man and woman. The Prophet has expressly forbidden for a man and a woman to be alone together. This ruling applies to a 'fiancée' just as much as it applies to any other unrelated man and woman.

Some of the Hadiths that make this very clearly are: "A man cannot be alone with a woman, except along with a male (non-marriageable) relative (of hers);"³¹ and "A man and a woman cannot be together alone except that *shaitaan* is the third party."³²

There is no concept of courtship in Islam as it is practiced in the West. There is no dating or living in *defacto* relationship or trying each other out before they commit to each other seriously. There is to be no physical relationship what so ever before marriage. The romantic notions that young people often have, have proven in most cases to be unrealistic and harmful to those involved. Romance and love simply do not equal an everlasting bond between two people. Romance and love die out very quickly when we have to deal in the real world. The unrealistic expectations that young people have is what often contributes to the failure of their relationship.

Touching

Those 'engaged' to be married have no legal relationship beyond any other strange man and woman. Therefore, any form of touching between them is not allowed. The Prophet said: "For one of you to have your head pierced with an iron needle is better for him than to touch a woman who is not permissible for him (to touch)."³³

Indecent Phone Calls or Internet Chats

Muslim scholars have pointed out that it is not proper or acceptable for 'fiancées' to be alone together or to have numerous encounters, telephone conversations or

³¹ Bukhari and Muslim

³² Ahmad and Tirmidhi

³³ Tabaraani

internet ‘chats’ for the purpose of ‘getting to know each other’. It must always be remembered that until they are married, they are like any other unrelated men and women to each other and their actions must reflect that fact. Accordingly, the idea of engaging in endless free phone calls, indecent telephone conversations, horrible and immoral text messaging, internet chats, exchange of phonographic messages between ‘fiancées’ are not acceptable in Islam.

‘Engagement’ or Fixing of Wedding Date NOT the same with Marriage

In many Muslim countries, people transact the marriage contract, but agree not to actually begin the marriage until after a certain period of time. There is nothing wrong with this custom with two conditions: (i) the time period is not excessively long (ii) all parties understand that the two are legally married, their agreement to delay being together is not binding and there is nothing wrong if they change their mind and decide to be together before the appointed time.

This is quite different from the imported custom of ‘engagement’. The only parallel to this western custom which many Muslims have adopted is what is called ‘*Khithbah*’, which is the time between the beginning of discussions or fixing of marriage date and the final marriage contract. In short, this has no legal validity of any kind and does not change anything about the relationship between the man and woman.

Further, mere fixing of date does not make the parties couple and therefore, does not allow any kind of relationship between them beyond what was described earlier, except where the *Urf* (acceptable custom) of gathering people for the wedding contract does not apply. Where this *Urf* applies, parties only become couple after the final stage of wedding contract.³⁴ The argument that all necessary conditions and pillars of marriage are satisfied prior to fixing of wedding date and thus intending couple are by that licensed to be together and to sexually enjoy each other holds no water. It should be remembered that proponents of this weak position NEVER ACCEPT that the legal implications and consequences of marriage such as divorce and inheritance be applied to the intending couple in case they decide to quit the relationship before the final lap of gathering people for wedding *fatihah*.

8. Rights and Obligations in Marriage

In order to ensure an atmosphere of harmony and to promote a cheerful and successful life in the newly established nest of the newlyweds, Islam has provided guidance in defining the relationship between husband and wife and in distributing the rights and obligations arising from this relationship. The first thing that every married Muslim must realize is that one’s spouse is first and foremost another Muslim. He/she is one’s brother and sister in Islam. Therefore, at minimum all rights that fall upon a Muslim due to the general brotherhood of

³⁴ See Al-Uthaimin’s *Manzumatul Qawaa’idil Fiqhiyyah*

Islam are also due to one's spouse. It is a sad situation for a Muslim brother or sister to respect their Muslim brothers and sisters outside of the house but for the situation in the house to degenerate into less even than that minimum standard of respect and kindness inside the household.

Clearly, husband and wife have even greater rights and obligations toward each other due to the great and important contract which have been transacted between them and on which basis they live together. The rights are categorised into three: those which each of the two spouses has over the other; the rights of the wife over the husband; and the rights of the husband over the wife.

The rights which each of the two spouses have over the other are:

- (i) The right to enjoy each other³⁵
- (ii) The right to inherit from each other³⁶
- (iii) The right of confirmation of the lineage of their children³⁷

The rights of the wife over the husband are as follows:

- (i) The dowry (*mahr*)³⁸
- (ii) Support/maintenance³⁹
- (iii) Kind and proper treatment⁴⁰
- (iv) Marital relations⁴¹
- (v) Not to be beaten⁴²
- (vi) Privacy⁴³
- (vii) Justice between multiple wives⁴⁴
- (viii) To be taught her religion⁴⁵
- (ix) Defense of her honour⁴⁶

The rights of the husband over the wife on the other hand, are:

- (i) Have a home and soft relaxing atmosphere in which both can live together smoothly, happily and enjoyably⁴⁷
- (ii) Being head of the household⁴⁸
- (iii) To be obeyed in all that is not disobedience to Allah⁴⁹

³⁵ Nisaa, 4:20-21; Baqarah, 2:223; Bukhari

³⁶ Nisaa, 4:11-12

³⁷ Bukhari and Muslim

³⁸ Nisaa, 4:4

³⁹ Baqarah, 2:223; Nisaa, 4:34

⁴⁰ Nisaa, 4:19

⁴¹ Bukhari and Muslim

⁴² Nisaa, 4:34; Bukhari

⁴³ Abu Dawud

⁴⁴ Nisaa, 4:129; Abu Dawud

⁴⁵ Tahreem, 66:6; Bukhari

⁴⁶ Bukhari and Muslim

⁴⁷ A'araaf, 7:189; Rum, 30:21

⁴⁸ Nisaa, 4:34

⁴⁹ Haakim

- (iv) To be answered for marital relations⁵⁰
- (v) Not to allow anyone in the house of whom he disapproves⁵¹
- (vi) Not to leave the house without his permission⁵²
- (vii) That she cook for him, keep his house and properly manage the household⁵³
- (viii) That she remained faithful, loyal and devoted⁵⁴
- (ix) To be thanked for his efforts and not to be confronted with too many demand⁵⁵
- (x) That she not observe a voluntary fast without his permission if he is resident, not on a journey⁵⁶

9. Marital Discord

Allah Most High blessed this *Ummah* with the most comprehensive and perfect law ever given to mankind - the *Shari'ah*. This law did not fail to give us solutions to one of the most common everyday problems of human life: problems between husband and wife. Even if both the husband and wife are pious, practicing Muslims in a general sense, marriage presents additional tests which many do not pass as well as they should. They may then begin failing to fulfill their obligations within the marriage and failing to treat one another as they should according to Islam. When this happens, Allah's *Shari'ah* has laid down certain processes that the spouses (and possibly others helping them) should go through to try to rectify the situation. Unlike some ignorant "religions" concocted by men, Islam also recognises that there may be situations where resolution is not possible and termination of the marriage is preferable through divorce or other means.

When one of the spouses is refractory, it is called *nushooz*, discord on the part of that spouse, whether husband or wife. *Nushooz* can come from either spouse due to disobedience, hatred, contrariness, diffidence, harshness, aggression, etc. On the part of the wife it revolves around not beautifying herself for her husband when he desires that from her; disobeying her husband with respect to coming to his bed and refusing to respond to his calls; leaving the house without his permission or without any legal right to do so; and not performing her obligatory religious duties, such as failure to perform some prayers, fasting Ramadan, covering her *'awra*, or any other obligatory act of Islam. On the part of the husband, it revolves around wrongfully elevating and raising himself arrogantly above his wife and above the obligations which Allah has placed upon him with regard to her;

⁵⁰ Tirmidhi

⁵¹ Bukhari and Muslim

⁵² Ahzaab, 33:33

⁵³ Ahmad; Bukhari and Muslim

⁵⁴ Nasaa'i

⁵⁵ Bukhari and Muslim; Nasaa'i; Haakim

⁵⁶ Bukhari and Muslim

transgressing against her by beating her, harming her, reviling her, abusing her and not treating her properly; failing to fulfill his mandatory obligations toward her such as support, etc.; and becoming diffident toward her and unconcerned for her by boycotting her in talk or in the bed, refusing to speak to her, etc.⁵⁷

There are three different cases of *nushooz*. The first case is where it is committed by the wife and its resolution has been mentioned in the following verse: "...And (as for) those (women) from whom you anticipate rebellion, admonish them, avoid them in the sleeping place and hit them. If they obey you, do not desire and further way to (harm) them. Surely, Allah is Knowing, Great."⁵⁸ The second case is on the part of the husband and its resolution is mentioned thus: "And if a woman fears *nushooz* from her husband or that he may turn away, there is no sin upon the two of them to make terms of agreement between them and agreement is better. Stinginess has been made present in all souls but if you extend good deeds and beware of Allah, verily Allah is fully knowledgeable of all that you do."⁵⁹ The third case is where *nushooz* mainly in the sense of 'dislike' and 'turning away' is committed by both the husband and wife and its resolution has been mentioned in the following verse: "And if you fear a separation between the two of them, appoint an arbitrator from his family and an arbitrator from her family. If they desire reconciliation, Allah will bring them into agreement. Verily Allah is Knowing, Knowledgeable."⁶⁰

10. Causes of Marriage Breakdown

- (i) Misunderstanding about the purposes and goals of marriage
- (ii) Hallucination about the reality of marriage life
- (iii) Force marriage
- (iv) Poor communication
- (v) Financial problems
- (vi) Lack of commitment to the marriage
- (vii) Dramatic change in priorities
- (viii) Infidelity
- (ix) Failed expectations or unmet needs
- (x) Addictions and substance abuse
- (xi) Physical or emotional abuse
- (xii) Lack of parenting skills
- (xiii) Lack of conflict resolution skills
- (xiv) Isolation and lack of community support
- (xv) Individualism

⁵⁷ Nisaa, 4:34; 128; 35

⁵⁸ Nisaa, 4:34

⁵⁹ Nisaa, 4:128

⁶⁰ Nisaa, 4:35

11. Success Factors in Marriage

Most often, breakdown in marriage follows four stages. Understanding the stages may help curb possibilities of discord and eventual breakdown since they serve as pointer to both parties know that the relationship is in danger. The stages are as follow:

- (i) Intractable conflict and complaints
- (ii) One or both spouses start to feel contempt for the other, and each spouse's attitudes about the partner change for the worse
- (iii) Trying to be always defensive
- (iv) Breakdown of basic trust between the partners, and increasing disengagement in the name of self-protection

Couple could sustain their marriage and also salvage it in the event of breakdown by understanding the purpose of marriage and the fact that in Islam, marriage is an act of worship aimed at strengthening the couple to be more righteous and encouraging them to cooperate in an effort to achieve prosperity in the world and the hereafter. Couple are expected to accord one another the respective rights enumerated above and where either of the party fall short of his or her obligation, the other should endeavour to discharge his or hers in accordance with the requirements of the Shari'ah.

To make their marriage successful, couples need to tolerate and be patient with each other. They should try to make each other happy, of course, bearing in mind that none of them can attain perfection and that to err is human, to disagree in marriage in normal, to always please the partner is difficult, to sacrifice is expected and to maintain the marriage is very important.

12. Divorce: What, Why and How?

The three religions have remarkable differences in their attitudes towards divorce. Christianity abhors divorce altogether. The New Testament unequivocally advocates the indissolubility of marriage.⁶¹ This uncompromising ideal is, without a doubt, unrealistic. It assumes a state of moral perfection that human societies have never achieved. When a couple realizes that their married life is beyond repair, a ban on divorce will not do them any good. Forcing ill-mated couples to remain together against their wills is neither effective nor reasonable. No wonder the whole Christian world has been obliged to sanction divorce.

Judaism, on the other hand, allows divorce even without any cause. The Old Testament gives the husband the right to divorce his wife even if he just dislikes her.⁶² The Old Testament not only gives the husband the right to divorce his

⁶¹ Matthew 5:32

⁶² Deut. 24:1-4

“displeasing” wife, it considers divorcing a “bad wife” that eats in the street, or drinks greedily in the street, or suckles in the street an obligation.⁶³

According to the *Talmud*, it is mandatory to divorce a barren wife who bore no children in a period of ten years. Wives, on the other hand, cannot initiate divorce except on grounds of physical defects or skin disease, or non-fulfillment of conjugal responsibilities. The Court might support the wife's claim to a divorce but it cannot dissolve the marriage. Only the husband can dissolve the marriage by giving his wife a bill of divorce. The Court could scourge, fine, imprison, and excommunicate him to force him to deliver the necessary bill of divorce to his wife. However, if the husband is stubborn enough, he can refuse to grant his wife a divorce and keep her tied to him indefinitely. Worse still, he can desert her without granting her a divorce and leave her unmarried and undivorced. He can marry another woman or even live with any single woman out of wedlock and have children from her (these children are considered legitimate under Jewish law). The deserted wife, on the other hand, cannot marry any other man since she is still legally married and she cannot live with any other man because she will be considered an adulteress and her children from this union will be illegitimate for ten generations.⁶⁴

Islam occupies the middle ground between Christianity and Judaism with respect to divorce. It has taken all possible measures to make marriage a happy and lasting relationship. Marriage in Islam is a civil contract between a man and a woman to live together as husband and wife. It automatically confers mutual rights and duties upon the parties which both must remain mindful of. The Qur'an and the holy Prophet (Peace be upon him) have stressed that both partners should act kindly and fairly with each other. However, for all married couples to have disagreements now and then is quite natural. In case a serious disagreement occurs a procedure is recommended in Islam to help reconcile the situation before a divorce.

The arbitration procedure and the steps before the actual termination of marriage are: (i) the two parties must try to settle their differences on their own;⁶⁵ (ii) if they fail, two arbitrators, one from the husband's relatives, and one from the wife's relatives, must be appointed to try to make peace and to settle their differences;⁶⁶ (iii) if this attempt also fails, then the husband or the wife may seek a divorce, dissolution of the bond of marriage or part of it;⁶⁷ (iv) and in case divorce is served, a reconciliation and reconsideration time of three months is available (except if the parties have divorced each other for the third time);⁶⁸ and

⁶³ Ecclesiasticus 25:25

⁶⁴ http://www.islamicity.com/Mosque/w_islam/notes

⁶⁵ Nisaa, 4:19; Baqarah, 2:228

⁶⁶ Nisaa, 4:35

⁶⁷ Baqarah, 2:236, 229, 237; 231

⁶⁸ Talaq, 65:1; Baqarah, 2:228

(v) if the above time limit expires and no reconciliation occurs, then the divorce becomes effective and marriage is terminated.⁶⁹

Islam encourages reunion of the two disputing parties and considers it meritorious to cancel divorce during the reconciliation time. From the given procedure, it is clear that Islam permits divorce only when it has become impossible for the parties to live together in harmony and also all attempts to make peace have failed. If both parties are willing to live together happily, in spite of the defects or drawbacks in the other, no power on earth can impose a divorce.

In order for the institution of marriage to fulfill its goals as described earlier, divorce must be allowed in certain situations. Those religions and/or societies which deviated from this point and imposed the fiction of “till death do us part” in all cases have been responsible for untold human misery and sin. This law is not suited to human nature and Islam does not force us to apply laws which are extreme - neither celibacy, permanent marriage without the possibility of divorce, nor promiscuity and mayhem (the most popular one in our time).

Islam gives us two important social goals in this regard: the “eradication” of single people of marriageable age as much as possible by facilitating marriages, and setting up a social environment where all relations between men and women outside of marriage can be completely eliminated.⁷⁰ Obviously, part of facilitating these objectives is not to imprison spouses in a marriage which is not satisfying mentally or physically. Some of them will surely cave under the pressure and seek other outlets for their needs, destroying the moral fiber of society. In such cases, termination of the marriage becomes preferable. Also, one of the most important goals of marriage is to raise a new generation of Muslims who will carry the message and practice of Islam forward. The family is the first source of guidance and happiness. If they are brought up in a situation where they can easily see the displeasure and unhappiness of their parents the problems in that family may be passed on to the children corrupting their behavior and possibly even their Islam.

Divorce and the various other means which Islam provides to terminate a marriage are provided to men and women in Islam in order to further the attainment of these goals - either within an existing marriage or by removing it. Divorce should not be “ugly”. When it becomes necessary, it should be done with consideration, dignity and kindness.⁷¹

There are varieties of ways in which a marriage becomes terminated in Islamic

⁶⁹ Baqarah, 2:229

⁷⁰ Nur, 24:32

⁷¹ Talaq, 65:2

law either automatically or on the initiative of the husband, the wife or a judge. It is true that the “power” of divorce is in the hands of the husband and not the wife, but this does not mean by any stretch of the imagination that the woman has no ability whatsoever to put an end to the marriage if she is mistreated, unsatisfied or unhappy. Men who convince their wives that they have absolutely no recourse unless they decide to divorce them have deviated in their Islam, misled and oppressed.⁷²

The ruling on divorce varies according to the different situations. It can be permissible, detestable, desirable, obligatory, or prohibited. So, it can involve any of the main five rulings. It is permissible when the husband needs it because of his wife's ill conduct, the harm caused to him by keeping his wife, and the non-fulfillment of the legal objective of marriage by keeping her. It is detestable if there is no need for it, as when there is no problem between the married couple; some scholars deem it prohibited in such a case. On the other hand, divorce becomes desirable if the wife suffers harm during her marital life, such as when there is dissension between her and her husband or when she dislikes him. It becomes obligatory for the husband if the wife is neither righteous nor upright on the religious level. For example, the wife may be so negligent in prayer that she abandons it or performs it belatedly, while the husband is unable to rectify her, or she may be morally dishonest.

It is prohibited for the husband to divorce his wife while she is in her menses, during her period of confinement, during her state of major ritual impurity (i.e. the period between the wife's menstruations) in which he has already had sexual intercourse with her. The husband is also prohibited to divorce his wife thrice at a time.⁷³

Divorce is a relief and a good solution when there is no longer a benefit out of keeping the marriage tie, or when the wife is harmed by staying with her husband, or when either of the married couple is immoral, defiantly disobedient, and irreligious, unlike the other. The communities prohibiting divorce always suffer many serious social problems such as the spread of suicide, crime, and the corruption of family life. The great religion of Islam permits divorce and makes proper rules to regulate it in order to achieve the desired interests and repel any possible evil, and this is the typical way of Islam in all its great laws and regulations that maintain the interests of humans in the long and short run. Therefore, we praise Allah, Exalted by He, for His bounty and bestowal of Islam upon us.

If a man has issued the last of three divorces, or he has divorced her once or twice and her *'iddah* has ended, then she becomes a stranger (non-*mahram*) to

⁷² http://www.islamicity.com/Mosque/w_islam/notes

⁷³ Baqarah, 2:229; Talaq, 65:1; Nisaa, 4:130

him, and it is not permissible for her to be alone with him or to touch her or to look at her. The relationship of an ex-husband with his ex-wife is like his relationship with any other non-*mahram* woman. The fact that they have children does not justify his looking at her, being alone with her or travelling with her. He can go out with his children without her being there, or she can be present with one of her *mahrams*, without doing any unlawful things. With regard to accepting what the divorced husband spends on his children, there is no reason not to do so.

13. Causes of Widespread Divorce

According to Wikipedia, divorce rate is generally low among Muslims, in comparison to other religious groups. This may be due to the somewhat strict limitations generally placed on divorce in Islam, as well as a very strong culturally based stigma associated with it. However, at least in some Muslim populations, that rate may be rising. For example: in 2004 in Singapore (which has an 18% Muslim population) many feared that the divorce rate among Muslims had risen too high: 9 out of every 1,000 marriages, a ratio 3 times higher than Malaysia, and 5 times higher than Indonesia.

In 2008, 46% of all marriages in the United States involve a remarriage for one or both spouses. It is also estimated that 40% of all marriages have ended in divorce as of 2008. The rate of divorce in the UK is dropping. In 2007 the divorce rate in England and Wales was recorded at 11.9 people per every 1000 of the married population. This is the lowest divorce rate recorded since 1981.

An annual study in the UK by management consultants Grant Thornton (2005) estimates the main causes of divorce in 2004 based on surveys of matrimonial lawyers to be extramarital affairs (29%); family strains (18%); emotional/physical abuse (17%); mid-life crisis (13%); addictions such as alcoholism and gambling (6%); and workaholism (6%).⁷⁴ This however, is general. Specifically, the causes of widespread divorce among Muslims especially in Nigeria, in addition to the causes identified above, include:

- (i) Ignorance about marriage and divorce in Islam
- (ii) Force and pretentious marriage
- (iii) Poverty
- (iv) Immorality (attitude of marrying and remarrying)
- (v) Waiver on implication of divorce
- (vi) Societal factor

14. Conclusion

In conclusion, spouses should strive to make other happy and take into consideration the needs, abilities and weaknesses of the other. Since in most cases, neither spouse is completely fulfilling their obligations, they should both

⁷⁴ <http://www.dainesandsears.com/index9.html>

realize and acknowledge their own shortcomings.

Below is the summary of some dos and don'ts provided by Sheikh Muhammad Abdul-Haleem Hameed in his two books, *How to make your Husband Happy* and *How to make your Wife Happy* aimed at providing guide to the couple on how to make each other happy.⁷⁵

How to Make Your Husband Happy

1- Beautiful Reception

After returning from work, school, travel, or whatever has separated you, begin with a good greeting:

- ✓ Meet him with a cheerful face.
- ✓ Beautify and perfume yourself.
- ✓ Start with good news and delay any bad news until he has rested.
- ✓ Receive him with loving and yearning sentences.
- ✓ Beautify and soften your voice
- ✓ Make hard efforts for excellence of the food & having it ready on time.

3- Smelling Good and Physical Beautification

- ✓ Take good care of your body and fitness.
- ✓ Put on nice and attractive clothes and perfumes.
- ✓ Bath regularly and, after the monthly period, remove any blood traces or bad smells.
- ✓ Avoid that your husband observes you in dirty clothes or rough shape.
- ✓ Avoid prohibited types of ornamentation.
- ✓ Use the types of perfumes, colors, and clothes that the husband likes.
- ✓ Change hair style, perfumes, etc. from time to time.

4- Intercourse

- ✓ Hasten for intercourse when your husband feels compulsion for it.
- ✓ Keep your body clean and smelling good as possible including cleaning yourself of released fluids during intercourse.
- ✓ Exchange loving phrases with your husband.
- ✓ Leave your husband to fully satisfy his desire.
- ✓ Choose suitable times and good occasions for exciting your husband, and encouraging him to do intercourse, e.g. after returning from a travel, weekends, etc.

5- Satisfaction with What Allah (SWT) Has Allotted

- ✓ Do not be depressed because your husband is poor or works in a simple job.

⁷⁵ http://www.islamfortoday.com/how_to_make_your_husband_happy.htm;
http://www.islamfortoday.com/how_to_make_your_wife_happy.htm

- ✓ Look at poor, sick, and handicapped people and remember Allah (the Most High) for all that was given to you.
- ✓ Remember that real wealth lays in faith and piety.

6- Indifference to Worldly Things

- ✓ Do not consider this world as your hope and interest.
- ✓ Do not ask your husband for many unnecessary things.
- ✓ Asceticism does not mean not to enjoy what is good and permissible but it means that one should look forward to the hereafter and utilize whatever Allah (the Most High) gave them to achieve paradise.
- ✓ Encourage your husband to reduce expenses and save some money in order to give charity and feed poor and needy people.

7- Appreciation

- ✓ By the saying of the prophet, the majority of people in hell were women because they were ungrateful and deny the good done to them.
- ✓ The result of being grateful is that your husband will love you more and will do his best to please you in more ways.
- ✓ The result of being ungrateful is that your husband will be disappointed and will start asking himself: why should I do good to her, if she never appreciates?

8- Devotion and Loyalty

- ✓ In particular in times of calamities in your husband's body or business, e.g. an accident or a bankruptcy
- ✓ Supporting him through your own work, money, and properties if needed.

9- Compliance to Him

- ✓ In all what he commands you, unless it is prohibited.
- ✓ In Islam, the husband is the leader of the family, and the wife is his support and consultant.

10-Pleasing Him if He is Angry

- ✓ Try to avoid what will guarantee his anger.
- ✓ If it happens that you cannot, then try to appease him as follows: (1) if you are mistaken, then apologize (2) if he is mistaken then: keep still instead of arguing or yield your right or wait until he is no longer angry and discuss the matter peacefully with him (3) if he was angry because of external reasons then: keep silent until his anger goes, find excuses for him, e.g. tired, problems at work, someone insulted him, and do not ask many questions and insist on knowing what happened (e.g. you should tell me what happened or I must know what made you so angry or you are hiding something, and I have the right to know).

11-Guardianship in his Absence

- ✓ Protect yourself from any prohibited relationships.
- ✓ Keep the secrets of the family, particularly intercourse and things that the husband does not like other people to know.
- ✓ Take care of the house and children.
- ✓ Take care of his money and properties
- ✓ Do not go out of your house without his permission.
- ✓ Refuse people whom he does not like to come over.
- ✓ Do not allow any non-*mahram* man to be alone with you in any place.
- ✓ Be good to his parents and relatives in his absence.

12- Showing Respect for his Family and Friends

- ✓ Welcome his guests and try to please them, especially his parents.
- ✓ Avoid problems as much as you can with his relatives
- ✓ Avoid putting him in a position where he had to choose between his mother and his wife.
- ✓ Show good hospitality for his guests by arranging a nice place for them to sit in, perfection of food, welcoming their wives, etc.
- ✓ Encourage him to visit his relatives and invite them to your home.
- ✓ Phone his parents and sisters, send letters to them, buy gifts for them, support them in calamities, etc..

13- Admirable Jealousy

- ✓ Jealousy is a sign for wife's love for her husband but it should be kept within the limits of Islam, e.g. not insulting or backbiting others, disrespecting them, etc..
- ✓ You should not follow or create unfounded doubts.

14-Patience and Emotional Support

- ✓ Be patient when you face poverty and strained circumstances.
- ✓ When you face calamities and disasters that may happen to you, your husband, your children, relatives or properties, e.g. diseases, accidents, death, etc.
- ✓ When he mistreats you, counteract his ill-treatment by good treatment

15-Good Housekeeping

- ✓ Keep it clean, decorated and well arranged.
- ✓ Change house arrangements from time to time to avoid boredom.
- ✓ Perfect of food and prepare healthy foods.
- ✓ Learn all the necessary skills for managing the house, e.g. sewing.
- ✓ Learn how to raise children properly and in an Islamic way.

16-Preservation of Finances and the Family

- ✓ Do not spend from his money, even for charity without his permission unless you are sure that he agrees on this.
- ✓ Protect his house, car, etc. while he is absent.
- ✓ Keep the children in good shape, clean clothes, etc. Take care of their nutrition, health, education, manners, etc. Teach them Islam and tell them the stories of the Prophets and companions.

How to Make your Wife Happy

1. Beautiful Reception

- ✓ After returning from work, school, travel, or whatever has separated you:
- ✓ Begin with a good greeting.
- ✓ Start with *Salam*, the Islamic way of greeting and a smile.
- ✓ Shake her hand and leave bad news for later.

2. Sweet Speech and Enchanting Invitations

- ✓ Choose words that are positive and avoid negative ones.
- ✓ Give her your attention when you speak or she speaks.
- ✓ Speak with clarity and repeat words if necessary until she understands.
- ✓ Call her with the nice names that she likes, e.g. my sweet-heart, honey, etc.

3. Friendliness and Recreation

- ✓ Spend time talking together.
- ✓ Spread to her good news.
- ✓ Remember your good memories together.

4. Games and Distractions

- ✓ Joke around & having a sense of humor.
- ✓ Play and compete with each other in sports or whatever.
- ✓ Take her to watch permissible types of entertainment and avoid prohibited things in your choices of entertainment.

5. Assistance in the Household

- ✓ Do what you as an individual can do that helps out, especially if she is sick or tired.
- ✓ Show appreciation for her hard work.

6. Consultation

- ✓ Give her the feeling that her opinion is important to you.
- ✓ Study her opinion carefully.
- ✓ Be willing to change an opinion for hers if it is better.
- ✓ Thank her for helping him with her opinions.

7. Visiting Others

- ✓ Choose well raised people to build relations with.
- ✓ Pay attention to ensure Islamic manners during visits.
- ✓ Not forcing her to visit whom she does not feel comfortable with.

8. Conduct during Travel

- ✓ Offer a warm farewell and good advice.
- ✓ Ask her to pray for him.
- ✓ Ask pious relatives and friends to take care of the family in your absence.
- ✓ Give her enough money for what she might need.
- ✓ Try to stay in touch with her whether by phone, e-mail, letters, etc..
- ✓ Return as soon as possible.
- ✓ Bring her a gift.
- ✓ Avoid returning at an unexpected time or at night.
- ✓ Take her with you if possible.

9. Financial Support

- ✓ Be generous within your financial capabilities and do not be miser or nor wasteful.
- ✓ Be encouraged to give to her before she asks.

10. Smelling Good and Physical Beautification

- ✓ Follow the Sunnah in removing hair from the groin and underarms.
- ✓ Always be clean and neat.
- ✓ Put on perfume for her.

11. Intercourse

- ✓ Do it habitually within acceptable limit if you have no excuse (sickness, etc.)
- ✓ Enter into her in the proper place only (not the anus).
- ✓ Begin with foreplay including words of love.
- ✓ Continue until she satisfies her desire.
- ✓ Relax and joke around afterwards.
- ✓ Choose suitable times for intercourse and be considerate as sometimes she maybe sick or exhausted.

12. Guarding Privacy

- ✓ Avoid disclosing private information such as bedroom secrets, her personal problems and other private matters.

13. Aiding in the Obedience to Allah

- ✓ Wake her up in the last third of the night to pray
- ✓ Teach her what you know of the Qur'an and its *tafseer*.
- ✓ Teach her "Dhikr" (ways to remember Allah by the example of the prophet) in the morning and evening.

- ✓ Encourage her to spend money for the sake of Allah such as in a charity sale.
- ✓ Take her to Hajj and Umrah when you can afford to do so.

14. Showing Respect for her Family and Friends

- ✓ Take her to visit her family and relatives, especially her parents.
- ✓ Invite them to visit her and welcome them.
- ✓ Give them presents on special occasions.
- ✓ Help them when needed with money, effort, etc..
- ✓ Keep good relations with her family and friends after her death if she dies first.

15. (Islamic) Training & Admonition

- ✓ Train her on the basics of Islam, Islamic rules relating to women, her duties and rights and reading and writing.
- ✓ Encourage her to attend lessons and study circles.
- ✓ Buy Islamic books and tapes for the home library

16. Admirable Jealousy

- ✓ Ensure she is wearing proper *hijab* before leaving house.
- ✓ Restrict free mixing with non-*mahram* men.
- ✓ Avoiding excess jealousy such as: (i) analyzing every word and sentence she says and overloading her speech by meanings that she did not mean (ii) preventing her from going out of the house when the reasons are just (iii) preventing her from answering the phone.

17. Patience and Mildness

- ✓ Problems are expected in every marriage so this is normal. What is wrong is excessive responses and magnifying problems until a marital breakdown.
- ✓ Anger should be shown when she exceeds the boundaries of Allah SWT, by delaying prayers, backbiting, watching prohibited scenes on TV, etc..
- ✓ Forgive the mistakes she does to you and correct her mistakes in the best way possible.

18. Pardoning and Appropriate Censure

- ✓ Account her only for larger mistakes.
- ✓ Forgive mistakes done to you but account her for mistakes done in Allah's rights, e.g. delaying prayers, etc..
- ✓ Remember all the good she does whenever she makes a mistake.
- ✓ Remember that all humans err so try to find excuses for her such as maybe she is tired, sad, having her monthly cycle or that her commitment to Islam is growing.
- ✓ Avoid attacking her for the bad cooking of the food
- ✓ Before declaring her to be in error, try other indirect approaches that are more subtle than direct accusations

- ✓ Escape from using insults and words that may hurt her feelings.
- ✓ When it becomes necessary to discuss a problem, wait until you have privacy from others.
- ✓ Waiting until the anger has subsided a bit can help to keep a control on your words.

References

- Abdul-Ati, Hammuda (1977): *The Family Structure in Islam*, American Trust Publications, U.S.A.
- Abu Ameenah, B. P. and Jones, J. (1990): *Polygamy in Islam* (Nigeria reprint), Aminu Publication, Somolu, Lagos
- Abu Malik, K. S. S. (2003): *Saheeh Fiqh as-Sunnah*, al-Maktabah at-Taufeeqiyyah, Cairo.
- Al-Hilali, M. T. and Khan, M. M. (1417AH): *Translation of the Meaning of the Noble Qur'an in the English Language*, King Fahad Complex for the Printing of the Holy Qur'an, Madina.
- Sabiq, S. (undated): *Fiqh as-Sunnah*, Darul Kitaab al-Arabee, Beirut.