

Chapter One

Woman's Rights

The Right to Choose Her Husband

A woman's right of choosing her husband or considering her approval as a must for her marriage has not always been evident in many religions and traditions.

In the Biblical tradition, and according to Genesis 38, a childless widow must marry her husband's brother, and she has no right to refuse it. It is stated in [Deut. 25:5]:

“If brothers dwell together, and one of them dies and has no son, the wife of the dead shall not be married outside of the family to a stranger; her husband's brother shall go into her, and take her as his wife.”

In Islam, it is forbidden to deprive a woman from seeking marriage as it is a right which she is capable of managing, and so it should be accepted of her. A Muslim woman has full right to choose her husband. Her approval of the marriage and of the groom is considered a must. Her free unforced consent is an essential condition for the validity of the marriage contract. Her parents play a role in this choice, but she must be consulted.

On the authority of Abu Hurayrah who said that the Prophet (pbuh) said, “*A widow cannot marry unless she gives her consent or the virgin until she is asked permission.*” They

said, "O Messenger of Allah, how can she give her permission?" He (pbuh) said, "By her silence."¹

Lady `A'ishah said, "I asked the Messenger of Allah, 'Are women asked about their affairs?' He (pbuh) said, 'Yes.' I said, 'The virgin when asked feels shy and remains silent!' He (pbuh) said, 'Her silence is her permission.'"²

Commenting on this *hadith*, Abu Sulayman al-Khattabi said that her silence is meant to protect her as she might be shy to disclose her agreement and to show her desire in the marriage. Therefore, her silence indicates her being free from a deficiency that prevents intercourse, or a reason which is only known to her and which does not permit marriage.³ The Glorious Qur'an also says,

[And how could you take it when you have gone unto each other, and they have taken from you a firm Mithaq (solemn covenant).]

(An-Nisa': 21)

In this verse, marriage is referred to as a *Mithaq*, i.e. a solemn covenant or agreement between husband and wife. Since no agreement can be reached between two parties unless they give their consent to it, marriage in Islam stipulates the free consent of the two parties as an essential condition for its validity.

Divorcees and widows' right to choose

In addition, Islam allows the divorcee or widow to marry whoever she wishes without consulting her parents because

¹ Agreed upon.

² Agreed upon.

³ Abu Sulayman al-Khattabi, *Ma`alim As-Sunnah* [Landmarks of the Sunnah].

she is considered to have enough maturity and experience to decide for herself. However, some scholars stipulate the permission of the bride's guardian for the validity of her marriage whether she is a virgin or previously married. On the other hand, imam Abu Hanifah allowed the woman, whether a virgin or previously married, to marry by herself without the permission of a guardian on conditions that the husband is suitable for her, her guardian knows about the marriage (his attendance is not essential) and a reasonable dowry is offered. Otherwise, her guardian has the right to object and make the contract invalid. The Glorious Qur'an regards divorced women as follows:

[And when you divorce women, and they have come to the end of their waiting period, hinder them not from marrying other men if they have agreed with each other in a fair manner.]

(Al-Baqarah: 232)

This indicates that the agreement of a divorcee on a new marriage is essential for its validity, so are widows. The Glorious Qur'an says:

[If any of you die and leave widows behind, they shall wait concerning themselves four months and ten days: When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just and reasonable manner. And Allah is Well-Acquainted with what you do.]

(Al-Baqarah: 234)

The Prophet (pbuh) said,

“The widow and the divorced woman shall not be married until their order is obtained, and the virgin shall not be married until her consent is obtained.”¹

Thus, widows are also at liberty to remarry after the end of their waiting period.

Her father's authority

The following Prophetic traditions emphasize that a father is forbidden to force his daughter to a marriage without her consent, but he is obliged to ask her and her approval is a necessity for her marriage. According to *Sahih Muslim* and other authorities, “A virgin is asked,” means she must give her permission and approval.

On the authority of al-Khansa' bint Khaddam al-Ansari who said that her father married her to someone though she was not a virgin and hated that marriage. When she complained to the Prophet (pbuh) he annulled the marriage.²

On the authority of Ibn `Abbas who said that a virgin girl came to the Prophet (pbuh) and mentioned that her father married her to someone without her consent. The Prophet (pbuh) gave her the choice whether to remain married or to have the marriage annulled.³

Lady `A'ishah narrated that a girl came to her saying, “My father married me to his nephew to raise himself (in status) through his mean act, and I am unwilling.” `A'ishah replied, “Sit until the Prophet (pbuh) comes.” Then she told him and he (pbuh) sent for her father who gave her the choice. She

¹ Reported by al-Bukhari.

² Reported by all except Muslim.

³ Reported by Ahmad, Abu Dawud, Ibn Majah and ad-Daraqutni.

said, “O Messenger of Allah, I approved of what my father did but I wanted to know if women had any say in this affair.”¹

In addition, it is required of the father to choose a righteous man for his daughter, someone who makes her happy and finds happiness in her company as well. The father should concentrate on the man’s morals and faith, not on materialistic and earthly matters. He should not put obstacles in the way of the marriage if a suitable man proposes, and remember the Prophet’s (pbuh) saying on the authority of Abu Hurayrah,

*“If a man who satisfies you in morals and faith comes to you, let him marry (your daughter). If you don’t, you will create sedition on the earth and widespread corruption.”*²

Thus, Islam has taught the father that his daughter is a human being with a separate independent personality. She is not a commodity to be offered and given to the one who pays the most.

On the authority of Lady `A’ishah who said that the Prophet (pbuh) said,

*“It is the good fortune of a woman to facilitate her engagement, to facilitate her dowry, and to ease her womb (i.e. to be fertile).”*³

Only if a woman agrees to marry a man who is not compatible, then, her father or guardian has the right to prevent her from marrying him.

¹ Reported by an-Nasa’i.

² Reported by at-Tirmidhi, Ibn Majah and al-Hakim.

³ Reported by Ahmad, Ibn Hibban and al-Hakim.

Her mother's role

What is of great interest is that Islamic Law commands the consultation of the mother in the marriage of her daughter so that the marriage can be completed to the satisfaction of all concerned parties.

On the authority of Ibn `Umar, the Prophet (pbuh) said, "*Take the woman's permission about their daughters.*"¹

In this context, Imam Abu Sulayman al-Khattabi has some valuable remarks to add, "The counsel of mothers in the affairs of their daughters is not overlooked because they have a say in the marriage contract, but it is also that the daughters feel secure and have intimate relationships with their mothers. Thus, their consultation concerning the marriage of their daughters is appreciated."²

He adds, "It could be for another reason in addition to what is mentioned. A mother might come to know, through private conversations, some of her daughter's secrets such as her heart being tied to someone else. If that person proposes and is suitable, then he should have the priority, as in the *hadith* transmitted on the authority of Ibn `Abbas, '*Nothing is better for those in love than marriage.*'"³

Generally, to be tactful and discrete, a marriage should be accomplished with the agreement of all parties concerned; the father, the mother and the daughter, so as not to leave the opportunity for gossip, enmity, and quarrelling, whereas Allah has legislated marriage to promote love and mercy.

¹ Reported by Ahmad and Abu Dawud.

² Abu Sulayman al-Khattabi, *Ma`alim As-Sunnah*.

³ Reported by Ibn Majah and al-Hakim, and corrected on Muslim's terms.

The Right to Own Her Dowry

The dowry (*Mahr*) or bridal money is defined as an obligatory sum of money or other property given by the bridegroom to his bride in consideration of marriage with a mutual consent. However, some cultures and traditions regarded the issue of dowry in a different way.

Dowry in different cultures

The **old European** fathers used to give their daughters a large dowry at the time of marriage to become the property of the husband. They dealt with the system of dowry as if it was an inducement for bridegrooms to marry their girls.

As for **Jews**, although Judaism stipulates a dowry to be paid by the groom to his bride as an essential condition for marriage; a Jewish family would assign their daughter a share of her father's estate to be used as dowry in case of marriage. It was the dowry that made the Jewish daughters an unwelcome burden for the father. The husband would act as the practical owner of the dowry but he would not sell it. The bride would lose any control over her dowry at the moment of marriage.

Christianity followed the same Jewish tradition until the late 1930's. Both religious and civil authorities in the Christian Roman Empire (after Constantine) required a property agreement as a condition for recognizing the marriage. Yet families having daughters were the party offering dowries as a wedding gift presented to the groom

under terms of tenancy. The wife not only lost her property rights but also her husband could repudiate anything or any gift given by her. Under Canon Law, a wife was entitled to restitution of her dowry if the marriage was annulled unless she was guilty of adultery. In such a case, her dowry should remain in her husband's hands.

The same concept is practiced among the **Hindus**. Fathers are required to pay very large dowries to find suitable husbands for their daughters.

Some **African** groups regarded the dowry as a "bride-price" which is paid by the bridegroom to the father as a form of payment or compensation.

In pre-Islamic times, the Arabs (in *Jahiliyyah* society) considered the dowry as a property of the bride's guardian.

Islam, on the other hand, has elevated the status of woman since the dowry is given as a sign of respect for her. The payment of the dowry by the husband is an admission of his wife's independence, for she becomes the owner of it immediately on her marriage. Dowry is not the same as the African custom of giving the bride a price, since marriage in Islam is not the sale of a bride to her husband.

Moreover, the bride is so dignified by Islam that she and her family are under no obligation whatsoever to present gifts to attract grooms. It is the groom who must present the bride with a marriage gift. It is considered her property and neither the groom nor the bride's family has any share or control of it. The bride retains her marriage gift even if she is later divorced, and her husband is not allowed any share in his wife's properties except what she offers him with her free consent. This is stated in the Qur'an as follows:

[And give the women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer [as Allah has made it lawful].]

(An-Nisa': 4)

The instructions here are to give women their dowries or bridal money as a gift with religious motivation rather than as a prescribed obligation. The expression "as a free gift" signifies the dowry as a gift and not a price as some people have insisted.

Dowry is a condition for the validity of the marriage

The payment of the dowry is a basic condition for the validity of the marriage regardless of its sum. Accordingly, if a condition is stipulated in the marriage contract that no dowry be paid, such condition is null and void and the marriage is invalid. It is also forbidden when two men give their charges (daughters, sisters, etc.) to one another in marriage, when the dowry of each woman is the giving of the other woman in marriage.

Dowry is a groom's gift; a bride's property

As for the dowry, Islam considers it a gift from the groom to the bride, which becomes her exclusive property whether she is a Muslim or a non-Muslim. The husband has no right to demand back any of it, or any ornaments, clothes and the like given to her as gifts. The father as well, has no right to keep it for himself. The dowry remains her property, even if she is later divorced. And if he keeps her pending (neither keeping her as a wife nor releasing her to marry someone else) in

order to get back all or some of the dowry that he gave her, he is guilty of a grave sin. The Qur'an says,

[But if you intend to replace a wife by another and you have given one of them a Qintar (of gold, i.e. a whole treasure for a dowry), take not the least bit of it back; would you take it wrongfully without a right and (with) a manifest sin? And how could you take it (back) while you have gone in unto each other, and they have taken from you a firm and strong covenant?]

(An-Nisa': 20-21)

The rationale behind the instruction [*take not the least bit of it back*] is that dowries are not meant to be divided over the duration of matrimonial life. Rather, dowry is a compensation for the legitimate relationship, even if it lasts for only a moment, and therefore it should not be calculated as a function of how long the relationship continued. Consequently, Islam exhorts the husband to give his divorced wife something at her departure. The dowry is reduced by half only if the husband divorces his wife before consummation of the marriage when the dowry has been agreed upon. On the other hand, if the husband divorces his wife before consummation of the marriage while there were private undisturbed meetings between both spouses (*Khulwah Sahihah*), the husband is not allowed to take any portion of the dowry back. In case of divorce at the wife's request (*Khul'*), she may be required to pay back all or part of it.

Then, we find in the Qur'an the notion of dowry retrieval, even if partial, utterly disapproved of since the bridal gift is in return for the right to build the marital relationship initially. So, it is sinful for a man to reclaim any part of it, unless the woman consents.

In addition, an example of how Islam protects a woman's rights is when a Muslim man divorces his wife before the marriage is consummated and the dowry is not agreed upon. In such case, the husband is still obliged to give her a suitable amount according to his own capacity (dowry of the equivalent). The Qur'an says,

[There is no blame on you if you divorce women before consummation or the fixing of their dowry. But bestow on them (a suitable gift), the wealthy man according to his means, and the poor according to his means. A gift of a reasonable amount is due from those who wish to do the right thing.]

(Al-Baqarah: 236)

The sum of the dowry

There is no limit to the sum paid as a Dowry, but the payment should be in the form of something that has a value even though it may be small. The reasonable amount for a dowry is dependent on the relative position in life, social and economic status of the parties, and it differs from place to place, from time to time and from one country to the other. The Glorious Qur'an makes this clear by requiring the provision for the wife to depend upon the circumstances of her husband:

[The wealthy man according to his means, and the poor according to his means.]

(Al-Baqarah: 236)

Allah tells us the story of how Prophet Musa married the daughter of the man of Madyan (Shu`ayb) in return for working for him for eight or ten years.

No maximum or minimum amount has been laid down as a dowry. Prophet Muhammad (pbuh) paid varying amounts to his wives. In the case of Lady Umm Habibah (Abu Sufyan's daughter), she was paid four thousand dirhams, while in case of the other wives it was generally five hundred dirhams. The dowry of the Prophet's daughter, Fatima, was four hundred dirhams. The lowest amount mentioned in a *hadith* is an iron ring, and the man who could not procure even that was told to teach his wife the *Suras* of the Glorious Qur'an he memorized as a dowry:

When a woman came to the Prophet (pbuh), a man stood up and said, "O Messenger of Allah, let her marry me." The Prophet (pbuh) then asked him, "Do you possess anything you can give as dowry?" He replied that he had only a pair of trousers which, if he gave them to her, would leave him without any. He was asked to give something even if he only had an iron ring. Since he had none, the Prophet (pbuh) asked, "*Do you know (by heart) anything of the Glorious Qur'an?*" He replied, "Yes", and named the *Suras* that he memorized. The Prophet (pbuh) then said, "*I marry her to you for that much of the Qur'an which you know by heart.*"

We should mention here that understanding the *hadith* properly reveals that it does not negate the minimum dowry fixed, but since the dowry is the right of the Lady, she was the one to be satisfied with it.

As for giving a large dowry, there is absolutely no harm in that. Once Caliph `Umar ibn al-Khattab said that the Prophet (pbuh) declared that no one should give a dowry larger than 400 dirhams. When he got down from the pulpit, a Lady of Quraysh asked him, "Have you not heard the injunction of Allah [*And you have given one of them a quintal (of gold i.e. a*

*great amount) as Mahr].” `Umar ascended the pulpit again and declared, “I was advising you not to give more than 400 dirhams as dowry (*Mahr*). Whosoever wishes may give as much property as he wishes to give.”*

Delayed dowries are debts

The payment of the dowry can be delayed, either in part or in whole, but it must not be forgotten completely. It may be fixed that half of the dowry is paid straight away and the other half is paid later. Some people falsely think that any delayed part of the dowry is due only if divorce occurs. However, it is due whether divorce occurs or not and irregardless of time. In addition, Islam gives the wife the right to annul the marriage if her husband does not pay her dowry.

`Umar ibn al-Khattab and Shurayh, the judge, decreed that if a wife remits the whole amount of her dowry or part of it and later on demands it back, her husband shall be compelled to pay it because of the very fact that she demands it is a clear proof that she did not remit it of her own free will.

The Glorious Qur’an reads,

[O you who believe! When you deal with each other in transactions involving future obligations in a fixed period of time write it down, let a scribe write down faithfully as between the parties, let not the scribe refuse to write, as Allah has taught him, so let him write.]

(Al-Baqarah: 282)

Allah demands that debts should be documented, in order to protect not only the creditor but also the debtor, because written documents cannot be denied. In that way, Allah protects the creditor and the debtor from themselves.

More relevant to this subject is that Allah gives us evidence that woman rights must be honored. This is emphasized by commenting on the situation of a husband taking part of the wife's dowry in an exclamatory form,

[*would you take it wrongfully without a right and (with) a manifest sin!*] The wording also indicates that there is not a single proper justification for a man to take back part of his wife's dowry.

The dowry must be paid to the wife in return for her marriage. Any delayed part of the dowry is considered a debt that the husband has to pay to her, regardless of her inheritance right. Even if the husband dies after signing the marriage contract without paying his wife her dowry, the wife is entitled to take it from his property before the inheritance is divided. And if the wife dies before taking her dowry, inheritors have the right to take it from her husband or subtract it from what he inherits from her. This proves how Islam consistently protects women's rights!

Invest in lawful pleasure

The directions continue, "*not adulterously, and give them their reward for the pleasures they bring to you.*" Pleasure means the joy that one occasionally feels within oneself. Pleasure in marriage is an affair of multiple stages. There is pleasure when a man proposes to a woman, then when the marriage is concluded, and then when it is consummated at wedding. Those are lengthy precursors to the ultimate matrimonial pleasure. Therefore, men are directed to fulfill their financial obligations with regard to such pleasures. This explains why a man is required to pay half of the agreed dowry if he divorces his wife before the consummation of the

marriage, which proves that pleasure, is not limited to intercourse.

Using dowries in furnishing the matrimonial homes

Today, women use their dowries to furnish their new homes, although they are not obliged to do so. It is the duty of men to prepare homes for their wives, leaving their dowries totally at their disposal. However, such cooperation is recommended with respect to the actual economic crisis and excessive marriage costs.

The Glorious Qur'an says,

[but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer [as Allah has made it lawful].]

(An-Nisa': 4)

The Right to Preserve Her Property and to Be Well-Maintained

Woman was deprived of all financial rights in early non-Islamic cultures. In Greek and Roman civilizations, according to the Roman law, when a woman gets married, all her property passes to her husband and she is not allowed to manage it without his permission.

Woman in the Jewish tradition

In the Jewish tradition, as soon as a woman gets married, she completely loses control over her property, dowry and earnings, and offers it to her husband. Jewish Rabbis asserted the husband's right to his wife's property as a corollary of his possession of her, since they regarded his role towards her as her owner. It caused the richest woman to become practically penniless. The Talmud describes the financial status of the woman life as follows:

“How can a woman have anything; whatever is hers belongs to her husband? What is his is his and what is hers is also his...Her earnings and what she may find in the street are also his (her husband's). The household articles, even the crumbles of the bread on the table are his. Should she invite a guest to her house and feed him, she would be stealing from her husband...”

(San.71a, Git.62a)

A Jewish father had to raise his daughter for years then prepare her for marriage by providing her with a large dowry

which becomes under the control of her husband in terms of tenancy, together with any property she may possess. It has to be added that the groom also has to present a marriage gift to his bride, yet he was the practical owner of such gift as long as they are married.

Moreover, the bride worked after marriage and all her earnings had to go to her husband in return for her maintenance, which was his obligation. She could regain her property only in two cases: divorce or her husband's death. If she dies first, he would inherit all her property. However, in case of her husband's death, the wife could regain only her premarital property, but she was not entitled to inherit any share from her deceased husband's property.

Woman in Christianity

Under Canon and Civil Law, a married woman in Christian Europe and America had lost her property rights until late 19th and early 20th century. For example, the rights of woman under English Law were compiled and published in 1632. These rights included, "That which the husband hath is his own. That which the wife hath is the husband's." The wife lost her property rights to her husband, who could repudiate anything or any gift given by her. In addition, no act of her was of legal value. The person with whom she had any contract was held as a criminal for participating in a fraud, since the wife simply belonged totally to her husband, and therefore she lost her property, her legal personality and her family name.

According to the English Common Law, as revealed in the *Encyclopedia Americana International* (Vol. 29, p. 108), "All real property which a wife held at the time of a marriage

became a possession of her husband. He was entitled to the rent from the land and to any profit which might be made from operating the estate during the joint life of the spouses. As time passed, the English courts devised means to forbid a husband's transferring real property without the consent of his wife, but he still retained the right to manage it and to receive the money which it produced. As to a wife's personal property, the husband's power was complete. He had the right to spend it as he saw fit."

Woman in Islam

Islam, fourteen centuries ago, granted married woman the independent personality which the Jewish and Christian West has denied her until very recently.

In Islam, woman's right to her own money, real estate, or other properties is fully acknowledged. This right undergoes no change whether she is single or married. A wife's property, earnings and dowry are under her full control and for her own use, alone. Islam granted the Muslim woman total economic independence and gave her the right to manage her property, buy, sell, invest and donate money without the need for her husband's permission, provided she has the legal capacity to do so (i.e. not mentally ill for example). Neither her husband nor any male relative has the right to take a single penny of her money or allowed any share in her properties except what she offers him with her free consent. It is noteworthy, however, that in the sixties of this century, in the Province of Quebec, Canada, a man could sell his wife's property without her consent or power of attorney.

No matter how rich the wife is, she is not obliged to act as a co-provider for the family unless she herself volunteers to

do so, since her and her children's maintenance is her husband's responsibility. Accordingly, anything she earns is hers which she can freely choose either to spend on herself or contribute to the family budget if she wishes. Moreover, she retains her marriage gift (dowry) even if she is later divorced. The Qur'an has stated this issue quite clearly:

[Men are maintainers of women with the bounties which Allah has bestowed more abundantly on some of them than on others and with what they may spend out of their possessions.]

(An-Nisa': 34)

In his comment on the previous verse, al-Qurtubi said that a husband who is incapable of supporting his wife financially will enjoy no custodianship over her.¹

Jabir ibn `Abdullah narrated a speech given by the Prophet (pbuh) that included the following,

*"Fear Allah in the way you treat women, for they are tied to you by virtue of the trust set upon you by Allah, and their private parts were made lawful to you by the word of Allah. It is your duty to provide them with sustenance and clothing in a reasonable manner."*²

Maintenance standard

Jurists have different opinions regarding the amount of maintenance that a husband is obliged to provide his wife. Some say that the ruling factor in this regard is the husband's financial capacity, while others say that the wife's standard is what counts. Yet a third group formulated a compromise

¹ Al-Qurtubi, *Al-Jami` Li Ahkam Al-Qur'an*.

² Reported by Muslim.

wherein both standards of husband and wife are to be taken into account. It is based on the purport of the word "reasonable" in the previous verse, as it implies the rights of each of them (husband and wife). According to al-Qurtubi, it is not reasonable that the maintenance allocated for a rich wife be the same as that of a poor one.

On the other hand, it is agreed that the amount of maintenance is principally a factor of the financial ability of the provider and secondarily a factor of the standard of the beneficiary.

Elements of matrimonial support

The husband is required to provide his wife with a place to live in, food, clothes, medical treatment and all necessary things for her personal care. What he provides must be equal to what he provides for himself, and of almost the same quality.

The Prophet (pbuh) said addressing men, "*You are obliged to provide them with food and clothes honorably.*"¹ The word 'honorably' here means what is conventional without extravagance or meanness. He (pbuh) also said, "*Feed her when you get food to eat, clothe her when you get clothing for yourself, do not hit her face, and do not curse her.*"

The Prophet (pbuh) emphasized the necessity of providing maintenance during the Farewell Pilgrimage:

"Beware of your treatment of women. You have taken them with the word of Allah... and you have a duty to

¹ Reported by Abu Dawud, Ibn Majah and ad-Darami on the authority of Jabir, and by Ahmad on the authority of Abu Gara ar-Raqashi's uncle.

provide for them with reasonable maintenance and clothing.”

I. Matrimonial residence specifications

1. It must provide privacy for the married couple.
2. It should be as large as the husband can afford.
3. It should not be in an isolated place.
4. It should be in a good neighborhood.
5. It should be properly equipped with utilities and ventilation.
6. It should suit the wife, i.e. be similar to houses of her equals.
7. She should not be forced to live with his family against her will.

II. Food and beverage specifications

1. It should be sufficient.
2. It should vary along days. It is not proper that the same type of food be continuously provided, even if in large quantities.

III. Clothes specifications

1. There should be clothes for the summer and different clothes for the winter.
2. There should be different clothes for sleeping, indoors, and outdoors (provided they comply with Islamic requirements and are similar in quality to those worn by the wife's equals).

IV. Beauty and cleanliness

Ibn Qudamah said, “And due to her are all costs of hairdressing and its requirements, such as oil, because all of that is meant for cleanliness, and as such is the duty of the husband to cover.”

Similarly, the husband is also required to provide his wife with her personal care supplies, such as hair shampoo and lotions, body soap, hairdressing tools, oils, and creams, as well as deodorants and the like. Additionally, any further materials needed for beautification.

Maintenance for wives has special precedence over that intended for relatives

Maintenance for wives has special precedence over that intended for relatives for the following reasons:

1. A man is obliged to provide his wife with financial support regardless of his financial status, whereas supporting relatives is conditional on easy financial conditions of the provider.
2. If a man stops supporting his wife for any period, the corresponding amount remains due to her, whereas relatives are not entitled to financial support retroactively.

Timing of expenses

When should a husband give his wife the necessary money to cover the expenses of her house? Expenses are daily in most cases. However, if she willingly accepts to take expense coverage on a monthly basis then he may do so.

At times when the husband is traveling, he is still obliged to maintain his wife and children for the whole duration of his absence.

The merits of supporting wives financially

Besides being an obligation, a Muslim husband is rewarded for supporting his wife/wives and family. Ibn Mas`ud was reported to have quoted the Prophet (pbuh) as saying,

“If a man spends money in supporting his family while seeking reward for that, then it would be considered a charitable expense ‘Sadaqah.’”

What if he refuses to provide for his family?

If a man has enough money to provide for his family and refuses to do so, Islamic law allows a wife to take some of his money secretly. An evidence for that is the story narrated by Lady `A`ishah in which she said that Hind bint `Utbah, wife of Abu Sufyan, came to the Prophet (pbuh) and said, “O Messenger of Allah, Abu Sufyan is a very stingy man. He does not give me and my son enough to live on, and I take from his money secretly. Am I wrong for doing that?” The Prophet (pbuh) said, “*Take what is sufficient for your and your son reasonably and fairly.*”¹

Thus, a man must be able and willing to meet the basic and essential needs of a family; otherwise, he should not get married. And once he is able and marries, he must give his family enough to cover their basic needs or else the government may step in and order him to do so.

¹ Reported by al-Bukhari and Muslim.

Cases where it is not obligatory for the husband to provide his wife with maintenance

It is not obligatory for the husband to provide his wife with maintenance in the case where she neglects his permission before going out of her matrimonial home or before traveling, if she refuses sexual intercourse with him, or if she is imprisoned for committing a crime.

Maintenance after divorce

The husband's responsibility for the maintenance of his wife and children does not only apply when they are living with him, but continues in the event of divorce. A wife must be sustained on the same scale as her husband, according to his state. There may still be hope of reconciliation, and even if there is not, the parting must be honorable.

In case of pregnancy, the Glorious Qur'an imposes additional responsibility. Divorce is not final until the child is born. Hence, the wife must be properly maintained during pregnancy. As for the child, its nursing, welfare and similarly the care for the mother remain the father's duty. If the mother's milk fails, or if the circumstances arise which prevent the natural course of the mother's nursing her child, it is the father's responsibility to pay the expenses of his suckling and nursing by someone else. However, this must not induce the father to stop the reasonable maintenance to which the mother is entitled. Both father and mother must conclude all the arrangements for the maintenance of their children by mutual consent. They must agree on the period before weaning, his clothing, his education and general care.

The Glorious Qur'an says,

[Mothers shall give suck to their offspring for two whole years, if the father wishes to complete the term, but he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child, nor father on account of his child, and they shall be chargeable in the same way. If they both decide on weaning by mutual consent, and after due consultation, there is no blame on them. If you decide on a foster-mother for your offspring, there is no blame on you, provided you pay (the mother) what you offered on equitable terms. But fear Allah and know that Allah sees well what you do.]

(Al-Baqarah: 233)

Maintenance after miscarriage

Considering that the wife's maintenance during her waiting period should be until she gives birth, Sheikh al-Islam Ibn Taymiyah (may Allah bestow mercy upon him) was asked about the situation of a man who divorced his wife once while she was pregnant, then she had a miscarriage; would he be relieved of her maintenance or not? He replied, "Yes, if she brings forth an aborted fetus, then her waiting period elapses and her right for maintenance drops immediately. This will be true whether the fetus had reached the soul-blowing stage or not."

Therefore, as a rule, every family in Muslim society has the man as the head of his household. He is responsible before Allah for its protection and maintenance while exercising his rights of obedience in a diplomatic and respectful way.

Independent legal personality of a Muslim wife

In addition, a Muslim wife retains her independent legal personality; she can buy, sell, mortgage, or make any contract, besides retaining her family name. The wives of the Prophet (pbuh) represent examples for preserving their family names after marriage such as Lady `A'ishah bint Abi Bakr, Lady Hafsa bint `Umar and all others. An American judge once commented on the rights of Muslim women saying, "A Muslim girl may marry ten times, but her individuality is not absorbed by that of her various husbands. She is a solar planet with a name and legal personality of her own."

The Right to Have Assistance in Household Chores

Islam gives the wife the right to have one or more servants to take care of the household chores on conditions that she is used to being served at her parents' house and that her husband can afford it. In case the husband cannot afford using a servant, his wife may serve him and she is rewarded for doing so, since it is considered voluntary work on her part and not obligatory.

Explaining the verse, [*Live with them in kindness*] (An-Nisa': 19), some scholars said, if a wife requires assistance in the household and her husband refuses while he can afford it, then he will not be fulfilling the verse which commends kind treatment to wives.

In addition, some scholars agree that the wife is not considered sinful if she refuses to serve her husband or his children in case he has the means to provide assistance, since her time is basically meant to be consumed in worshipping Allah, watching over and raising her children, comforting her husband and supervising her household. Nevertheless, some scholars say that she should serve her household needs if she is already used to serving herself, especially when her husband cannot afford providing her with a servant.

However, when the wife is overburdened with the weighty responsibility of managing the household, scholars say that the husband should help her in the way suiting their needs and

situation. If he cannot afford using a servant, he is still obliged to help her and cooperate in serving the household. Such cooperation should not make husbands feel the least humiliation since the Prophet (pbuh) himself used to assist his wives in their household chores. His wives reported that he would often sew his torn clothes, repair his worn out shoes and milk his goats. He encouraged men to be kind, gentle and helpful to their wives.

Al-Aswad was reported to have said, "I asked Lady `A'ishah, 'What did the Prophet (pbuh) do at home?' She said, 'He would help with his family's chores, but when it was time for prayers he would go out to pray.'"¹

Another example is narrated by `Umar ibn al-Khattab (may Allah be pleased with him). He said that a man came to his house to complain about his (the man's) wife. On reaching the door of his house, he overheard `Umar's wife shouting at him and yelling. Hearing this, the man was about to go back, thinking that `Umar himself was in the same position and, therefore, could hardly suggest any solution for his problem. As `Umar was opening the door, he saw the man going away, so he called him and enquired about the purpose of his visit. The man said that he had come with a complaint against his wife, but turned back on finding the Caliph suffer the same problem. `Umar told him that he tolerated the excesses of his wife for she had rights on him. He said, "She tolerates me, washes my clothes, make my bed neat tidy, raises my children and cleans my home; she does all of that without being ordered by Allah to do so, she does it voluntarily. Besides, I enjoy peace of mind because of her and I am kept away from

¹ Reported by al-Bukhari.

indecent acts on account of her. I therefore tolerate all her excesses due to these benefits. It is right that you should also adopt the same attitude.”

Of course, quoting this does not encourage anybody's excesses! We should all be making the effort to control bad tempers and angry tongues; at the same time, no body is perfect. But this narrative gives us a brief insight into a marriage where there was a spirit of give-and-take on both sides; obviously there exist ups and downs in the marriage, even arguments, but the marriage should remain strong and stable.

It is worth noting that nothing in the *Sunnah* reveals that the Prophet (pbuh) obliged his daughter Fatima to serve in her matrimonial house. Rather, she used to work in her husband's house, and when she asked the Prophet (pbuh) for a servant from among some captives brought to him, he (pbuh) preferred to direct her to something more beneficial to renew her energy. It is to be noted that he (pbuh) did not refuse his daughter's request of having a servant as a means to deprive her of such a right, but he had arranged other plans for those captives.

ʿAli ibn Abi Talib was reported to have said that his wife Fatima went to the Prophet (pbuh) to complain about the effects the millstone had on her. (In a version narrated by Ahmad: she said, “The millstone has blistered my hands, sometimes I would be grinding, and at other times I would be kneading.”) She learned that some captives were brought to him. She did not meet him, and mentioned that to Lady ʿAʿishah. When he came, Lady ʿAʿishah reported this to him. ʿAli said, “So he came to our house after we went to bed. We were about to rise, but he said, “[*Stay*] as you are.” He sat

between me and her, close enough for me to feel his cold feet. He then said, “Do you wish me to tell you something that would do you better than using a servant? When you go to bed, say ‘Subhan Allah’ thirty-three times, ‘Al-Hamdulillah’ thirty-three times, and ‘Allahu-Akbar’ thirty-three times. That would do you better than a servant.”¹

¹ Reported by al-Bukhari and Muslim.

The Right to Express Her Affection

Some wives wrongly hide their affection and love for their husbands, and ignore showing any act of concern towards them either out of bashfulness or believing that the affectionate behavior in the husband/wife relationship is only expressed in their intimate meetings. The wife should be aware that showing her love, affection and concern for her husband is among her rights and duties in Islam. Islam gives her the right to show her sentiments and expressing her love for her husband, and regards her marriage as a legal outlet for her emotional needs. In addition, Islam obligates the wife to treat her husband kindly and provide him with an affectionate company. It is her husband's right as well as hers to enjoy the expression of affection for one another not only through physical acts but also through lovely words and spiritual support.

On the other hand, a wife has every right to experience the love and care of her husband. He should show his affection for her on a regular basis. A husband is required to show his cooperation and emotional support, especially at times when his wife is emotionally distressed during the periods of pregnancy or menstruation.

Moreover, if for any health reason the wife is incapable of performing sexual intercourse; her right for affection still exists. This is how the following Qur'anic verse is interpreted:

[*And among His Signs is this, that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy.*]

(Ar-Rum: 21)

Examples of the Prophet's affectionate manners towards his wives

The expression of emotions is necessary to keep the marital bond from rusting and disintegration. Prophet Muhammad (pbuh) gave us a tremendous example of showing his affection towards his wives.

- Show her your sympathy and care when she is sick:

Lady `A'ishah (may Allah be pleased with her) reported that whenever she was sick, the Prophet (pbuh) would come to her to show his sympathy.

- Never be ashamed of showing your love for her:

The Prophet (pbuh) was never ashamed to let it be known that his love for his wife was greater than his love for any other human being. It is recorded in the *hadith* collections of al-Bukhari and Muslim that someone asked the Prophet, "Who among all the people is most beloved by you?" And he answered, "*A'ishah*".

- Keep good memories of her and honor her friends for her sake:

This love and understanding for Lady `A'ishah did not eclipse his high regard for his first wife, Lady Khadijah, who had been his only wife for about twenty-five years until her death. Lady `A'ishah (may Allah be pleased with her) reported that he always treasured the memory of Lady

Khadijah who had supported and encouraged him through the difficult years in Makkah, and that he used to regularly give gifts to her closest friends as an expression of his undiminished esteem and love for her.

- Bring her symbolic gifts regularly:

Gifts were generally encouraged by the Prophet (pbuh), who regarded exchanging gifts as means of love.

- Play games with your wife and share her interests:

The Prophet (pbuh) never held himself apart from his wives as if they were inferior in nature. On the contrary, he included "playing games with one's wife" as one of the legitimate entertainments. He (pbuh) said,

"... There is no amusement which is praiseworthy except three, namely training a horse, jesting with one's wife and shooting arrows with a bow."¹

In illustration of this practice, our Prophet, Muhammad (pbuh) found the time to go out to the desert and race with his wife `A'ishah. She outran him but later after she had gained some weight, he outran her. Once the Prophet (pbuh) took his wife to watch the young Ethiopians playing and dancing their folk dances.

- Always meet her with a smiling face:

It was narrated describing the Prophet's loving nature, "Nobody used to smile as much as he did." This is fully in accordance with the *hadith*, "*Smiling at your brother (Muslim) is a charity.*"

¹ Reported by Abu Dawud, Ibn Majah and al-Bayhaqi.

- Never underestimate the importance of seemingly little things such as putting food in your wife's mouth, opening the car door for her, etc.

Remember that you will be rewarded by Allah for any emotions you show towards your wife as the Prophet (pbuh) said,

“One would be rewarded for anything that he does seeking the pleasure of Allah even the food that he puts in the mouth of his wife.”

He (pbuh) also used to extend his knee to his wife to assist her up to ride the camel.

Finally, it is common that spouses vow to love and honor each other until death. We believe that this vow is good or even great, but not enough! It is not enough that you love your wife. You have to love what she loves, as well. Her family and her loved ones must also become your loved ones.

Moreover, it is not enough that you love her until death. Love should never end and we do believe there is life after death where those who did righteousness in this world will be joined by their spouses and offspring. The Glorious Qur'an relates that the Allah, Almighty addresses the pious in the afterlife,

[Enter Paradise, you and your wives, in happiness.]

(Az-Zukhruf: 70)

Surely, the best example in this regard is the Prophet (pbuh) whose love for Lady Khadijah, his first wife extended to include all those she loved, and continued even after her death. It was many years after her death and, however, he never forgot her. Whenever a goat was slaughtered in his house, he would send portions of it to Lady Khadijah's family

and friends, and whenever he felt that the visitor at the door might be Lady Khadijah's sister Halah, he would pray “*O Allah, let it be Halah.*”

ʿAʿishah said, "I used to drink (from a container) while I was menstruating. I would then pass it to the Messenger of Allah and he would drink from the same spot where I had put my lips."¹

During wars, he would ask the troops to go forward in order that he would be able to race her. ʿAʿishah also said, "The Prophet said, '*It (i.e. Siwak) is a purification for the mouth and it is a way of seeking Allah's pleasures.*'" ʿAta' and Qatadah said, "There is no harm in swallowing the resultant saliva."

¹ Reported by Muslim.

The Right to Be Treated Kindly

In pre-Islamic days, women were subjected to great indignities.

The **Jewish** tradition regarded the husband's role towards his wife from the perspective that he owns her as he owns his slave.

In the **Hindu scriptures**, it was reported that the woman's main function was to obey. She must obey even her own son if she is a widow. In some cases, the woman must burn herself alive after the death of her husband.

In **Arab** cultures, women were treated as chattel and were denied most of their rights.

Generally, woman was so humiliated in ancient times. As soon as her husband died, she was considered a servant in the household of her deceased husband's relatives. Also, she was excluded from inheritance.

On the other hand, the relationship between husband and wife in **Islam** comprises mutual care, consideration, respect and affection which satisfy the physical, emotional and intellectual needs of the family members.

The Qur'an says among its signs is the fact that:

[He has created spouses for you from among yourselves so that you may console yourselves with them. He has planted love and mercy between you, in that are signs for people who reflect.]

(Ar-Rum: 21)

[They are garments for you while you are garments for them.]

(Al-Anbiya': 87)

The previous verse tells how it is required that a husband and wife should be as garments for each other. Just as garments are for protection, comfort and covering for human beings, also Allah expects husbands and wives to be so for one another.

The husband must treat his wife, whether he is on good terms with her or not as shown in the Qur'an,

[Live with them in kindness, even if you dislike them perhaps you dislike something in which Allah has placed much good.]

(An-Nisa': 19)

Kindness here has a much broader sense than affection, because one may be kind with his wife even if no affection exists between them. This difference represents a crucial issue that every Muslim must fully understand to avoid ruining households. Some people aspire to have love and affection as foundation to their households, or else the whole structure is toppled. To those we say, "No, live with them in kindness even if you do not love them." Men who dislike their wives simply because they do not have the looks that arouse them must understand that women were not meant for their stimulation. Rather, physical relations between husbands and wives are meant to satisfy each other when chemistry naturally stirs desire in either or both of them. Men are in no need of women to stimulate their instinctual desires.

For that, the Prophet (pbuh) said,

“If one of you sees a beautiful woman to whom he is attracted, he should resort to his wife because intercourse is the same. What one woman has would be in the other.”

Also, a man once expressed feelings of dislike towards his wife and a wish to divorce her to `Umar ibn al-Khattab, who responded, “Is love the only possible foundation for households? Is there no room for merits then?” The man imagined that his wife would continue to be his lifelong attraction, and that she would be a joy to kiss whenever he saw her. `Umar, however, made him understand that such things are only initially predominant, but eventually other elements grow within the family to establish firmer mutual ties between husband and wife.

In verse (An-Nisa’: 19), Allah urges husbands to be patient with their wives even if they dislike them, because their nature may change, or He may grant children through them, or there may be many benefits in their living with them.

Abu Hurayrah reported that the Prophet (pbuh) said,

“No believing man should abhor a believing woman, for if he dislikes one aspect of her behavior he will accept another.”¹

In addition, kind treatment of wives and families is a religious duty in Islam. It is a collective right that comprises all forms of good treatment in all aspects of the matrimonial relationship, such as good manners, flexibility, sweet words, a smiling face, a pleasing playfulness and an amusing demeanor.

The Prophet (pbuh) said,

¹ Reported by Muslim.

“From among the believers are those who have the kindest disposition and are kindest to their families, such are those who show the most perfect faith.”

He (pbuh) also said,

“The best among you are those who are kindest to their wives.”

He (pbuh) also said,

“It is generous (in character) who is good to women, and it is the wicked who insults them.”

Abu Hurayrah narrated that the Prophet (pbuh) said,

“I advise you to take care of women, for they are created from a rib and the most curved portion of the rib is its upper part; if you try to straighten it, it will break, and if you leave it, it will remain curved, so I urge you to take care of women.”¹

The advice to take good care of women is based on an intrinsic attribute of women, for they differ in creation from men. The woman was compared to a rib which is curved. Similarly, women's moods and emotions go through changes along a curve. So if you try to straighten her you will break her, because this is against her psychological nature.

Women, in particular, are likely to yield to their emotions due to their hormonal changes, especially around their menstrual periods. How truthful was the Prophet (pbuh) when he said, *“She will never maintain a single consistent mode with you.”*

¹ Reported by al-Bukhari and Muslim.

Men should remember that women do not behave as such intentionally to annoy or embarrass them. Rather, such behavior is a part of the special nature that was predestined by Allah for women, which is characterized by quick and intense impulses. So, men must demonstrate patience and tolerance. They must also understand that this aspect of women's behavior may have good effects by enabling them to endure their primary tasks of childbearing, nursing, and care, all of which need deep emotions and fine sensitivity. Men must also respect what the Prophet (pbuh) said, "*If he dislikes one aspect of her behavior, he will accept another.*" This means that any wife must be in possession of virtues and merits that would overshadow her minor deficiencies. Finally, every man should be fully aware that any attempt on his part to reproach his wife for every single fault can only lead to further distance and a rift between them, with the potential ultimate result of separation and divorce.

[And how could you take it when you have gone in unto each other, and they have taken from you a solemn covenant?]

(An-Nisa': 21)

There is nothing extraordinary about any type of covenant between humans except those between a husband and wife. That is the "*solemn covenant*", an adjective used by Allah to describe no other covenant than that of the Prophets.

However, if continuation of matrimonial life in a way that pleases Allah seems impossible after exhausting all efforts and consorting in kindness, then replacement is a viable option which must be performed with extreme kindness and equity.

[But if you decide to take one wife in place of another, even if you had given the latter a whole treasure for dower, take not the least bit of it back; would you take it by slander and a manifest wrong?]

(An-Nisa': 20)

Treatment of pregnant and nursing wives

A husband should be aware that kind treatment of his wife is not only prescribed at good times, but also extends to include enough patience and consideration for different moods due to physiological and psychological changes of the feminine nature.

A husband is required to show his cooperation and emotional support at times when his wife suffers from the troubles of pregnancy and childbirth. He should bear in mind that as they shared the joy of having sexual intercourse together, they should still share the consequences of bearing its fruit. He should not leave her to bear it alone, but should bear a part of it by paying for her sustenance and expenses during her pregnancy and for her delivery, in addition to all possible emotional care and support he can show. He should spend more time with her than he is already used to, and try to be more tender and considerate to her condition. Almighty Allah says,

[Let the women live (in the waiting period) in the same style as you live, according to your means: Annoy them not, so as to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. And if

you find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf.]

(At-Talaq: 6)

Although this verse refers to divorced women, it is more worthy for any husband to show proper care towards his wife during pregnancy, as she can experience severe hardship. He should also increase his level of expenditure during that period, because pregnancy needs formation that saps the woman's energy, and as such makes her in need of additional care and attention.

It is also clear that a nursing wife is entitled to additional expense. Imam Malik said, "A nursing mother must be allocated enough provision to help her with nursing, not just like any other wife." If she is divorced, then above-mentioned verse indicates that a nursing divorcee is entitled to nourishment and clothing with respect to the financial ability of the infant's father in addition to the delivery fees.

Misconceptions

A) Should a wife prostrate to her husband in Islam?

The Prophet (pbuh) said,

“If I were to command a human to prostrate for another human, I would have commanded the woman to prostrate to her husband (as a sign) due to the greatness of his rights (bounty) over her.”

Explanation of the *hadith*:

1. The text of the *hadith* does not include any commandments – the Messenger of Allah (pbuh) actually did not command the wife to prostrate to her husband, yet he is just drawing a figure of speech to show her the greatness of the rights and favors of her husband over her.
2. The *hadith* even prohibits the wife to prostrate to her husband – where the greatness of the Arabic language rhetoric appears. It is a conditional statement that starts by the conditional “If”. The conditional statement implies that the second condition is conditional for the execution of the first condition. Since the first condition will not take place, the second will never happen.
3. One should seek understanding of the rules of Islam in light of their context and relevance to the wider scope of Islam. Islam should be taken as a whole in all its aspects, not to take a partial aspect or rule and leave another.

Therefore, we should try to understand the marital relationship in light of the Holy Qur'an and the Prophetic *Sunnah*:

[They are garments for you and you are garments for them.]

(Al-Baqarah: 187)

[And among His signs is this: He created for you mates from yourselves that you may dwell in tranquility with them, and He has put love and mercy between your (hearts).]

(Ar-Rum: 21)

[He is (the One) Who did create you from a single soul, and therefrom did make his mate that he might take rest in her.]

(Al-A`raf: 189)

[For if you hate them it may happen that you hate a thing wherein Allah hath placed much good.]

(An-Nisa': 19)

The Qur'an respects and glorifies the feelings and rights of women through clear instructions to men

[And they (women) shall have rights similar to those (of men) over them according to what is equitable.]

(Al-Baqarah: 228)

[But do some good act for your souls beforehand.]

(Al-Baqarah: 223)

The meaning of the second verse is indeed miraculous. It covers the slightest details of the manners in the relationship

of a husband and a wife. It ordains the man to have foreplay with his wife, approach her kindly and warmly, with sweet words before going into the physical intercourse as a sign of respect for her tender feminine feelings.

The Prophetic sayings strongly advocate the women's rights

- *“Women are twin halves to men, whoever treats them kindly is indeed a noble person and whoever mistreats them is indeed an evil person.”*
- *“The best among you is the best to his family and I'm the best to my family.”*
- *“Among the most perfect believing are those who are the best in manners and the most tender to their family.”*
- *“Treat women kindly, for they are a trust in your hands, you took them as Trust from God who made their private parts lawful for you (in marriage) by the Word of God, you have rights over them and they have rights over you.”*

Similarly, as the Messenger of Allah (pbuh) emphasizes to women the great obligations they owe to men, he did exactly the same thing with men. By doing this, the relationship between men and women would be a competition as to who will satisfy and treat the other better. Each party will be doing his best to fulfill his obligations to the other.

B) Can she be beaten?

Beating wives is a sensitive issue full of misconceptions. Offended husbands all over the world resort to physical punishment. In the 20th century, we hear about global physical abuse of women.

The national survey of the United States reveals that conservatively at least one in every four women is physically abused by her male partner every year, and that about 10 % of abused women are victims of severe violence. In hospital emergency rooms, it is estimated that 20 to 35 % of women patients seek treatment because of abuse, and in family clinics between 25 to 40% of patients report being abused.

Furthermore, it is well known how women were maltreated in the West during the Middle Ages. There is an old English proverb which is still quoted, "A woman, ass, and wall nut-tree, the more you beat, the better be." (*Oxford Dictionary*)

The **Talmud** allows wife beating for the purpose of discipline. The Jewish husband is not restricted to the extreme cases such as those of open lewdness. He is allowed to beat his wife even if she just refuses to do her housework. Moreover, he is not limited only to the use of light punishment. He is permitted to break his wife's stubbornness by the lash or by starving her.

In Islam, kind treatment of wives is a part of religion. It should be mentioned that being kind includes whether the husband is on good terms with his wife or not.

The Prophet (pbuh) said,

*"The best among you is he who is best to his family, and I am the best among you to my family."*¹

Islamic remedies for the wife's disloyalty and misconduct

The Glorious Qur'an states other ways of correcting the corrupted wife:

¹ Reported by at-Tirmidhi.

[As to those women on whose part you fear disloyalty and ill-conduct, admonish them (1), (2) refuse to share their beds, (3) beat them (lightly), but if they return to obedience, seek not against them means of annoyance. For Allah is Most High, Most Great.]

(An-Nisa': 34)

Correcting the erroneous wife involves many options where beating her remains a last one. Initially the offended husband should admonish his wife in a polite manner by advising her and pointing out her fault in a lenient verbal way. If this proves effective, there is no need to resort to a stronger measure. It is understood from the Qur'anic verse that a husband should hasten to exhort his wife and then allow sufficient time before he resorts to the second or third measure. Second, he may not have sexual relationship with her but still share the same bed with her, expressing his anger in ways such as giving her his back without leaving the same room. This gives her a chance for reconciliation. However, suspension of conjugal rights must be confined to a reasonable period of time and should not be continued indefinitely. Third, gentle beating is referred to as a last option if the previous ones failed to stop her corruption, but he should apply it in the way explained by Prophet Muhammad (pbuh). However, some scholars consider this option (beating her) inadvisable although it is permissible. Almighty Allah teaches us a lesson through the story of Prophet Ayyub (May the peace of Allah be upon him) when he swore to flog his wife a hundred lashes. Allah directed him to take a hundred grass blades bundled and strike his wife who disobeyed him just once. Thus, the wife was beaten once standing for a hundred, and the whole story was over in a remarkably considerate manner. The Qur'anic verse states,

[Take in thy hand a little grass, and strike therewith: and break not (thy oath). Truly, we found him full of patience and constancy.]

(Sad: 44)

Beating wives contradicts prophetic traditions

It is reported that Lady `A'ishah (may Allah be pleased with her) said, "The Messenger of Allah (pbuh) has never beaten anything with his hands; not a woman nor a servant, except only while fighting in the cause of Allah. He has never taken vengeance from anyone who harmed him, unless when the slightest of the prohibitions of Allah were violated, (only in that case) he would take vengeance for the sake of Allah, the Almighty."

The Prophet (pbuh) has instructed Muslim husbands not to resort to these measures except in extreme cases, such as open lewdness committed by the wife.

*"In case they are guilty of open lewdness you may leave them alone in their beds and inflict slight punishment. If they are obedient to you, do not seek against them any means of annoyance."*¹

Iyas ibn `Abdullah quoted the Prophet (pbuh) as saying, *"Do not beat Allah's female servants (i.e. women)."*²

Laqit ibn Sabrah narrated that the Prophet (pbuh) said,

*"Admonish your wife, and if there be any good in her she will receive it; and beat not your wife like a slave."*³

¹ Reported by at-Tirmidhi.

² Reported by Abu Dawud and Ibn Majah.

³ Reported by Abu Dawud.

Besides, the Prophet (pbuh) banned husbands to beat their wives and then have sexual relations with them on the same day.

`Abdullah ibn Zam`ah narrated that he heard the Messenger of Allah (pbuh) once giving a sermon and mentioned the issue of Women (so he preached regarding them) and said (criticizing),

“How could they beat their women in daytime as slaves and then sleep with them in the night?”

Islamic conditions and rulings of beating wives

First condition: Beating should be resorted to as a third limited disciplinary action:

Beating the rebellious wife is a temporary measure that is utilized as third in line in cases of extreme necessity; where the wife listens to no advice, her obstinate attitude is not changed by temporary separation in bed, and her husband is not at fault. This measure is allowed in an attempt to correct the wrongdoing of the wife and not for her humiliation.

The Glorious Qur'an states,

[As to those women on whose part you fear disloyalty and ill-conduct, (1) admonish them, (2) refuse to share their beds, (3) beat them (lightly), but if they return to obedience, seek not against them means of annoyance. For Allah is Most High, Most Great.]

(An-Nisa': 34)

According to the previous verse, the husband is not allowed by any means to continue annoying his wife whether her corruption has been disciplined or not.

`Amr ibn al-Ahwas narrated that the Prophet (pbuh) said,

“And enjoin on one another goodness towards women; verily they are married to you: you have no power over them at all unless they commit a flagrantly filthy action; but if they are devoted to you, then seek no way against them. And verily, you have rights over your women, and they have rights over you.”¹

Second condition: Beating should be very light and should not be hard to cause pain or injury or to leave a mark:

The Prophet (pbuh) indicated that if a man must beat his wife it should be more or less symbolic, with something like a toothbrush.

When the Prophet (pbuh) was angry with one of his wives, his face turned red, then he took his *Siwak* (tooth cleanser) and he put it in water for sometime until it became wet and soft, then he used it for beating her lightly.

This proves that the purpose of being beaten by the offended husband is neither to cause her pain nor humiliation, but it is just a way of bringing her back to her senses.

Jabir (may Allah be pleased with him) narrated that the Messenger of Allah (pbuh) gave a sermon on the day of `Arafah and said,

“So fear Allah in (treating) women, for you have taken them (according to the rules set by Allah), and have taken their private parts as lawful (for you) by the word of Allah (marriage). Your rights on them that they should not (invite anyone whom you dislike into your home) and

¹ Reported by at-Tirmidhi.

if they did so, so beat them a kind of beating that's not painful (lightly) ..."¹

Some Sayings of the scholars regarding the permissible means of beating:

- Al-Bukhari reported in the Book of Marriage, the chapter titled *What is impermissible in beating women?*: "The words of Allah '*And beat them*' means very lightly."
- Al-Jassas said: "Ibn Jurayj has reported from `Ata's words: It is not the painful kind of beating, but the very light one using small wooden teeth sticks (*Siwak*) or the like. Any means used in beating other than the *Siwak* is legally forbidden according to the Islamic Law."
- Ibn Hazm said: "...it is the type of beating that does not cause any pain or wound or breaking or bruising... The Legislator has permitted the beating only, but didn't permit causing wounds nor breaking the bones nor bruising the flesh."

Third condition: Avoid beating the face or any easily injured part of the body:

In fact, Islam opposes any harsh treatment of women. It allows the offended husband to beat his wife, basically for the purpose of discipline, not for humiliation. Thus, face slaps, curses, lashings and all other forms of physical abuse that may cause damage to any organ, humiliation or severe pain are strictly forbidden in Islam.

Mu`awiyah ibn Haydah said, "I asked 'O Messenger of Allah, what is the right of our wives on us?' He (pbuh) said, '*That you feed her when you get food to eat and clothe her when*

¹ Reported by Muslim.

you get clothing for yourself (or earn), don't hit her in her face, don't curse her and that you do not avoid her (for disciplinary purposes) except at home."¹

The *hadith* includes two disciplines; the first is that one should avoid hitting the face while beating. This is because attacking the face hurts one's human dignity the most, in addition to endangering the five senses which Allah created in the face. Second, one must avoid cursing and bad language in all the cases. Here, the case of beating is included in that sentence indeed, as proved by the saying of the Messenger of Allah (pbuh), "*Insulting the Muslim is debauchery.*"

The Prophet (pbuh) also said, "*Never strike the face.*" (Meaning the face of a child or anybody)

Fourth condition: Beating should be for a justifiable cause:

The Prophet (pbuh) has condemned any unjustifiable beating. Some Muslim wives complained to the Prophet (pbuh) that their husbands had beaten them. Hearing that, he (pbuh) categorically stated, "*Those who do so (beat their wives) are not the best among you.*"²

The Prophet (pbuh) advised Fatimah bint Qays not to marry a man because he was known for beating women. She said, "I went to the Prophet and said, 'Abu al-Jahm and Mu`awiyah have proposed to marry me.' The Prophet (pbuh) [by way of advice] said, '*As to Mu`awiyah, he is very poor and Abu al-Jahm is accustomed to beating women.*'"³

¹ Reported by Abu Dawud.

² Reported by Abu Dawud.

³ Reported by Muslim.

Ibn Hazm said: If the husband beats his wife without a reason in transgression, he should be punished. Allah says, [*And so for all things prohibited there is the law of equality.*] Therefore it is lawful that if he attacks her in transgression, an equal punishment should be inflicted on him (causing him the same harm he did to her).

Moreover, Islam gives woman the right to ask for divorce if her husband hit her for no reason or hit her harshly without mercy. Some Muslims unjustly claim that they have religious sanction when they beat their wives, while in most cases they are beating them only because they themselves are brutal by nature or are just in a bad temper. Bad temper is to be controlled, not vented on the defenseless. The Prophet (pbuh) referred to this in another *hadith* when he said, “*He is not strong who throws people down, but he is strong among us who controls himself when he is angry.*”¹

¹ Reported by al-Bukhari and Muslim.

The Right to Pursue Her Education After Marriage

Woman in Islam is accorded full rights to knowledge. A Muslim woman has the right to pursue her education after getting married. She has the right to stipulate it as a condition in her marriage contract.

When the Prophet (pbuh) had married Lady Hafsa, daughter of `Umar ibn al-Khattab, who had just begun to study the principles of reading and writing, he (pbuh) asked ash-Shifa' to teach her handwriting and reading.

Moreover, Lady `A'ishah was far more learned than many of the Prophet's Companions who recommended that she should be consulted on religious matters, for she was well versed in all branches of religion, in addition to her knowledge of literature and the principles of the lineage of the Arab tribes, which was an established science in that era.

In this respect, a husband is duty-bound to ensure that his wife is fully educated as a Muslim so as to be cultured and aware of the benefits of her family. If this has been neglected in her parents' home, he must take necessary steps to remedy it either by teaching her himself or by arranging for her Islamic education by other means.

Islam, which honors women and grants them their due care regarding the development of a woman's character since that

enables her to be a more capable and efficient mother and wife who will accordingly be able to play her role in raising a strong generation capable of developing their society. Thus, it increases the welfare of the community.

The Right to Advise Her Husband

Besides kind treatment, Islam accords the wife the full right of advising her husband, and respects her opinions.

An example of her role of advising her husband is that after the Treaty of *Hudaybiyah*, when the Prophet (pbuh) and 10,000 believers were on their way to perform Hajj, nonbelievers refused to let them enter Makkah. The Prophet (pbuh) ordered the pilgrims to remove their pilgrim's garb and shave their heads but the Muslims did not follow his order. He went to his wife, Lady Umm Salamah and she advised him, "You first do it, and they will follow suit." He (pbuh) took her advice and shaved his head, took off his pilgrim's garb, and, then, Muslims followed him right away.

It is worth mentioning that the Prophet (pbuh) used to share his general and particular concerns with his wives seeking comfort and advice.

Lady `A'ishah was reported to have said, "The first introductions of revelation made to the Prophet (pbuh) were rightful visions shown to him in his sleep. Then, the truth came to him while he was in the cave of Hira'. The angel found him. The Prophet (pbuh) returned with these words, and his heart was trembling. When he met his wife Khadijah at home, he said, '*Wrap me up, wrap me up.*' So, they wrapped

him up until his fright abated. Then, he informed Khadijah of the incident and said, 'I feared for myself.'¹

Moreover, the Prophet (pbuh) allowed his wives to do what is called "answering back". This should be noticed by men who think that women, like children, should be seen and not heard. There are several recorded instances of the Prophet's (pbuh) Companions remonstrating with him or with his wives about this practice. Nevertheless, he chose to allow his wives to speak their minds.

An incident related in Ibn Is-haq's *Sirat Rasul Allah* (Biography of Allah's Prophet) makes an interesting reading:

"One day `Umar rebuked his wife for something and she sharply answered him back, and when he reprimanded with her she replied that the wives of the Prophet (pbuh) were in the habit of answering him back so why should she not do the same? 'And there is one of them,' she added, meaning their daughter (Lady Hafsa), 'Who speaks her mind unabashed from morning until night.' Greatly troubled by this, `Umar went to Lady Hafsa, who did not deny that what her mother said was true. 'You have neither the grace of `A'ishah nor the beauty of Zaynab,' he said, hoping to shake her self-confidence; and when these words seemed to have no effect, he added, 'Are you so sure that if you anger the Prophet (pbuh), Allah will not destroy you due to his anger?' Then he went to his cousin Lady Umm Salamah (another wife of the Prophet) and said, 'Is it true that you speak your minds to Allah's Messenger (pbuh) and answer him with no respect?' 'By Allah, that is weird,' said Lady Umm Salamah, 'What reason have you to come between Allah's Messenger (pbuh)

¹ Reported by al-Bukhari and Muslim.

and his wives? Yes, by God, we speak our minds, and if he allows us to do so that is his affair, and if he forbids us he will find us more obedient to him than we are to you.' `Umar then realized he had gone too far, and - thus - withdrew."

In this anecdote, we can clearly hear the voices of women who respect their husband, not because they are afraid of him or out of hypocrisy, but out of genuine admiration and love. The fact that he allowed them to speak their minds shows that the Prophet (pbuh) never regarded women as slaves or second-class citizens, but as human beings to whom Allah has given reason and the ability to distinguish right from wrong as He has given them to men.

Lady `A'ishah went further, in another *hadith*, to say that when the Prophet (pbuh) told her something about which she would question him closely so that she could understand its justification before she was satisfied. The Prophet (pbuh) did not tell her she had no right to cross-examine him because he was a Prophet and a man, while she was only a young woman. Contrarily, he appreciated her clear thinking and eagerness to learn and understand.

Conjugal (Sexual) Rights

In Islam, the conjugal right is as much a woman's right as it is a man's right because one of the purposes of marriage is to protect the chastity of both men and women. This right is also based on the fact that if woman does not have the right to sexual intercourse, it would not have been made mandatory in Islamic law for both spouses to insure the maximum possible self-fulfillment for each other.

Woman has the right to enjoy the complete sexual act and bear its fruit if she wishes. Allah says that men and women are protective garments for one another; therefore, it is not fair for a man to deny his wife if she desires him.

Islam encourages husbands to fulfill the conjugal rights of their wives

Maintaining the chastity of a woman and satisfying her desires are among the absolute rights of women preserved by Islam. The wife has the right to ask for sexual intercourse from her husband. The husband becomes sinful if he refuses her request.

There are a number of prophetic traditions encouraging men to fulfill their wives' sexual rights, among which comes the following:

- `Awn ibn Abi Juhayfah quoted his father as saying, "The Prophet (pbuh) established a fraternal relation between Salman and Abu ad-Darda'. Salman once went to visit Abu

ad-Darda'. He only found his wife who appeared slovenly. When he asked her about that, she said, 'Your brother, Abu ad-Darda' has no worldly needs' When Abu ad-Darda' arrived, Salman said to him, 'You have a duty towards your Lord, a duty towards yourself, and a duty towards your wife, so fulfill each duties.' He then went to the Prophet (pbuh) and told him about this. The Prophet (pbuh) said, '*Salman was right.*'"

- `Abdullah ibn `Umar was reported to have said, "My father married me to a woman of noble lineage, and he used to ask her regularly about me. She would reply, 'No man can be better, for he has not lain on our bed nor violated our privacy since we came to him.' When this went on for long, `Umar reported it to the Prophet (pbuh), who said, 'Let me meet him.' So `Umar arranged for the meeting, and the Prophet (pbuh) asked me, '*How often do you fast?*' I replied, 'Every day.' Then he asked, '*How often do you complete reading the Qur'an?*' I replied, 'Every night.'... (In another version: The Messenger of Allah (pbuh) said to me, '*O `Abdullah, I have been told that you fast all day and pray all night, is that true?*' I replied, 'Indeed, O Messenger of Allah.' So he said, '*Well do not (do that), but fast and break the fast, and pray and sleep, for you have a duty towards your body and a duty towards your wife.*'"¹

- The Prophet (pbuh) forbade both wife and husband from refusing to fulfill the sexual needs of one another. Abu Hurayrah narrated that the Prophet (pbuh) said, "*If a woman*

¹ Reported by al-Bukhari.

refuses her husband's bed and he passes the night in anger, the angles curse her until morning.”¹

Some Muslim scholars believe that the previous Prophetic tradition applies to both wives and husbands on the same basis. That is, if a husband refuses to fulfill his wife's sexual desires, he is sinful and the angles curse him as well since a husband might have more than one wife, a state which guarantees preserving his chastity, whereas a wife has only one husband and so it is his obligation to fulfill her sexual needs. This is, of course, in reference to a spouse who unjustly refuses his/her partner's sexual needs in order to control him or for no excuse (as being sick).

- Talq ibn `Ali narrated that the Prophet (pbuh) said, “*When a man calls his wife to satisfy his desire, she must go to him even if she is occupied at the oven.*”² Moreover, a woman in Islam has the right to get divorced if her husband insists on neglecting her full satisfaction and needs during the intercourse.

Permissibility of caressing wives during their menstrual period

In addition, Islam permits fondling wives during their menstrual period (but not actual intercourse) to satisfy her emotional needs and conjugal desires. Allah says,

[They ask thee concerning women's courses. Say: They are a hurt and a pollution: So keep away from women in their courses, and do not approach them until they are clean. But when they have purified themselves, you may approach them in any manner, time, or place ordained for you by Allah. For Allah loves those who turn to Him

¹ Reported by al-Bukhari, Muslim and Abu Dawud.

² Reported by at-Tirmidhi.

constantly and He loves those who keep themselves pure and clean.]

(Al-Baqarah: 222)

Anas ibn Malik said that the Jews would neither eat nor have intercourse with women during their menstrual periods. The companions of the Prophet (pbuh) asked him about that, so the abovementioned verse was revealed. The Prophet (pbuh) then said, “*Do everything but intercourse.*”¹

Ibn Hazm said, “A man may do anything he wishes with his wife during her menstrual period, except for insertion.”

If caressing a wife during menstruation as discussed is permissible, then more so would be all types of everyday dealings, such as sharing beds and food, eating together, touching, or hair combing.

Lady `A'ishah said, “I used to drink during menstruation then pass it (the cup) to the Prophet (pbuh) and he would place his mouth where my mouth was and drink. I also used to chew meat off a bone during menstruation then pass it to the Prophet (pbuh) and he would he would drink from the same spot where I had put my lips.”²

She also said, “I used to comb the hair of the Prophet (pbuh) during menstruation.”

Permissibility of fondling wives during fasting

Kissing, hugging, and fondling wives are encouraged in Islam to strengthen the bonds of love and affection between married spouses. The Glorious Qur'an says,

¹ Reported by Muslim.

² Reported by Muslim.

[Permitted to you, on the night of the fasts, is the approach to your wives. They are your garments and you are their garments. Allah knows what you used to do secretly among yourselves; but He turned to you and forgave you; so now associate with them, and seek what Allah Has ordained for you, and eat and drink, until the white thread of dawn appear to you distinct from its black thread; then complete your fast till the night appears; but do not associate with your wives while you are in retreat in the mosques. Those are limits (set by) Allah: Approach not nigh thereto. Thus does Allah make clear His Signs to men: that they may learn self-restraint.]

(Al-Baqarah: 187)

The phrase [*what Allah hath ordained for you*] refers to the consequences of chastity and offspring. Chastity is important because Allah wants children to be brought up within such encounters on firm grounds of innocence and purity.

Lady Umm Salamah said, “The Prophet (pbuh) used to kiss me while he was fasting.”¹

Islam encourages women to fulfill the conjugal rights of their husbands

In addition to fulfilling her conjugal rights, Islam orders a wife to satisfy her husband's sexual needs as well. There are a number of prophetic traditions and sayings encouraging wives to fulfill their husbands' sexual rights, giving such rights of husbands the precedence over Allah's right of voluntary worshipping.

¹ Reported by al-Bukhari.

- Abu Hurayrah quoted the Prophet (pbuh) as saying, “*No woman may fast in the presence of her husband unless he allows her.*”¹
- Abu Sa`id said, “A woman came to the Prophet (pbuh) while we were with him and said, ‘O Messenger of Allah, my husband, Safwan ibn Al-Mu`attil beats me if I pray and forces me to break my fasting when I fast. So, the Prophet (pbuh) asked Safwan about what she said, and he replied, ‘O Messenger of Allah, regarding her saying that I force her to break her fasting, I am a young man and have no patience.’ The Prophet (pbuh) then said, ‘*No woman may fast unless her husband permits her.*’”²

Frequency of sexual relations

There is no rule or legislation that guides the frequency of sexual relations between married spouses. It differs from one couple to another according to their nature, desires, needs and general moods. However, Islam puts certain limitations to preserve a wife’s conjugal right. It is not necessarily required that a husband must have sexual intercourse with his wife every four days without fail (as recommended by some scholars), but he should rather spend time with her in order to strengthen the bonds of love, trust and compassion between them so that the wife feels a sense of concern and security within their relationship.

Ibn Hazm commented on the frequency of sexual intercourse saying, “The husband is obliged to have sexual intercourse with his wife at least once between each two

¹ Reported by al-Bukhari and Muslim.

² Reported by Abu Dawud.

consecutive monthly periods; otherwise he would be disobeying Allah.”

He based his opinion upon the Qur’anic evidence,

[But when they have purified themselves, you may approach them in any manner, time, or place ordained for you by Allah.]

(Al-Baqarah: 222)

Desertion in bed

In addition, it is prohibited in Islam that a husband stays away from his wife, for reasons of traveling or the like for a period more than four months. Some scholars regard sexual intercourse to be compulsory at least once in four months, based upon Allah’s calculation of four months causing divorce when a man swears to avoid his wife sexually as revealed in the following Qur’anic verse,

[For those who take an oath for abstention from their wives, a waiting for four months is ordained; if then they return, God is Oft-forgiving, Most Merciful.]

(Al-Baqarah: 226)

This verse refers to men who swear not to approach their wives for intercourse. Islam recognizes human desires and instincts, and allows for them in a controlled and noble manner without attempting to suppress or disable them. We then move to the potential change of mind, which would make the husband return to regular relations with his wife before the four month period is over. All that is needed in this case is expiation by the man for breaking his oath and the whole issue would be resolved. However, in a case, known as ‘*Ila*’, if sexual desertion exceeds four months, the husband

would be obliged to withdraw his oath or divorce her. If he refuses to divorce, the court may grant it to her. One opinion suggests that if the husband does not withdraw and return within four months then the wife is considered to be granted one irrevocable divorce.

Umar ibn al-Khattab (may Allah be pleased with him) was once investigating the status of Muslims in secrecy at night as a means of watching over their rights and needs. He heard the voice of a woman talking. She was alone and was complaining the absence of her husband. On returning back, he asked his daughters about the maximum period of absence of the husbands which a wife can endure. They answered: two months, in the third her patience starts to diminish and it is consumed totally by the fourth. Accordingly, he sent a message to the governors (leaders) of the Muslim states ordering them not to force the soldiers to serve away from their families over four months.

In Islam, marriage was instituted for the welfare of both parties. It removes the danger of illicit desire (in most cases); therefore, both men and women must be conscious of their duties toward one another. Neither party should be over-demanding, or negligent of the other's needs.

Manners of Intercourse According to the Qur'an and the *Sunnah*

1. Sincere intention

It would be quite favorable if both spouses were to have noble intentions such as pursuing chastity and seeking protection from forbidden deeds through permissible deeds.

The Prophet (pbuh) said, “*And your copulation is benevolence.*” The Companions asked, “O Messenger of Allah, can we be rewarded for satisfying our desire?” He (pbuh) then replied, “*Would not one of you be punished if he sought it through forbidden acts?*” They said, “Yes.” So, he concluded, “*Likewise, if he seeks it through permissible acts he would be rewarded.*”¹

Indeed, the previous *hadith* indicates that both spouses will be rewarded in any case, regardless of their summoning any intention or not, because what they are doing is permissible and good. However, if performing permissible and good deeds, even if devoid of intentions, is rewarding, then so is making noble intentions. It is also favorable for both spouses to have the intention of praising and thanking Allah for the blessing of facilitating such a permissible and good deed for them.

2. Masculine adornment

A husband is advised to seek his wife's satisfaction and comfort as much as he expects this from her. He should take

¹ Reported by Muslim.

care of his appearance, his odor, and his clothes and should not neglect seeking all possible ways of making himself desirable.

There are laudable words of eminent authority. In this regard, it was narrated that Ibn `Abbas was standing in front of a mirror to straighten his appearance and arrange his ornamentation, when he was asked about it, he said, "Most certainly, I like to adorn myself and make myself attractive to my wife, just as I like her to beautify herself for me." Then he recited the Qur'anic verse,

[*And they (women) have rights similar to those (of men) over them in kindness.*]

(Al-Baqarah: 228)

Also encouraging men to adorn themselves for their wives is the saying of the Prophet (pbuh), "*And you have a duty towards your wife.*"¹

The duties towards wives in this regard are numerous, adornment being one of them. Naturally, the adornment of men must conform to their masculinity, and the ultimate example here is the Prophet (pbuh) himself, as we see in the *hadith* in which al-Bara' said, "The Prophet (pbuh) was of a modest height. I saw him wearing a red garment, and I did not see anyone better than him."²

Marvelously, modern science has proven that the red color has an effect of stimulating the sexual desire and raises the energy.

¹ Reported by Abu Dawud.

² Reported by al-Bukhari.

Lady `A'ishah was reported to have said that she used to wear the best scents to the Prophet (pbuh).¹ (In another version reported by Muslim: with scent containing musk.)

3. Feminine adornment

The wives of believers used 'Kohl', hair dyes (*henna*), and colorful clothes to adorn themselves for their husbands. Jabir ibn `Abdullah was reported to have said, "... and when `Ali came from Yemen with the sacrificial animals of the Prophet (pbuh), he found that Fatima had broken her state of *Ihram* and wore colored clothes and 'Kohl'. When he reproached her for that, she said, 'My father ordered me to do so.'"²

The Companion, Sa'ibah also adorned herself using 'Kohl' and hair dyes for the sake of al-Khattab. We believe adornment of a wife herself for her husband should even be more and better than that.

4. Removal of undesirable hair

Each partner should seek the other's satisfaction through all possible ways of making himself desirable. Abu Hurayrah reported that the Prophet (pbuh) said, "*Instinctive practices are five: circumcision, removal of pubic hair, trimming the mustache, clipping nails, and plucking armpit hair.*"³

5. Supplication before intercourse

The couple should start intercourse by mentioning the name of Allah. What a married couple should say on having sexual intercourse is reported in the following *hadith*.

¹ Reported by al-Bukhari and Muslim.

² Reported by Muslim.

³ Reported by al-Bukhari.

Ibn `Abbas narrated that the Prophet (pbuh) said,

“If, whenever any one of you makes sexual approach to his or her mate, you say, ‘In the name of Allah. O Allah, keep Satan away from us and keep him away from any offspring You may bless us with’, then Satan will never harm any offspring you are destined to produce.”

The resulting offspring will thus be eternally immune against the devil. They will pray for their parents, and teach their own children to do the same, thus granting the original pious ancestors an everlasting series of good deeds until the Day of Resurrection.

6. Foreplay is a must

Jabir ibn `Abdullah was reported to have said, “The Prophet (pbuh) said to me, ‘*You have married, Jabir?*’ I said, ‘*Yes.*’ He said, ‘*A virgin or a previously married woman?*’ I said, ‘*A previously married woman.*’ He said, ‘*Why not a virgin who you would play with and she with you, and who you would laugh with and she with you?*’ I said, ‘`Abdullah (referring to his father) died and left daughters, and I was not in favor of bringing them a Lady of a similar age. So, I married a woman who can take care of them.’ So he said, ‘*May Allah bless you.*’”¹

7. Anal intercourse is forbidden

A husband should perform the sexual act with his wife through the vagina, since it is the only way to have offspring.

Abu Hurayrah quoted the Prophet (pbuh) as saying, “*Cursed is a man who enters his wife through her anus.*”

¹ Reported by al-Bukhari.

Sa`id ibn Yasar was reported to have said, “I told Ibn `Umar that we used to buy bondwomen and have anal intercourse with them. He then expressed his disgust saying, ‘*Would any Muslim do so?*’”

The Qur'an says,

[Your wives are as a tilth unto you; so approach your tilth when or how you will; but do some good act for your souls beforehand; and fear Allah. And know that you are to meet Him (in the Hereafter), and give (these) good tidings to those who believe.]

(Al-Baqarah: 223)

However, this doesn't mean that sexual intercourse is only intended for producing offspring. Based on the previous Qur'anic verse, intercourse could take various forms according to what brings the comfort of the married couple provided that they avoid anal sex. Hence, oral sex, for instance, cannot be forbidden in Islam since nothing in the Qur'an or the *Sunnah* prohibits such an act.

8. Seeking ultimate gratification

A husband is not permitted to do anything on his part that may impede his wife's gratification. He must not interfere with the natural course of the sexual act. For example, he is forbidden to use any contraception technique such as coitus interruptus or external ejaculation (*`Azl*) without her consent, because it denies her gratification, inhibits her orgasm or pleasure, and decreases offspring unnecessarily.

This point is shored up by the *hadith* in which `Umar ibn al-Khattab said that the Prophet (pbuh) forbade ‘`Azl’ with a free woman without her consent.¹

9. Respecting the time gap of orgasm

The time gap of orgasm between the couple usually causes emotional disturbance and loss of harmony and affection between them. Hence, one should take into consideration the following points:

- a) No matter how much the husband precedes his wife in orgasm, he should not get up and leave her at the moment he has reached his gratification unless he makes sure she has hers too. In some cases, her orgasm might delay and if he leaves before she achieves it, such an act leads to her irritability and disturbance due to the unfulfillment of her desires and affections, which results in deep discomfort. It is narrated by Anas ibn Malik that the Prophet (pbuh) said,

“When a man is having intercourse with his wife, he should give her, her complete rights, and when he fulfills his desire, he should not get up in haste and leave her until she fully fulfills her own.”

- b) A husband should never make his wife feel she is being a burden on him as that might cause her embarrassment. He has to be as tender and delicate as possible, and wait until she reaches her full satisfaction and pleasure, showing all emotions of love and affection.

¹ Reported by Ibn Majah.

10. Bathing or performing ablution (wet or dry) before sleep

Bathing is an obligation after sexual intercourse. However, a temporary alternative is performing ablution until the first opportunity is offered to take a bath. For example, ablution is recommended as an act of *Sunnah* (Prophetic tradition) if a Muslim wants to sleep after sexual intercourse, or in between two consecutive sexual intercourses.

Lady `A`ishah said, “Whenever the Prophet (pbuh) wanted to sleep while in a state of *Janabah* (major ritual impurity), he would wash his male organ, and perform ablution as he would do before praying.”

Ibn `Umar quoted his father to have said, “O Messenger of Allah, may one of us sleep while in the state of *Janabah*?” He replied, “Yes, if he performs ablution.” (In another version, “Perform ablution and wash your masculine organ, then sleep”.)¹

11. Concealing secrets of marital intercourse

Intercourse is an extremely private aspect of a person’s life. Therefore, no Muslim, man or woman, may reveal whatever words or actions occur during intercourse to others regardless of how close they are to her/him, nor disclose any defect found out in the process. Secrets of the physical relation between the partners must be kept strictly confidential.

Abu Sa`id al-Khudri was reported to have quoted the Prophet (pbuh) as saying,

¹ Reported by al-Bukhari and Muslim.

“One of the most ill-fated people before Allah on the Day of Resurrection would be a man who confides to his wife and she to him, then he discloses her secrets.”

Misconceptions Surrounding Lawful Sexual Intercourse

1. Marital intercourse is solely intended for offspring

All divine messages and religions have linked sexual intercourse with marriage and the building of families that would produce children. This has led to the misconception that sexual intercourse was only intended for the sake of progeny and preservation of the species, and that the pleasure experienced during intercourse was set forth by Allah only to achieve that purpose. We could have accepted such a postulate had we found any evidence that intercourse should be suspended once the wife conceives, and only be resumed when she is ready for pregnancy once again. However, what we actually find is the contrary; there is not a single authority that even suggests anything of the sort. There is an abundance of authorities in the Glorious Qur'an that permit marital intercourse for pleasure under all circumstances, even in the nights of Ramadan, the month of fasting and night-praying. The Glorious Qur'an says;

[Permitted to you, on the night of the fast, is the approach to your wives. They are your garments and you are their garments. Allah knows what you used to do secretly among yourselves; but He turned to you and forgave you; so now associate with them, and seek what Allah Has ordained for you, and eat and drink, until the white thread of dawn appears to you distinct from its black thread; then complete your fast till the night

appears; but do not associate with your wives while you are in retreat in the mosques. Those are Limits (set by) Allah: Approach not nigh thereto. Thus does Allah make clear His Signs to men: that they may learn self-restraint.]

(Al-Baqarah: 187)

We may suppose that Allah gives such allowances as a measure of lenience for humans who might have a pressing desire for intercourse while conception is not possible, such as during an already conceived pregnancy. We even find authorities that do not stop at permissibility, but exceed it to encouragement, exhortation, and even advice to have intercourse more frequently and deftly. We will focus on one of these authorities that properly promote sexual pleasure:

Abu Dharr quoted the Prophet (pbuh) as saying, “*And your copulation is benevolence.*” The Companions asked him, “O Messenger of Allah, can we be rewarded for answering our desire?” He then replied, “*Would not one of you be punished if he sought it through forbidden acts?*” They said, “Yes.” So, he concluded, “*Likewise, if he seeks it through permissible acts he would be rewarded.*”¹

If we reflect on this prophetic guidance, we will realize that it lauds lawful pleasure and deems it a righteous deed that is entitled to reward. It was even expressed as “...answering our desire”, i.e. pleasure. We may reflect once again on the confirmation made by the Prophet (pbuh) with regard to sexual pleasure and the instinctive desire for it. The role of

¹ Reported by Muslim.

religion is to regulate the satisfaction of this instinct within the limits of legitimacy, rather than suppress it.

2. Marital intercourse should be carried out discretely

This misconception is directly related to the first one. Based on the premise that offspring is the sole purpose of intercourse, the final stage of which would be delivery of the male's sperm into the female's uterus then the intercourse should be done with the utmost modesty. In other words, it should be done with the minimum possible exposure of private parts. It is thus concluded that it should preferably, if not necessarily, be done in darkness as that would help the spouses to remain concealed. If it is done in daylight, then each of them must remain mostly hidden from the other. Accordingly, they should not fully undress, and they should control their gaze so that neither of them may see the private parts of the other. Under all circumstances, as little as possible should be said in the process, with total silence being the preference.

In support of this view, many weak *hadiths* have been cited, such as the following:

- Abu Hurayrah was reported to have quoted the Prophet (pbuh) as saying,

“When one of you has intercourse with his wife, he should cover up because if he does not the angels will feel embarrassed and will thus leave, and the devil will be present. If that intercourse results in a child, the devil will have a share in it.”¹

¹ Reported by at-Tabarani.

- Ibn Mas`ud was reported to have quoted the Prophet (pbuh) as saying,

“When one of you has intercourse with his wife, he should cover up. They should not undress fully as if they were two donkeys.”¹

- Lady `A`ishah was reported to have said, “I never looked or saw the private parts of the Prophet (pbuh).”²

In addition, a number of totally invalid *hadiths* were disseminated such as the following:

- Ibn `Abbas was reported to have quoted he Prophet (pbuh) as saying,

“When one of you has intercourse with his wife or bondwoman, then he must not look at her private parts because that causes blindness.”³

- Abu Hurayrah was reported to have quoted the Prophet (pbuh) as saying,

“When one of you has intercourse, then he must not look at private parts because that causes blindness. He also must not talk because that causes dumbness.”⁴

Such weakly validated and invalidated *hadiths* are refuted by a number of valid *hadiths*, of which we will mention only the following:

- Hakim was reported to have quoted his father as saying, “I asked the Messenger of Allah about the private parts of our

¹ Reported by at-Tabarani.

² Reported by Ibn Majah.

³ Narrated by Ibn `Adi.

⁴ Reported by ad-Daylami.

bodies, and he said, ‘*Preserve your private parts from everyone except your wife or your right-hand possession (bondwomen).*’¹

Ibn Hazm said, “It is strange that some ignorant extremists permit sexual access to genitals but forbid looking at them. Almighty Allah has commanded that private parts be preserved from everyone except for spouses and right-hand possessions, in which case nothing would be considered to be wrongdoing, whether seen or touched.”

3. No arts of pleasure in the marital intercourse should be carried out

The arts of legitimate pleasure are good deeds for which Muslim men and women are rewarded. Marital intercourse is not just for having children, for it was brought forth for righteous pleasure as well. Seeking pleasure of this kind, even without the intention of having children, is not only allowable but also part of the *Sunnah*. We find this in the previously cited *hadith*, “And your copulation is benevolence.” On the other hand, marital intercourse at all levels is part of the pleasures of this worldly life, and Allah says,

[Fair in the eyes of men is the love of things they covet: Women and sons; Heaped-up hoards of gold and silver; horses branded (for blood and excellence); and (wealth of) cattle and well-tilled land. Such are the possessions of this world's life; but in nearness to Allah is the best of the goals (To return to).]

(An-Nisa’: 14)

We would also like to add that some authorities mention the manners and arts of intercourse only when there was a need to do so. In essence, such arts are instinctually

¹ Reported by Abu Dawud.

discovered by people. They also vary from one person to another. Finally, they represent one of the most closely guarded secrets between man and wife. The Prophet (pbuh) only prohibited two approaches, namely anal intercourse and intercourse during menstrual periods.

How Does Islam View the Physical Relationships Between Husbands and Wives?

Islam views the relations between the husband and wife as a means of a noble type of 'worship', in contrary to the lustful way of approach and understanding. It is not just a way of fulfilling one's desires but rather has a nobler and more sublime goal.

Why is the marital physical relationship between spouses considered means of worship?

1. Because it is a shield and protection to spouses to maintain their virtue and chastity.
2. It is an act of obedience to Allah's Commands "*On you, there're rights for your body and for your spouse ...*"
3. It's a means for fulfilling the marital duties.
4. Before the Intercourse: it's a worship because:
 - It is preceded by supplication to Almighty Allah.
 - It is preceded by ablution: so that it will be performed while in a state of purity.

1) After the intercourse it is an act of worship because

It is followed by performing *Ghusl* (taking a bath for purity) even by the least amount of water. Both spouses may perform it together. Yet if they prefer to sleep before taking

the bath, they should perform ablution or at least *Tayammum* before sleeping.

2) The Sleeping Room: It is not just a place for intercourse, but a place that has many other functions

- Social function: playing with the wife and the children.
- Consulting function: where decisions are being made, critical situations and problems of the family are being addressed, since these kinds of sensitive issues must be discussed in private away from the children.
- Worship (Religious) function: as a corner in the room is set special for worship and prayer – they can share in congregational prayers.
- Cultural function: a place is set in the room for reading.
- Medical function: since if one falls sick, the other watches over him/her till he/she is recovered. It is a place where one finds peace and tranquility.

Refusal of the Spouse to Performing the Intercourse

- a. If the wife refuses (as an act of disobedience and rebellion), she is cursed.
- b. If the husband refuses with no clear reason, he is considered a sinner, because he is the only source to satisfying the physical needs of the wife whereas he might be married to another wife/s who fulfill his desires.

Equality and fairness between men and women regarding their conjugal rights

They are equal in their rights and duties because:

1. The woman is created from a part of Adam's body (his ribs). As a result to this, the mental and physical needs of both spouses are equal to each other. That clarifies the command of the Prophet of Allah (pbuh):

“Love for your brother what you love for your own self.”

2. They are considered typical in equality to each other. The Glorious Qur'an states:

[And they (women) have rights similar to those (of men) over them in kindness.]

(Al-Baqarah: 228)

Therefore, the wife's duties are equal to her rights.

When does the wife have the right to refuse her husband physically?

If the wife refuses the invitation of her husband to perform the intercourse, due to ill emotional state: such as a problem with her family, mentally or physically exhausted, has a headache, etc. – would she be considered a sinner?

In that case she is not cursed since there is a reason behind her refusal. In that case, she's not ready for the intercourse mentally and emotionally.

This point proves that Islam doesn't look to the physical relationship between spouses only as a lustful physical action but is rather an emotional and tender one where both partners enjoy it. Sometimes the wife is exempted because of legitimate causes which prohibit penetrative sex such as menstruation and *Nifaas* (postnatal blood).

Also, if the husband demands a prohibited act (i.e. anal sex), the wife should refuse according to the rule which states: *No obedience for a human in whatever disobeys Allah's commands.*

Maintaining the emotional balance between spouses

- The *hadith*: “(How can) one beat his wife like a slave then sleeps with her in the end of the day! Doesn't he have any modesty! Doesn't he have any modesty.”
- The husband should put himself in the place of the wife: that is why the Prophet of Allah (pbuh) says, “One does not believe unless he loves for his brother what he loves for his own self.”
- Sequence of the marital physical relationship:
 1. Nice verbal communication.

2. Passionate actions and foreplay.

3. Intercourse.

Examples of showing affection to the spouse as related in Prophetic tradition

Lady `A'ishah (may Allah be pleased with her) narrated that the Prophet of Allah (pbuh) kissed some of his wives then went out for prayer without (repeating) the ablution.¹

Lessons derived from that *hadith*:

1. It shows the amount of respect the Prophet of Allah (pbuh) gave to the warm affections between a husband and a wife. He set for it a special time even if directly before the prayer.
2. It shows the importance of giving greetings to the husband on returning home or going out. It provides the husband a shield and protection against any un-virtuous actions outside home.

¹ Reported by Ahmad, at-Tirmidhi, an-Nasa'i and Abu Dawud.

Her Rights as a Widow

In Judaism

Since the Old Testament admitted no inheritance rights for widows, they were among the lowest classes in ancient Israel. The male relatives who inherited all of a woman's deceased husband's estate were to provide for her from that estate. However, widows had no way to ensure this provision be carried out, and lived on the mercy of others. Thus, widowhood was considered a symbol of great degradation to Jewish women (Isaiah 54:4).

In addition, according to Genesis 38, a childless widow must marry her husband's brother, even if he is already married, so that he can produce offspring for his dead brother by naming the first child out of this marriage after his deceased brother's name, thus ensuring his name will not die out.

“Then Judah said to Onan, ‘Lie with your brother's wife and fulfill your duty to her as a brother-in-law to produce offspring for your brother.’” (Genesis 38:8) The widow's consent to this marriage is not required. She has no right to refuse it. Moreover, if her husband's brother is too young to marry, she has to wait until he comes of age. Only if this brother refuses to marry her, she is set free and can marry any man of her choice. Accordingly, it is a common phenomenon that widows are blackmailed by their brothers-in-law in order to gain their freedom.

In the Jewish legislation, a woman who has been widowed three times with all the three husbands dying of natural causes is considered 'fatal' and forbidden to marry again.

Widows and divorced women were so looked down upon in the Biblical tradition that the high priest could not marry a widow, a divorcee, or a prostitute:

"The woman he (the high priest) marries must be a virgin. He must not marry a widow, a divorced woman, or a woman defiled by prostitution, but only a virgin from his own people, so he will not defile his offspring among his people."

(Lev. 21:13-15)

In Christianity

According to the Catholics Prophetic Principles - a certain code that deals with the widow - article 131 states, "If the state of remaining a widow can go parallel with maintaining one's chastity, it is more honorable, yet a second or successive marriage is permitted and legitimate".

Therefore, as deduced from such rule, it is better for the widow to remain unmarried as long as she has a self-restraint and can maintain her chastity. A pure widow is considered more honored, yet that does not negate the legitimacy and effectiveness of a new marriage. The article stated did not make any mention of the necessity of a waiting period for woman of a certain time limit after the death of her husband and before her new marriage.

In Other Cultures

The pagan Arabs before Islam had similar practices, where a widow was considered as a part of her husband's property

to be inherited by his male heirs. She was usually given in marriage to the deceased man's eldest son from another wife. When a man died his heir would throw a piece of his clothing over the widow, indicating transfer of her ownership to him. If the woman refused, he would inherit her against her will. If he felt no desire towards her, he would keep her confined until she died holding her as a slave or until he found someone to marry her and he would take her dowry for himself. Such behavior obviously indicates a sense of ownership as if this woman were no more than property.

In Hinduism

Remarriage is not permitted for a widow. Even if the husband dies immediately after her marriage, the woman has to remain a widow throughout her life. In the first place, she is held responsible for the death of the husband. It is believed that she brought an ill-omen which led to the death of her husband. Moreover, in some cases, the woman must burn herself alive on her husband's funeral pyre.

In Islam

The Glorious Qur'an gives divorcees and widows the freedom to marry whomever they choose after fulfilling their waiting period, which in the case of widows is four months and ten days.

Imam ash-Sha`rawi's interpretation of the Glorious Qur'an, the *Surah* of an-Nisa', verse 19 reads: [*O you who believe! You are forbidden to inherit women against their will.*] [The term used in this verse originally means constraint, so in what sense are women constrained in such cases when a widow was inherited by her deceased husband's heirs? This

happens when a woman is deprived of her natural right of remarrying an acceptable man when her waiting period elapses].

The Glorious Qur'an says,

[When you divorce women and they fulfill their terms (their waiting periods) either take them back on equitable terms or set them free on equitable terms; but do not take them back to injure them or to take undue advantage, if anyone does that, he wrongs his own soul. Do not treat Allah's Signs as a jest ...]

(Al-Baqarah: 231)

And,

[If any of you die and leave widows behind, they shall wait four months and ten days. When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just and reasonable way manner. And Allah is Well-Acquainted with what ye do.]

(Al-Baqarah: 234)

It is to be noted that widows should respect their waiting period. Prophetic *hadiths* give clear instructions that widows should not wear ornaments, colored or showy dresses nor adorn themselves with any kind of make-up during this period. However, Islam allows a widow to accept any suitable informal marriage proposal during her waiting period, yet any formal steps towards engagement or marriage should be postponed until her waiting period elapses.

Moreover, Islam gives the widow a full right of inheriting from her husband:

[In what you leave, their share (the widowed wives) a fourth, if you leave no child, they get an eighth, after payment of legacies and debts.]

(An-Nisa': 12)