

Family Life In Islam



Compiled by:
Syed Mohammad Zaki Baqri



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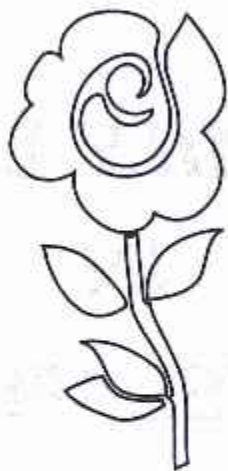


FAMILY LIFE IN ISLAM

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Preface

This manuscript is created in accordance to the stated methodology briefed and confined in the two day Seminar organized in collaboration with **Khoja (Pirhai) Shia Isna Asheri Jamaat** along with **Murtaza Youth**(Mehfil-e-Murtaza) and **Board of Islamic Studies**.

The organization of this reference book is made with respect to the Seminar being addressed by Hujjat-ul-Islam Syed Mohammad Zaki Baqri.

We would like to share our profound gratitude and thank Mr. Zaki Bakar to grace this event with his auspicious presence.

More over the cooperation of Khoja (Pirhai) Shia Isna Asheri Jamaat along with Murataza Youth of Mehfil -e -Murtaza and Board of Islamic Studies is also acknowledged which are all significant pillars for the organization of this event.

About the Author

Maulana Syed Mohammad Zaki Baqri, Astute scholar, an aggressive and concerned community leader, Maulana Baqri has been instrumental in providing very needed spiritual leadership to the Shia community in Toronto area since 1979. Maulana Baqri has written several books and course curriculums from learning Quran to questions about pre-destiny and free will. He combines his acute sensitivity to human nature, in order to understand and explain the complexities of human experience in such simple terms that everyone can understand and follow.

His credentials are quite impressive, but what gives him a special place in our community is his unique awareness of both the eastern and western cultures along with their value system. His love of Islam as philosophy of life, his love of Ah-le-Bait and his own adherence to the simple yet profound principles of their lives make him an excellent teacher, counselor and spiritual guide.

He travels throughout the world conducting seminars, speeches and workshops on social issues facing the Muslim youth today, in the light of Islam, Prophet (ph) and Ah-le-Bait

Purpose of life:

"A fact of this worldly life" is an expression, which is unknown to the majority of us. One who has knowledge of this life is infact the smartest and the most successful of all people. On the one hand, worldly life is a fact that nobody can deny. On the other hand, it is extremely difficult to acquire a comprehensive knowledge of it.

Almighty Allah(S. W. T.) poses us a basic question: "What! Did you then think that had created you in vain and that you shall not be returned to us?" {Al-Quran23:115}

In this Divine question two points are clear: One is that "life is a fact" and the other is that "it has a purpose". In many places the Holy Quran has made this point clear by giving us examples of past historic events. The wealth of Shaddad and Fir'aun (Pharaoh), and persons of such categories, perished. They left this world ;with nothing but their own deeds and they are tasting the punishment for the evils they committed.

Some of the verses of the Holy Qur'an have make it clear that this worthless world is nothing but play. For example: "And this life of the world is nothing but a sport and play: and as for the next abode, that most surely is the life - did they but know!" (Al-Qur'an 29:64)

I think we should strive hard, by using whatever means and sources we have, to understand this worldly life.

HADITH AL-QUDSI (Sacred Hadith) is one of the sources which opens up our eyes, shakes us up, and awakens us so that we may think. For example:

"O Son of Adam! Obey Me to the extent of your deeds towards Me. Disobey Me to the extent of your ability to tolerate the Fire of Hell. Collect wealth in this world according to the length of your stay here. Collect for the Hereafter (Aakhirah) according to the length of your stay there. Do not think that your death is far and that the Bounties (you receive from Allah) will always be

available, or that your sins are hidden." (Al-Hadith Al-Qudsi, HadithNo.13)

The materialistic world has dragged humankind into a race of unlimited desire. This mad search for pleasure, excitement, new sensations and the accumulation of material wealth, results in a disgraceful life. This drive to experience more and more is the direct and root cause of all family and social problems and manifests itself in genocide, homicide, substance abuse, child abuse and violence towards women. The so-called "civilized" countries of our time have failed to understand this, although they possess sophisticated weapons to defend their values as well as accurate computers. In my view, Islam is the only solution to all of these problems. Not only does it teach that we should be achievers in this worldly life, but it also teaches human kind to have God-consciousness(Taqwa).

Clashes between two contradicting ideologies one is an 'Islamic ideology' "Complete surrender to will of God" the other is "Materialistic ideology: "Complete surrender to self (desires)". One has to decide which kind of life he/she wants to lead. If infact this has been decided then the solution to the problem is known and easy. As Imam Ali (A.S.) presents: "Praise be to Allah who established Islam and made it easy for those who approach it and gave strength to its columns against any one who tries to overpower it."

So Allah made it: (a source of) peace for him who clings to it, safety for him who enters it, argument for him who speaks about it, witness for him who fights with its help, light for him who seeks light from it, understanding for him who provides it, sagacity for him who resolves, lesson for him who seeks advice, salvation for him who testifies, confidence for him who trusts, pleasure for him who entrusts, and shield for him who endures. It is the most bright of all paths, broad highways, burning lamps, prestigious field of activity and high objective.

Its riders are honourable. Testification (of Allah, Prophet etc.) is its way, good deeds are its minarets, death is its extremity, this world is its racecourse, the Day of judgment is its horses and Paradise is its point of approach."

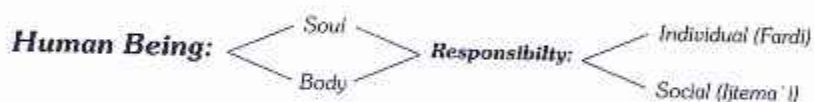
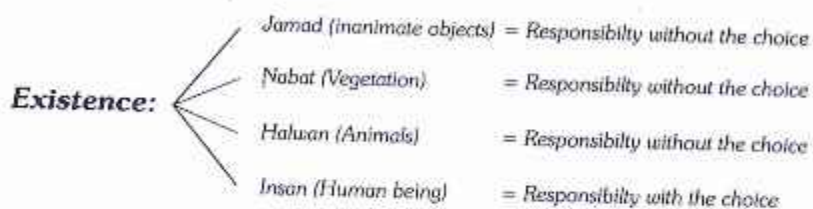
Sense of responsibility:

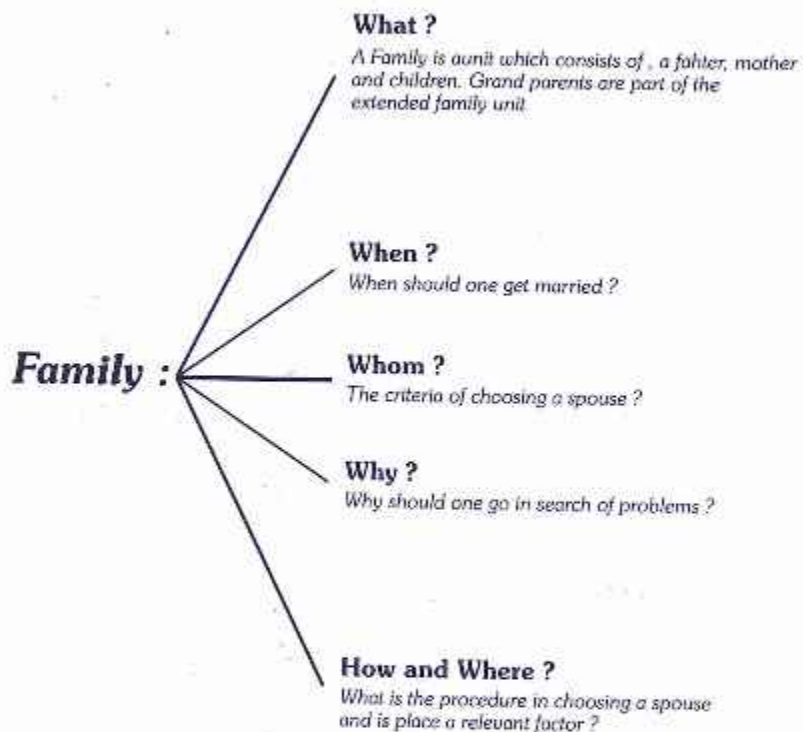
- * All the atom of the universe are carrying a responsibility.
- * Human being have a choice in responsibility.
- * Human being poses two kinds of responsibility.

When we think loader we find that all the atoms of the universe are following a pattern of responsibility. The earth is turning with its own path of rotation without any kind of delay. The sun is following the command of its Lord without any resistance. Likewise entire galaxy is moving towards a direction unknown to the numbering.

As the holy Qur'an says: "And the sun runs onto a term appointed for it stages till it ordinance of the Mighty, the Knowing. And the moon. We have ordained for it stages till it becomes again as an old dry palm branch. Neither is it allowable to the sun that it should overtake the moon, nor can the night outstrip the day; and all float on in a sphere." (36:38-40)

When we look at the universe we could easily divide the existence into four categories: Inanimate object, vegetation, animals and human being. Among these four kinds of existences only the human being has choice in action. Thus the human being have greater responsibility. Further more human being consist of body and soul with which one has to take care of these two things. His responsibility has to be divided into two one is his individual and the other is social. In the case of individual he has a family responsibility and because being social animal he has responsibility towards his society.





Definition of a Family:

"One of his signs is that he created for you spouses of your own species, so that you might find comfort with them, and he put mutual love and affection in your hearts. Surely in this there are lessons for the thinking people" (SURAH AL-RUM, 30:21)
 The prophet (S.A.W.) said: *"One who marries has already guarded half of his religion, therefore he should fear God for the other half."*

Umar bin Zayd quotes Imam Ja'far al-Sadiq: *"Whoever's love for us increases, his love for women must also increase."*
 The Prophet (S. A. W.) said: *"No institution of Islam is liked by God more than that of marriage."*

Marriage in Islam

Marriage in Islam is the uniting of a man and a woman to gradually develop into a sort of deep spiritual and sentimental and social and economic relationship we call conjugal union or matrimony.

In the wake of keen desire to establish conjugal relations between themselves, man and woman enter into a contract known as marriage or matrimonial contract.

The importance of marriage from Islamic point of view is emphasized in the Holy Quran and the sayings of the Holy Prophet (S.A.W.) and the Imams (A.S.). The Holy Prophet (S.A.W.) has been reported to have said: *"No institution of Islam is liked by God more than that of marriage."*

Basic object of Marriage:

The basic object of marriage in Islam consists of:

- a) Securing comfortable atmosphere for husband and wife.
- b) Producing a new generation and bringing up healthy, faithful and virtuous children.

A Muslim husband and wife who follow the Holy Quran should always be a source of comfort to each other. Their mutual relations should be far above mere sexual enjoyment, and should reach the stage of cordial friendship accompanied by mutual benevolence and fellow-felling.

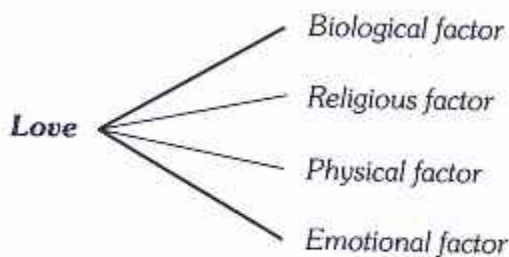
From the Islamic point of view marriage is not merely an instrument for legalizing sexual relations, but it is an agreement which unites the very existence of the husband and wife and gives a new colour and a new rhythm to their life. It brings them out of real solitariness, turns them into a couple instead of single individuals and make complementary to each other.

The simplest, the smallest and the oldest form of human society is family which is comprised by wife, husband and children. A number of bonds and ties join the members of a family to each other. When the children of a family are grownup, they normally marry and form families.

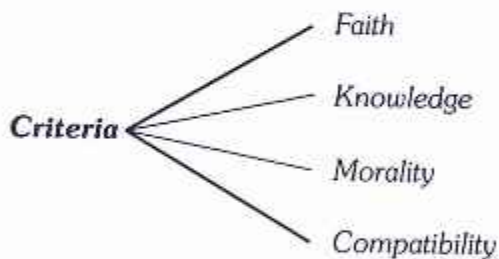
Let me present here: "Hum Fatimatu Wa Abuha Wa Ba'luha Wa Banuha"

"They are Fatima, her father, her husband and her children (A.S.)

I am in Love.....!!!?????



What criteria one should use to choose a life partner ?



Criteria:

Criteria in marriage refers to the choosing of spouse. In an Islamic marriage, the following points are observed. Freedom in the selection of wife or husband. Equality between husband and wife. Each of them should be generally suitable to marry the others.

The criteria which should be kept in view to determine such suitability. Person between whom marriage is forbidden. Seeking the hand of the spouse in marriage.

Islam pays a lot of attention to the freedom in the selection of spouse if the husband/wife is given the freedom to select therein spouse, their conjugal life can be expected to be smooth and satisfactory.

The freedom in the selection of spouse is important in the validity of the marriage contract. According to the Islamic canon law the first condition of the validity of a marriage contract is that it should be proposed by the woman and accepted by the man and both of them act freely in the matters.

The Imams on various, especially when they were consulted about the selection of a wife or a husband, emphatically stressed that the main condition for the validity of the marriage is the free consent of both the parties. No imposition is allowed in this respect.

One of the important criteria is the consent of the fathers to the marriage of a girl. The teachings of Islam recommend the daughters should marry with the consent of their fathers. Many of the Muslim jurists consider this consent to be an essential condition of the marriage of the girls. In this connection the following points may be noted:

1) Both the boys and the girls have been advised to consult their parents in regard to the selection of their future wives and husbands. This is an appropriate way of benefiting from the personal experience and social knowledge of the parents, in

regards to the selection of the life partners and appropriate conjugal behaviour.

2) The parents should understand that marriage in the first instance concerns their children and the future of theirs and of their children and not with themselves (i.e. the parents). They should take into consideration their real requirements and the new conditions in which they will have to live.

3) Consent of the fathers to the marriage of a girl is only in respect of the virgins. This is because the intervention of a loving and experienced father is of great value.

4) In the case of the virgins the consent of the fathers is essential only so long as he tries to safeguard the interest of his daughters and does not impose his own will on her even though it may be against her own interests. If it is found that the father is bent upon imposing his own will against the interest of his daughter, it is the duty of the authorities concerned to take notice of the case and, by virtue of the powers vested in a just Muslim ruler, to take proper action to safeguard the interests of the girl.

The Holy Quran mention four kinds of families:

- (1) Husband good wife good e.g. Imam Ali(A.S.) and Bibi Fatema Zahra(A.S.)
- (2) Husband bad wife bad e.g. Abu Lahab and his wife.
- (3) Husband bad wife good e.g. Fir'aun and Assiya.
- (4) Husband good wife bad e.g. Prophet Lut(A.S.) and his wife.

Criteria of selection of a spouse:

1) Faith

The first criterion of the selection of a husband or a wife is his or her faith-faith in Islam and the way of life to which it has called humanity. Islamic society is an ideological one. In every such society faith in its ideology is the main orbit of its life. It is the motivating force which pushes that society toward the goals which it has set before it. That is why while devising any social system or law it has to take into consideration all the factors which may strengthen or weaken faith in its ideology.

In our foregoing study we said that from the point of view of Islam the object of marriage is not merely sexual enjoyment, but is also the formation of a healthy family atmosphere so that:

- * The husband and wife may live in mutual love, affection and understanding;
- * They may create an appropriate environment for the birth and growth of the children who may prove more mature and active members of the ideological society of Islam.

It is evident that these two objectives can be achieved if both the husband and the wife believe in Islam and practice its teaching to the maximum extent.

Sometimes it is seen that some people tend to maintain in the name of broad-mindedness, liberality and tolerance, that disparity in religion should not be an obstacle in the way of marriage between a man and a woman. According to them why should there be an objection if a Muslim believer marries a woman who does not believe in Allah or in the Qur'an and the Prophet of Islam, or alternatively a Muslim woman marries an atheist or one who does not believe in Islam and the Qur'an?

Such questions instead of being a sign of broad-mindedness and liberality usually show that the people who raise them have no idea of the significance of marriage which we mentioned above, nor are they aware of the real importance of religion, especially Islam.

If religion means, as the word itself signifies, a particular way of life, and if marriage is meant to be a heart-warming spiritual tie which may create an atmosphere of cordiality and coherence for both husband and wife, then how can it be possible that two persons believing in two different religions and two different ideologies should be able to create such a tie and such an atmosphere?

Practical experience has shown that marriages of this kind gradually end either in the slackness of both the spouses, or at least one of them, in the practice of their religion, or in the

coolness and incompatibility of their mutual relations. In either case there is a great threat to an ideological society as well as to the happiness of the husband and wife concerned. Besides, there is a far bigger threat to the faith and prosperity of their children.

Really it cannot be expected that the children born and brought up in a bi-religious family will be true believers in the path of Islam.

The holy Qur'an mentions: *"And do not marry the idolatresses until they believe, and certainly a believing maid is better than an idolatress woman, even though she should please you; and do not give (believing woman) in marriage to idolaters until they believe, and certainly a believing servant is better than an idolater, even though he should please you: these invite to the fire, and Allah invites to the garden and to forgiveness by His will, and makes clear His communications to men, that they may be mindful. (2:221)*

(2) Genealogy:

Modern science acknowledges the fact the effect of genes are unavoidable. In the Islamic story of Imam Ali (A.S.) well known. after the death of his wife Bibi Fatima (A.S.) he request his brother Aqil who was well known in genealogy of Arabs asked that choose me a partner so that she can give birth to a brave son who can help my son Husain (a.s). 'Aqil the brother of Imam Ali (a.s) has choose for him a lady from the well known very brave tribe of Kilab' namely Fatima daughter of Hazam bin Rabia bin al-Waheed bin Aamir bin Kilab. She has given birth to four sons she became well known as Ummul Banin, meaning mother of the sons.

(3) Morality

Unity in faith of the husband and the wife is an essential condition of marriage, but is not the only condition. Attention should be paid to other questions also, especially to the moral aspects of the spouse.

One of the companions of the tenth Imam says:
I wrote a letter to Imam Abu Ja'far, asking him some question about marriage.

In his reply the Imam wrote:

The holy Prophet has said: "As soon as a suitor, who is religious and with whose manners you are satisfied, comes to you asking for matrimonial alliance take action to accomplish marriage with him. If you will not do so, you will have deviated from the right path and maybe faced with a great crisis".

Another companion of the Imam wrote to him on this very subject. In reply the Imam wrote back:

"If you are satisfied with the religiousness and uprightness of a suitor, do marry. Otherwise....."

In two other narrations Imam al Sadiq(A.S.) has stressed on the chastity and continence of the spouse.

(4) Knowledge

If the husband and the wife are equal in their knowledge it becomes very easy to communicate each other.

Many at time experience lead us to believe that lack of satisfaction in either side remains.

(5) Compatibility

Compatibility and similarity in the ideas and wants of the husband and the wife is one of the most effective factors in making a marriage successful. With compatibility there is little chance that may serious differences will arise between them. If on any occasion there should be a difference in their views they can sort out the problem easily. As such it can be hoped that their married life will be happy and satisfactory. Otherwise a marriage accompanied by permanent clash between the husband and the wife, can ruin not only their life, but also that of their children and close relatives.

Only those husbands and wives live a satisfactory happy married life who:

- * Realize the concept of human marriage;
- * Are not only partners in life, but are also benevolent friends and faithful associates;
- * Deem it necessary to cooperate with each other in every respect;
- * Refrain from every kind of arrogance and haughtiness in their mutual dealings;

- * Respect their reciprocal rights and try to please each other.

How to select a suitable spouse

There is no doubt that it is essential to make enough investigation about a prospective husband or wife to ensure that he or she is fit in every respect to conclude a strong everlasting contract.

A hasty action impelled by the impact of the emotions of youth or imposed by the pressure of the relatives is likely to cause inconvenience and trouble subsequently. Anyhow, useful and reasonable investigations should not be mixed up with the want on custom of courtship. Such unrestrained intimacy, howsoever an enchanting name may be given to it, cannot be allowed, for mostly it does not aim at marriage and formation of a family.

In this respect a middle course removed from the two opposite extremes, must be adopted and that is the course which has been recommended by Islam.

A man asked Imam Ja'far al Sadiq (A.S.):

"Is it permissible that one should see the woman he wants to marry and look at her hair and other charms?"

The Imam answered:

"Yes there is no objection provided there is no lustful intention."

The other factors has to be taken in consideration that problem of raising children in Islamic way will be a challenging task. We have seen these kinds of family suffering in emotional anger and frustration. Our advise to the youngsters to be very careful of indulging yourself in relationship which may lead to destructive situation. I always ask our youth those who were involve in love with a non Muslim girls to do some homework. My request to the boys and girls who are involve in these kinds of not rational rather emotional relationship to do a home work. Make list of prose and cons of yourself and your partner, the example is as follows:

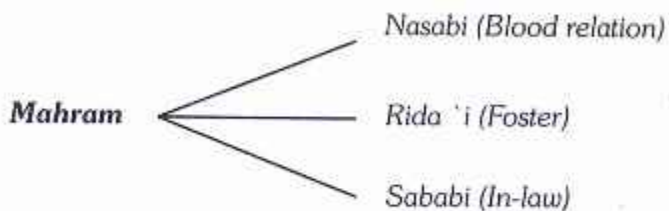
Is he/she my 'ideal'?

| <i>Me</i> | <i>My Partner</i> |
|-----------------------|-------------------|
| 1 Faith | 40 % |
| 2 Education | 15 % |
| 3 Family | 20 % |
| 4 Culture | 5 % |
| 5 Moral values | 10 % |
| 6 Emotional values | 5 % |
| 7 Economic background | 5 % |
| Total | |

This example may help you to resolve the problem of confusion when it comes to the decision making point: It is unfortunate that majority of the time young boys and girls become emotional rather than rational in which case it is very difficult to choose the right partner for their life.

One point here I would like to mention when a society moves to a different ideologicistic society we learn many things from that society. Thus one of the influence we are having in the western society is our youngsters would like to avoid marrying with a close relative, which is completely non-islamic behaviour. Past experience shows the better results of such a marriage.

Mahram: (Close relatives with whom marriage is prohibited-usually because of kinship)



- 1) Those having blood relationship are consanguineous *mahrms*.
- 2) Those having relationship in virtue of nursing which is established on fulfilment of some special conditions and is in fact a sort of acquired blood relationship are foster *mahrms*.
- 3) Those having relationship in virtue of a marriage are *mahrms* on the ground of affinity.

Person between whom marriage is forbidden

A person who cannot enter into marital relations with a person of the opposite sex in deference to the relationship already existing between them is called mahram.

Perhaps the idea behind this rule is that family relation at certain level, such as those between brother and sister, father and daughter or son and mother, should be kept absolutely apart from the field of sex.

Mahrams whose inter marrying is not valid are generally divided into three categories:

- (1) Those having blood relationship are consanguineous mahrams.
- (2) Those having relationship in virtue of nursing which is established on fulfilment of some special conditions and is in fact a sort of acquired blood relationship are foster mahrams.
- (3) Those having relationship in virtue of marriage are mahrams on the ground of affinity.

Rules regarding the prohibition of marriage on the grounds of consanguinity and affinity exist with certain variations either in the law codes or conventional customs of all nations. Only some communities for certain special reasons, such as maintaining the purity of their blood and preserving their family or racial characteristics, have recommended intermarrying among close relatives, but now a days such instances are extremely rare.

Consanguineous mahrams

Seven categories of persons are debarred from intermarrying on the ground of blood-relationship. The details are as under:

A man cannot marry his:

mother (includes grand mother)
 daughter (includes her descendants) sister
 sister's daughter and her descendants
 brother's daughter and her descendants
 paternal aunt (include aunts of father)
 maternal aunt and mother

A woman can not marry her:

father (includes grandfather)
 son (includes his descendants) brother
 brother's son and his descendants
 sister's son and his descendants
 paternal uncle include uncles of father
 maternal uncle and mother

Foster Mahrams

Fosterage under specified conditions induces the same limits of relationship prohibitive of marriage as consanguinity.

Mahrams on account of affinity

Five categories of persons are debarred from intermarrying on the ground of affinity or relationship created by marriage. The details are as under:

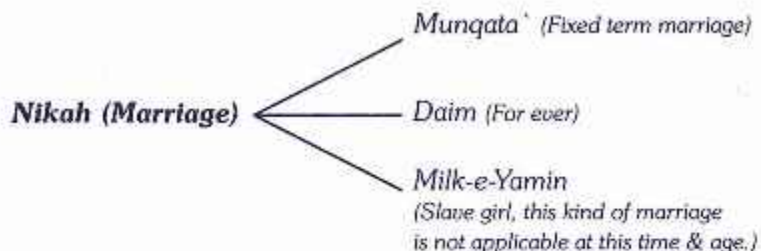
A man cannot marry his:

Mother-in-law
 Daughter-in-law
 Stepmother
 Stepdaughter
 Wife's sister

A woman can not marry her:

Father-in-law
 Son-in-law
 Stepfather
 Stepson
 Sister's husband

A man is debarred from marrying his wife's sister only so long as the other sister continues to be his wife. If that relationship terminates as the result of death or divorce, there is no objection to his marrying a sister of his former wife. Hence in this case prohibition is not permanent. That is why wife's sister is not regarded as mahram for the purpose of looking at her or meeting her.



Contracting Marriage

According to the Islamic law the parties concerned can, in the presence of all other essential conditions, contract marriage direct and exchange the formula prescribed for this purpose, provided they are adult, mature and of good judgement. For marriage it is not essential to appoint an attorney if the parties themselves can contract it properly.

After a complete agreement is arrived at in regard to conditions etc., a marriage contract is normally initiated by the woman. This shows that a Muslim woman is fully free in choosing her husband and it is up to her to contract marriage. Then the man (husband) accepts marriage with the conditions agreed upon. At first the woman proposing the contract of marriage, says to her future husband.

"I gave my self in permanent marriage to you with the dower fixed (according to the conditions agreed upon)". The same may be expressed in Arabic thus:

"Ankahtoka nafsi alas-sidaaqilmaloom"

or

"Zawwajtokanafsialas-sidaaqilmaloom"

Then the man announces his acceptance and says "I accepted"
"Qabil tun nikaha" or "Qabil tut tazwija"

As already pointed out, a girl cannot be given in marriage against

her will nor can she be compelled to say "Yes" by force, threat or holding out a bait. Similarly a boy also cannot be forced to marry any girl whom he does not like. As a rule any contract concluded through force or compulsion is void.

Financial Independence of Woman

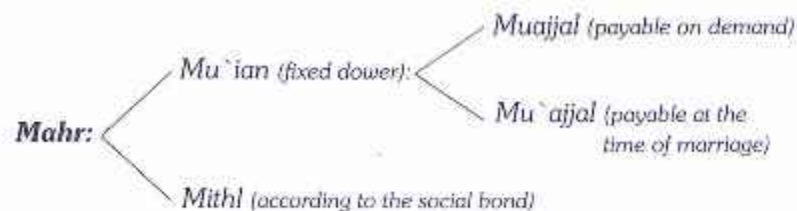
We know that in the social system of Islam women like men are financially independent. They can earn money by lawful means. They have full control over their property and can dispose off the same as they like.

The Qur'an says "..... *The men shall have the benefit of what they earn and the women shall have the benefit of what they earn.....*" (Surah al-Nisa, 4:32)

As for what domestic work the women do in the house of their husbands, it depends entirely on their own will, desire and inclination. From religious and legal point of view there is no compulsion.

The Qur'an say; in the Surah al-Nisa "*Give the women their dowry as a free gift*". (4:4).

In the marriage contract the husband undertakes to present a suitable gift to his wife. This gift is not to be regarded as a price of the woman's body nor has the characteristic of recompense for her services in the house hold or something to fall upon in future in the case of separation or death. It is just a gift and if she so desires, it may be presented to her forthwith. That is why in the verse quoted above it has been expressed by the word, 'nihlah', that is, free gift. In the Qur'an the word 'Sadaaq' has been used for dower. This expression implied that dower is a sign of man's sincerity in love and in his offer of marriage. The dower is in fact a means of showing man's respect to his future wife.

Mahr, Sidaq or Nihlah (dower)

There exist a myth about the Mahr, my personal experience is that majority of our brides and grooms are not aware of the Islamic law of Mahr. Mahr means a marriage gift which given by the groom to the bride. The bride has the right to choose what ever she likes to. She can even put conditions as Mahr, for example he will never marry the other women as long as I am alive etc. If the groom accept the conditions lead by the bride he has to honour them.

Lightness of dower

The leaders of Islam have emphatically recommended that the amount of dower should be kept light and the other marital conditions easy. The women who demand heavy dower and are not willing to enter into a marriage contract without stipulating strident financial conditions, have even been described as inauspicious and unlucky (*Man la yahzaruhul Faqih*) because the moral significance of dower as a symbol of man's interest and love is far higher than its financial and material value.

Note. Immediately on the conclusion of marriage contract whatever has been fixed as dower becomes the property of the wife. If it is a piece of land, a garden or a sum of money, its benefits accrue exclusively to her. Only with the wife's consent it can remain in the custody of the husband and the benefits accruing from it can be utilized for conducting their common life.

Obligations of Husband and Wife.

After describing the concept of marriage from an Islamic point of view and the rituals prescribed in connection with it, let us now refer to the obligations which it imposes on the two parties. These obligations include financial and human responsibilities.

Financial Responsibility

(Nafaqah) maintenance is a legal responsibility in the Islamic family system. Generally speaking it is of two kinds:

(1) Maintenance conditional on the pecuniary condition of a person having a right to it. For example children have a right to maintenance against their father (or mother) or the aged parents who are unable to meet their expenses have a right against their children.

(2) Maintenance not conditional on the pecuniary condition of a person having a right to it, as wife is entitled to be maintained by her husband. Maintenance includes all necessary and conventional expenses. In the case of wife the husband is responsible to provide food, clothing, accommodation and all that is necessary for her comfort and running the household. Ofcourse the financial competence of the husband is to be taken into consideration in the implementation of these responsibilities.

Maintenance of wife has the following distinctive features:

The maintenance of the wife is technically a debt of first liability and its payment should be accorded top priority.

Her right to maintenance has an aspect of the right to demand, and it is not like maintenance of the first category mentioned above so that it may have only an aspect of a duty which if not performed for some time may lapse.

Maintenance of the wife is obligatory on the husband even if she is well-off, whereas in the case of the children and the parents it is conditional on their being poor and financially unable to meet their personal requirements.

In case of husband, inspite of his financial competence, does not provide the necessities of life to his wife, it is a duty of the governmental authorities to order him to do so and, if necessary, pass a decree of separation. If a person has a wife and he does not feed and cloth her, it is the duty of the head of the Muslim community to dissolve the marriage (Man la yahzarul Faqih)

Maintenance of Children and the Responsibility of Guardianship

With the birth of a child in a family new duties and responsibilities devolve on both the father and the mother. As the child is related to both, each one of them has to shoulder a responsibility commensurate with his and her natural, sentimental and social conditions.

As the women have been naturally provided with a system of bearing and suckling the children, they with the birth of every child, have to undergo for about three years the rigours of pregnancy, delivery and the upkeep of the newborn. During pregnancy and nursing they have a special responsibility to look after the infant. It is evident that even after this period a child requires a constant care and correct physical and moral fostering. In most cases he cannot attain the required spiritual growth and physical and mental development except under the caressing care of the mother. It is mother's deep love and tender affection accompanied by her self-sacrifice which responds to the requirements of the child and nurtures his natural talents and faculties. Mother's lap is the first institution where a child receives his education. The first few years of the life of the children are the most impressionable age during which the foundation of their personality is laid under the care of the mother. All spiritual, scientific, literary and social achievements are mostly the fruits of the first seeds sown by the mothers in the impressionable minds of their children. If mother has to bear such a stupendous responsibility of the care and basic training of the child, will it be reasonable to expect her to undertake lucrative jobs and outdoor work also on

equal footing with man and to struggle for meeting the economic needs of the family? Will such an expectation not be an injustice to her? Or will it be proper to take off the responsibility of bringing up the children from her shoulder and ask her to earn her livelihood even during the lifetime of her husband?

Will not be better that the means of living are provided to her in a respectable way and she is given an opportunity to devote her full time to the all-round care of her child.

Will not this equitable division of work between husband and wife in a way commensurate with their physical and spiritual potentialities, be a more respectable method of meeting the family requirement?

Anyway, it is to be remembered that the question of maintenance, in the context of the family system in Islam, does not mean that woman is a parasite or that food, clothing, accommodation and other means of life are provided to her in consideration of her services to her husband. It is just a question of equitable division of work and duties based on the principle of joint efforts. That is why in case the husband is not competent to earn enough means of living, family sentiments and the spirit of cooperation demand that the wife should not spare any lawful effort in co-cooperating with him in managing the affairs of their common life. A good deal of the instances of such cooperation are seen in Islamic society, especially among the low-income groups. Similarly it is not enough for the husband to provide merely the material of sympathetic benevolence, joint effort and cooperation the marital life will be but dull and dry.

It may be mentioned here the husband being in-charge of family affairs, bears a grave responsibility, which like other similar responsibilities requires a sort of self-sacrifice. For example, in the case of the administration of a country the presidential position is not meant to meet the personal requirements of the president, but is designed to ensure the smooth administration of the national affairs. It is

necessary to obey him mainly because he pays attention to his responsibilities as well as to the duties and responsibilities of his aides. Hence if he exceeds his limits and wants to misuse his position, he will have no right to expect others to have any regard for him. In the case of family affairs also the husband has been given certain rights, for example the right of the guardianship of the children till they attain puberty and that of giving consent to the marriage of his virgin daughter in addition to some other rights in connection with the management of domestic affairs. But he has been entrusted with all these responsibilities only to ensure the smooth running of the family affairs and to prevent the dissolution of family structure. Hence if the husband violates the limits in any matter, his powers will be reduced and he will not have that influence which he should have if he plays his role properly.

Anyway, the principle that the necessities of life are to be provided by the husband, is an important factor in bringing comfort to woman and relieving her of earnings her livelihood. It gives her an opportunity to play her part in arranging the domestic affairs more effectively and comprehensively. The principle should not be construed to justify man's unrestrained domination over his wife and children.

Moral and human responsibilities

Besides such normal commitments as the financial responsibility of the husband and the joint efforts of the husband and wife to satisfy the sexual needs of each other in a lawful manner, there are certain other basic and important principles which deeply affect the marital life. In fact its success depends on their observation. They give a special charm and delightful character to the conjugal relations which otherwise have a material and dry form of give and take. In the Islamic teachings these principles have been summed up in the following two maxims:

(1) Mutual trust, the practical manifestation of it being the cooperation between the husband and the wife in making their common life easy and smooth.

- (2) Abstinence from everything that may disturb their mutual confidence.

According to the Islamic tradition the best wife is she who is sincerely affectionate and, according to the Islamic expression, waded, that is one who cooperates with her husband through the thick and thin of life and is helpful to him in all material and spiritual affairs. She should in no case add to his worries

Mut`a (Fixed term marriage)

WARNING !

(A law is abused when it is not fully understood)

"It is very difficult to understand comprehensively the philosophy of this subject. Following points could give a reader the over all understanding of Mut'a without which perception of this subject is a very difficult task!"

Subject out lines:

1. Why should we discuss the subject of Mut'a?
2. What is Mut'a?
3. Mut'a in the Holy Qur'an
4. Mut'a in the traditions of our beloved Prophet(s.a) and the Imams(a.s)
5. Mut'a as perceived by companion of the Porphet (s.a)
6. Physiological and psychological differences between men and women
7. Economical problems of humankind exclusively the women
8. History of these two beings
9. Teen age pregnancies cannot be ignored
10. Thus Mut'a is one of the solution for the known problems

Fixed Term Marriage

Sexual problem of the youth

There is no doubt that the sexual instinct should normally be guided in the direction of permanent marriage and formation of a family, But as all young men at the threshold of puberty and at the time of outburst of sexual desire are not in a position to contract permanent marriage, they are often involved in perversion and sexual deviation.

In all human societies, of course with some variations, there are many young men and women who, under the impact of sexual urge and being deprived of the blessing of a spouse, waste their energies and talents and instead of concentrating on positive and constructive affairs run into perversion with bitter and unpleasant consequence for themselves as well as for the society. Thus very often the best period of their youth turns into the most bitter period of their life.

Solution for sexual problem

The Islamic teachings which do not ignore any natural desires and the different physical and mental faculties of the individual and take into consideration all possible social needs, have realistically suggested a via media to solve this problem. The solution proposed by Islam is in conformity with the realities of life and at the same time save society from an oppressive turmoil which may throw the family system into disarray. In view of the fact that sexual urge is none of the most irresistible desires of the individual, it is evident that if a right and lawful way to satisfy is not found, corruption and perversion are inevitable. The Islamic teaching have shown a practical way to resist passions, to keep away from the external forces, stimulating sex and to use the physical and mental faculties in a constructive way commensurate with human life. In view of the fact that everybody has not the power to resist passions and that such resistance sometimes produces undesirable effects, Islam has given a lot of instructions to facilitate marriage, such as those regarding lessening dower, keeping the marriage, expenses to the minimum and avoiding

unnecessary ceremonies. Thus it has removed many hurdles. Even the students and apprentices before they are self-supporting can contract marriage in a simple manner and need not wait till they are 30 or 35 years old when they complete their higher education or specialize in a particular branch of learning. At this age they usually lose the favor of the youth and marry simply to get rid of suspense and unsettled life.

Further, with a view to solve the sex problem in the cases where man and woman or boy and girl find no way to permanent marriage, the law of Islam has suggested a sort of non-permanent marriage, called Mut'a.

In this kind of marriage the aim is not to form a family. It is only to have legal sexual relations during a period mutually agreed. That is why the agreement in this respect should be very clear and definite.

Formula of fixed-time marriage

The formula is actually a text of the agreement concluded between the parties, it is usually pronounced in Arabic.

The woman says "Zawwajtoka nafsi fil muddatil ma'loomati alas sidaaqil ma'loom

And the man says 'Qabiltu' OR

for example the woman says in English: "I gave myself in marriage to you for the period (as fixed) for the dower (as fixed)" and the man says: "I accepted".

It is to be remembered that the children begotten out of this non-permanent wedlock enjoy all the right and privileges of the children of the permanent marriage and in this respect the family system of Islam presents no problem.

Contrary to the conception of those who hold that the legalization of non-permanent marriage may give currency to free and unlimited relations and thus promote immorality, this scheme is an effective

factor in checking debauchery and the consequent disruption of the families. It may be seen in practice that consequent to the confining of legal marriage to the permanent union only and ignoring other individual and social needs, free sexual relation, with all their undesirable effects, exist with some variation in all societies. Those who criticise this sort of marriage, have practically put and are still putting it into practice in some other way. (For details a reference may be made to "The Shia'-Origin and Faith", ISP, 1982).

Now let us see what is the difference in the rules of the permanent and fixed- time marriages:

Rules of fixed-time marriage

Besides the specification of the period of marriage and the amount of dower, there are certain other rules in regard to fixed-time marriage which may be noted.

- (1) As the main aim of this kind of marriage is not the formation of a permanent family and shouldering the onerous responsibility of rearing up children, each of the parties can take steps to prevent the birth of a child, whereas in the case of permanent marriage that is possible only by the mutual agreement of the husband and wife.
- (2) If a child is born out of fixed-time wedlock, the man is responsible to maintain him and provide enough means for his bringing up.
- (3) In the case of fixed-time marriage the husband is not responsible to maintain his wife, unless there is an agreement in this respect.
- (4) In this sort of marriage the husband and the wife do not inherit from each other.
- (5) The rule regarding the prohibition of establishing sexual relations with others during the period of contract is the same as in the case of permanent marriage.

(6) After the expiry of the period of contract the husband and the wife are automatically separated and there is no need of divorce. Iddah will be imposed only if there has been consummation. It has been ordained with a view to ascertain the paternity of the child that may be born after the termination of marriage. The period of probation in this case is the period covered by two menstrual courses, that is about $2/3$ of the iddah of the permanent marriage.

(7) In this sort of marriage, the man and the woman may stipulate a condition that their sexual relations will be of limited nature, and for example, they will not have intercourse. The man is obligated to abide by the condition agreed upon. Hence such a marriage can be useful during the period of engagement and may be sort of courtship and trial without a feeling of sin before contracting a permanent marriage.

Anyhow, even in this sort of marriage the wife can stipulate at the time of contracting marriage that she will be entitled to any or all the benefits to which a wife is entitled in case of permanent marriage.

Basic differences between permanent and fixed-time marriages.

If we go through the rules of the fixed-time marriage we can observe that it differs from the permanent marriage in the following points: In this marriage the responsibilities which normally go with the formation of a family do not exist. The husband is not required to provide the means of living of his fixed-time spouse or to bear the expenses of her daily life.

Each of the parties can take contraceptive measures. In the case of permanent marriage birth control can be resorted to only with the consent of both the parties.

There is no moral or legal difficulty in separation at the termination of this marriage, whereas in the case of divorce after contracting permanent marriage there is usually a feeling of anxiety about the

future of the other party or of the children.

This kind of union being lawful, there should be no feeling of sin, no twinge of guilt and no conscience prick.

That is not the case with illicit relations.

In the case of the possible birth of a child the responsibility to be borne by the husband is clear. After separation the woman cannot remarry within the period of probation if consummation has taken place.

Fixed-time marriage prevents free sexual relationship and guards against immorality and unchastity. If we go into these points, it will be clear that Islam has introduced a reasonable and ingenuous method of meeting the problem. This method is still a part of the Shia'h canon law.

Fixed-Time marriage from the point of view of others

Those who have looked at this question from a realistic angle, admit that a sort of non-permanent marriage is a reasonable and scientific way of lessening the pressure of sexual urge and preventing it from falling into a dangerous course. It also saves one from the mental distress caused by a feeling of committing a sin and digressing from the moral principles and legal provisions.

Fixed-time marriage has attracted the attention of a number of Western thinkers. The well-known British philosopher of the 20th century, Bertrand Russell, says; Can the young persons be told to be ascetic and monk-ish? Is there any assurance that in spite of having free and unlimited sexual relations these young persons will be chaste and faithful after they choose a spouse and marry? Can the increase of the illegitimate children and their impact on the general conditions of the society be over looked?

How can this problem be solved? What solution does social experience suggest? Note what the same thinker adds Judge Lindsey

who served for long time at the Denver Court of Justice had an ample opportunity to observe facts. He proposed that there should be an arrangement called companionate marriage. Unfortunately he had to lose his official job, because it was observed that he was interested in the wellbeing of the youth rather than creating a sense of sin in them. The Catholics and the Ku-klux-klan left no stone untrained to secure his dismissal. Lindsey noticed that the basic problem of marriage was lack of money. Money is required not only on account of possible children, but also because it is not proper that women should provide means of living. As such he concludes that young persons should resort to compassionate marriage which is different from normal marriage in three ways:

Mut'a

Firstly, this marriage does not aim at producing progeny. **Secondly**, so long as the wife does not conceive and does not give birth to a child, divorce will be available with the consent of the parties.

Thirdly, in the case of divorce the wife will be entitled to alimony. There can be no doubt about the effectiveness of the Lindsey proposal. Had the law accepted it, would have had great impact on the improvement of morals.

Temporary Marriage in Islam (Part I)

Introduction

Fixed-Term/Temporary/Pleasure Marriage are different names for the Arabic word of Mut' a which is a contract between a man and woman, much in the same way the Long-Term /Permanent/Conventional Marriage, the main difference is that the temporary marriage lasts only for a specified period of time, and man and woman will become stranger to each other after the expiration date without divorce. One misconception regarding temporary marriage is that some people think that the woman engaged in temporary marriage can have contract every other hour. This is completely misrepresentation of temporary marriage After such contract has

been expired, the woman has to wait for two months (Iddah) before which she cannot marry any one else. This issue, among others, will be discussed later in detail.

The first one who legislated Mut' a with all the rules pertaining to it, was the Messenger of Allah (PBUH), after it was revealed in Quran all Muslims agree that the Messenger of Allah legislated Mut'a and made it legal after his migration to Medina, and the Muslims practised it during his lifetime (see al-Mughni, by Ibn Qudamah, v6, p644, 3rd Edition). However there is a disagreement between the Shia and most of the Sunnis concerning whether the Prophet later banned it or not. Most Sunnis assert that although the Prophet legislated it, he later forbade it. This is while the Shia believe that temporary marriage was never abandoned by the Prophet (PBUH). Allah revealed it in Quran, and it was being widely practised to the end of his lifetime and during the period of Abu Bakr and the early days of Umar's rule, until Umar forbade it.

Evidences From Quran and the Sunni Commentaries:

Allah, to whom belong Might and Majesty, said:

(.. Except the forbidden women) the rest are lawful unto you to seek them with gifts from your property (i.e., dowry), provided that you desire protection (from sin), not fornication. So for whatever you have had of pleasure (Istamta' tum) with them by the contract, give unto them their appointed wages as a duty and there is no sin for you in what you both agree (in extending the contract) after fulfilling the (first) duty. Lo! Allah is ever Knower, Wise. (Quran 4:24)

In the above verse, the Arabic equivalent of the word &"marriage"; or any of its derivatives has NOT been used rather the derivative of word & "Mut'a": (pleasure/temporary marriage) has been used, i.e., "Istamta'tum". The word Istamta'a is the tenth verbal form of the root m-t-a. As we will show shortly, the word Istamta'a has also been widely used in the authentic Sunni collections for Temporary Marriage. Of course, Mut' a is one type of marriage, but some of

it's regulations are different than the permanent marriage, including the fact that the couple can extend this contract by mutual agreement as the end of verse specifies.

Moreover, if we look at the Sunni commentaries of Quran, many Sunni scholars such as Fakhr al-Razi confirm that the above verse (4:24) was revealed about the Temporary Marriage (Mut'a). They straight forwardly mentioned that temporary marriage became Halaal (permitted) DUE TO the above verse, but they assert that it was later prohibited. It is astonishing that many Sunni commentators mentioned under the above verse that:

Ali (A.S.) said "The Mut'a is a mercy from Allah to his servants. If it were not for Umar forbidding it, no one would commit (the sin) of fornication except the wretched (Shaqi, an utmost wrongdoer)"
Sunni references:

Tafsir al-Kabir, by al-Tha'labi, under commentary of verse 4:24 of Quran

Tafsir al-Kabir, by Fakhr al-Razi, v3, p200, commentary of verse 4:24

Tafsir al-Kabir, by Ibn Jarir al-Tabari, under commentary of verse 4: 24 with authentic chain of narrators, v8, p178. Tradition # 9042;

Tafsir al-Durr al-Manthoor, by al-Suyuti, v2, p 140, from several chain of transmitters.

Tafsiral-Qurtubi, -v5, p130, under commentary of verse 4:24 of Quran;

Tafsir IbnHayyan, v3, p218, under commentary of verse 424 of Quran;

Tafsir Nisaboori, by al-Nisaboori (8th century). Ahkam al-Quran, by Jassas, v2, p1 79, under commentary of verse 4:24.

A very similar tradition has also been narrated by Ibn Abbas (A.S.), and was mentioned by al-Tabari and al-Tha'labi in their Tafsir of Quran.

It is interesting to note that Umar did not attribute the prohibition of Mut' a to the Prophet (PBUH). They were others who did that

after Umar mainly to justify what he did. Umar clearly mentioned that "Mut'a" WAS permitted at the time of the Prophet and I PROHIBIT it. The great Sunni scholar, Fakhral-Razi, who has been given the title of "Imam al-shakkikeen" (the leader of ever-questioners/ever-doubtful) by the Sunnis, in his voluminous commentary of Quran mentioned under the verse of Temporary Marriage that:

Umar said two types of Mut`a were (legal) during the time of the Prophet and I forbid them both, and I punish those who committed They are. Mut'a of pilgrimage and Mut'a of women.

Sunni references:

Tafsir al-Kabir, by al-Fakhr al-Razi, v3, p201 under verse 4:24
Musnad Ahmad Ibn Hanbal. vl, p52

Notice that Mut'a can be of two kinds; Mut'a of women (pleasure/temporary marriage) and Mut'a of Pilgrimage (Hajj al-Tamattu') The latter is a way of performing Pilgrimage and has no relation with the former which is one way of performing marriage Both types of Mut' a were practice at the time of the Prophet and Abu - Bakr and the early days of Umar 's rule. But they were prohibited by Umar. There is another verse in Quran which gives evidence to the permissibility of the Mut'a of Pilgrimage. However this type of Pilgrimage is not the subject of our discussion here.

As we see from the above quote, Umar did NOT say that Mut'a was cancelled by the Prophet. If it was really the Prophet who cancelled Mut'a, Umar would have said: The two Mut'a were Halaal and then became Haraam at the time of the Prophet, and I am informing you about the second law set by the Prophet which cancelled the first But it is evident that Umar is straightforwardly saying that he is the one who is making it Haraam!

Al-Zarnakhshari, another Sunni commentator of Quran under the commentary of 4:24, reported that this verse is from the "Muhkamat"

of Quran, relating that from Ibn Abbas (A.S.) (Tafsir al-Kashshaf, by al-Zamakhshari, vl.pS19).

Also both Ibn Jarir al-Tabari and al-Zamakhshari narrated that al-Hakam Ibn Ayniyah was asked if the verse of Mut'a of women is abrogated He answered 'No'

Sunni references:

Tafsir al-Taban, under commentary of verse 4:24 of Quran, v8, p178.

Tafsir al-Kashshaf, by al-Zamakhshari, under the verse 4:24, vl, p519.

Also Ibn Kathir mentioned his commentary al-Bukhari declared that Umar used to forbid people on Mut'a.

Sunni reference:

Tafsir Ibn Kathir, vl, p233.

Also in another Sunni commentary it is reported that Umar said, while on the pulpit "O folk! Three were (allowed) during the time of the Messenger of Allah (PBUH), and I forbid them, and make them Haraam, and punish on them. They were Mut'a of women, Mut'a of Hajj (pilgrimage), and saying 'Hayya AlaKhair al-Amal'.

Sunni references.

Sharh Al-Tajreed, by al-Fadhil al-Qoshaji. (Imama Section)

al-Mustaniran, by al-Tabari

al-Mustabeen, by al-Tabari

Remark: The third item mentioned above which was prohibited by Umar, is what is said in the Call for Prayer and Iqaamah after the phrase "Hayya Ala al-Falah". And it is practised by the Shia to this date. It means "Hasten for the best deed". This part of call for prayer was abolished by Umar as well. Instead, he replaced it by the sentence "Prayer is better than sleep"!

Interesting to know that there are some Sunni scholars who accepted that the Mut'a marriage is legal (Halaal) FOREVER exactly based

on the above verse of Quran. Among those scholars are the Tunisian scholar, Shaikh al-Tahir Ibn'Aashoor, under his Tafsir of the verse 4:24 of Quran (See al-Tahriirwa al-Tanwir & quot;,by al-Tahir Ibn'Aashoor, v3,p5). And there has been such open-minded scholars who did not allow the love of their leaders affect their judgment.

Some tried to cast doubt about the meaning of "Mut'a", by saying that it literally means pleasure and not necessarily a special type of marriage. These people, instead of searching for the practical definition of Mut'a in the History, Hadith, and Jurisprudence, they look it up Arabic dictionary! Even the Arabic dictionary gives the practical meaning of Mut'a, that is temporary marriage. All Shia and Sunni scholars agree to this very fact. Al-Qurtubi, who is one of the great Sunni commentators of Quran, wrote; There is NO dispute among the scholars, either early (salaf) and late (khalaf) scholars, that Mut'a is a marriage for a fixed period of time and that it does not involve inheritance. Replacing the practical meaning and the linguistic meaning is very dangerous and is prohibited in the religious rules, because one may also say, 'Salat' (prayer) means praise/ supplication and is not necessarily the acts that Muslims do every day. Or Zakat (alms) means to cleans and is not necessarily paying money, and so on....

Perhaps such people did not even read the traditions related to "Mut'a of women"; which gives its practical meaning used at the time of the Prophet and the early Caliphs and how the companions used to contract by a handful of date as dower. Even the English version of Sahih al-Bukhari and Sahih Muslim have translated the word "Mut'a al-Nisa to Temporary Marriage, and they also translated "Istimta'a to marrying temporarily, and the traditions in that section which is a section in the chapter of marriage, gives the total picture of its meaning. (Please see Part II for the details of these traditions from Sahih al-Bukhari and Sahih Muslim). Have these people ever heard of any other type of Mut'a of women in the history of Islam?

Some also tried to cast doubt about the meaning of the verse of

Mut'a in Quran (4:24) by saying that the word Istamta'a refers to the consummation of the permanent marriage, after which dowry should be paid.

The above assertion is not correct. The best way to understand the meaning of the verse, is first to learn Arabic (since the exact translation of Quran to any other language is quite impossible), and second, to look at various commentaries (not just a filtered one), and third, to look at the traditions related to temporary marriage to see if they have used the word Istamta'a. If we do all the three and search completely for different and controversial opinions, then we can say that we are close to the target.

In this part, we already provided references to many Sunni commentaries of Quran, in which the commentators confirmed that the verse was revealed for the temporary marriage, and they mentioned many traditions about the temporary marriage under the commentary of this verse. Then how can this verse be related to permanent marriage?! Or perhaps you think these Sunni scholars had some loose screws upstairs. Few lines later, more interesting traditions from the Sunni commentaries under this verse are provided. Yet there are many more available.

Moreover, who could we find better than Jabir Ibn Abdillah al-Ansari (RA), the great companion of the Prophet, who according to Sahih Muslim said Istamta'a means compacting temporary marriage (Sahih Muslim, English version, v2, chapter DXLI titled Temporary Marriage, Tradition# 3246. Please see part II for the full Arabic text of the tradition! Jabir did NOT relate Istamta'a to consuming the marriage in general.

Furthermore, in the verse 4:24 Allah states, "And there is no sin for you in what you both agree after fulfilling the duty (i.e., dowry of the first contract)". The mutual agreement after the duty refers to extending the period of temporary marriage after full payment of the previous dower, so that the woman can freely decide on the

continuation of the marriage with no pressure or temptation. In this way, Allah encourages that people who are engaged in Mut'a will get more reward if they extend it to a bigger period (or perhaps convert it to a permanent marriage) by assigning a new dowry after fulfilling the previous dowry. Ibn Jarir al-Tabari wrote in his commentary of Quran:

Some traditions mention that the meaning of "And there is no sin for you in what you both agree after fulfilling the duty"; means O people! There is no sin for you to have an agreement between you and the women who you have had pleasure with them in a fixed-term contract, to extend the period at the time when the first period expires, and thus to prolong the temporary marriage by increasing the reward (of the Hereafter) as well as the duty (dowry) before you leave them. It is narrated on the authority of al-Suddy(RA) who said: "And there is no sin for you in what you both agree after fulfilling the requirement. If the husband wishes he could convince her (to accept the renewal) after paying her the first dowry and just before the expiration date of marriage. In that case he would say to his wife: I contract Mut'a with you for such and such again. Thus he extends it before he leaves her due to the expiration of the first contract, and this is what the verse means (Tradition #9046)

Sunni reference:

Tafsir al-Tabari, by Ibn Jarir al-Tabari, under the verse 4.24, v8, p180.

Another reason for the fact that the dowry mentioned in the above verse does not refer to permanent marriage, is that Quran has already talked about the dowry for permanent marriage at the early part of the very same chapter by saying: Many women of your choice two or three or four, but if you fear that you shall not be able to deal justly (with them) then only one...

It is clear that the above verses are about permanent marriage and

the dowry associated with it. So there would be no need that Allah repeats it along with its associated dowry again in the very same chapter. However if Allah intended to discuss about Mut'a, then it is some thing new And this can be inferred from the choice of words which Allah used in the verse of Mul'a (4 24) by using the derivative of Mut'a in contrast with the other verses around it, (...Except the forbidden women) the rest are lawful unto you to seek them with gifts from your property, provided that you desire protection (from sin), not fornication So for whatever you enjoyed (Istamta'tum) them by the contract, give unto them their wages as a duty And there is no sin for you in what you both agree (in extending the contract) after fulfilling the duty (i e., dowry of the first contract). Lo! Allah is ever Knower, Wise.

Thus, in fact, Allah is discussing different types of marriages first, permanent marriage in the verses before Verse 24, then temporary marriage in Verse 24, and then marriage with the slave girls in Verse 25: If any of you have not the means wherewith to wed free believing women they may wed believing women from among those whom you rightfully possess, and Allah has full knowledge about your faith. You are one from another, wed them with the leave of their owners and give them their wages according to what is reasonable, they should be chaste not lustful nor taking paramours, when they are taken in wedlock if they fall into shame their punishment is half that for free women This (permission) is for those among you who fear sin, And if you be patient, it is better for you and Allah is forgiving and Merciful.

Here Allah mentions the dower related to slave girls. Thus Allah repeated the issue of dowry three times, one for permanent marriage, one for Temporary marriage and one for the bond women.

Again, to stress that Verse 4.24 was revealed about temporary marriage, we present more traditions from the Sunni commentators Al-Taban mentioned that:

Mujahid (RA) said: "The phrase 'So for whatever you have had of

pleasure (Istamta'tum) with them by the contract [4:24]" the Temporary Marriage (Nikahal-Mut'a).

Sunni reference:

Tafsir al-Tabari, by Ibn Jarir al-Tabari, under the verse 4:24, v8, pl76, Tradition #9034

Also many Sunni commentary books mentioned similar to the tradition of Sahih al-Bukhari (see part II) with more details and put it under the verse 4:24 of Quran.

Imran Ibn Husain narrated. "The verse of Mut'a (4:24) was revealed in Allah's Book, and there did NOT come any other verse after that to abrogate it, and the Prophet ORDERED US to do it, so we did it at the time of Allah's Apostle, and he did not forbade us from it till he died. But a man (who regarded it illegal) expressed what his own mind suggested".

Sunni reference:

Tafsir al-Kabir, by al-Tha'labi, under commentary of verse 4:24 of Quran.

Tafsir al-Kabir, by Fakhr al-Razi, v3, pp 200, 202, under the verse 4:24

Tafsir Ibn Hayyan, v3, p218, under commentary of verse 4:24 of Quran.

Tafsir Nisaboori, by al-Nisaboori (8th century)

So it is clear that 'Imran Ibn Husain is talking about Mut'a of women here, otherwise the above Sunni commentators would not put it under this verse, or else such scholars are just stupid (may Allah protect us from such words) The positioning of such traditions is another proof for the fact that the verse 4:24 is about Mut'a women.

In many traditions in the Sunni commentaries of Quran, the phrase "to an appointed time" has been added to Verse 4:24 after the word Istamta'tum In other words, it reads "So for whatever you have enjoyed (Istamta'tum) them by the contract to an appointed time"

This however should be considered as commentary of the verse which was revealed along with Quran, but NOT as a part of the Quran. In fact, many verses were revealed by Allah which are not embodied in the present Quran because they were commentaries of the verses of Quran, but not a part of Quran itself. It is well-known that Hadith Qudsi is also revelation, but it is not a part of Quran. In fact Quran testifies that anything that the Prophet said was revelation Allah Almighty said in Quran about Prophet Muhammad (PBUH) that: *"Nor does he (Muhammad) speak out of his desire. Whatever he says is nothing but a revelation that is revealed."* (Quran 53:3-4)

Thus all the speeches of the Prophet were revelation, and surely the speeches of the Prophet were not limited to Quran. It also includes interpretation of Quran as well as his Sunnah. Now let's go back to the traditions which wanted to present. It is narrated that:

Abu Nadhra said: Ibn Abbas (RA) recited the verse 4:24 with the addition of "to an appointed time." I said to him "I did not read it this way." Ibn Abbas replied "I swear by Allah, this is how Allah revealed it," and Ibn Abbas repeated this statement three times.

Sunni references:

Tafsir al-Kabir, by Ibn Jarir al-Tabari, under the verse 4:24, v8, p177, Tradition #9038

Tafsir al-Kabir, by al-Tha'labi, under commentary of verse 4:24 of Quran narrating similar tradition from Jubair also:

"Abu Nadhra said" I asked Ibn Abbas about temporary marriage (Mut'a of women). Ibn Abbas (RA) said: "Do you not read 'For whatever you enjoyed (Istamta'um) them by the contract to an appointed time'?" I said: "If I would have read it this way, I wouldn't ask you (about temporary marriage)!" He replied: "Certainly the verse is about it."

Sunni reference:

Tafsir al-Kabir, by Ibn Jarir al-Tabari, under the commentary of verse A 24, v8, p177, Traditions #9036-9037.

It is also narrated that: al-Suddy (RA) said: "The verse So for those of whom you have had pleasure with them by the contract To an appointed time is about Mut'a, that is, a man marries a woman with a provision (i.e., dowry) for a fixed period of time and makes two witnesses, and (if virgin,) he asks the permission of her guardian, and when the time period is expired, they should separate and they will not inherit each other."

Sunni reference:

Tafsir al-Kabir, by Ibn Jarir al-Tabari, under the commentary of verse 4:24, v8, p176, Tradition #9033

Moreover:

Abu Karib said Yahya said "I saw a book with Nasir in which it was 'So for whatever you have had of pleasure with them by the contract to an appointed time'"

Sunni reference:

Tafsir al-Kabir, by Ibn Jarir al-Tabari, under the verse 4:24. pp 176-177, Tradition #9035

Tafsir al-Kabir, by al-Tha'labi, under commentary of verse 4.24 of Quran narrating similar tradition from Ibn Abi Thabit.

Another companion, Ubay Ibn Ka'ab (who based on authentic Sunni sources the Prophet ordered the companions to trust him in the matter of Quran as one of the three trustee persons in this regard.

See Sahih ai-Bukhari, English, vol. 6, Tradition #521)also mentioned that additional phrase:

Qatadah (RA) said: The way that Ubay Ibn Ka'ab recited the verse was: 'So for those of whom you enjoyed by the contract an appointed time',

Sunni reference:

Tafsir al-Kabir, by Ibn Jarir al-Tabari. under the commentary of verse 4:24, v8, p178, Tradition #9041.

Beside the above mentioned authorities, there were others such as Sa'id Ibn Jubair, Abi Is'haq and Unay who have also mentioned this extra phrase when reading this verse. Well, as I said, this extra phrase, though revealed, was only comment any and not apart of Quran. If one wants to write it. he should put it inside curly brackets showing that it is not a part of Quran. There are many of such extra phrases which can be found in both Shia and Sunni sources, but they are only the divine interpretation of the verses.

This concludes the discussion on the Quranic verse of Mut'a and what Sunni commentators had to say about the verse. In the next part, we Insha Allah study the authentic Sunni collections of traditions with regard to temporary marriage.

In the next part, we will discuss the necessities and the advantages of the Temporary marriage, Insha Allah.

Temporary Marriage in Islam (Part II) **Some Frequently Asked Questions on Mut'a**

After reading the earlier parts of this discussion, some people corresponded with me asked me some hypothetical questions, and also some good questions. I present their questions in the following format:

Q 1. Can Someone Contract Mut'a Marriage for 1 hour?

I would say theoretically yes! Much in the same way that it is possible for some one to marry a woman permanently and then divorce her in one hour or even less. Logically, since the possibility of this action does not invalidate the regular marriage, therefore, it should not be applied in the case of Mut'a either!

Q2 What could be the difference between temporary marriage and prostitution?

In the previous sections, we explained the difference between the Mut'a and the long-term marriage (con-ventional), and one can see that there is not much differences between them. Also as I mentioned, one may marry permanently and then divorces his wife after one day. So what will be the difference?

Moreover, Allah (SWT) did not consider it prostitution when He revealed the verse, but you do!? All Muslims agree that the Prophet (PBUH) has legislated Mut'a at some point, and we as Muslims believe that the Prophet does not speak from his own desires (La Yantiqu Anil Hawa), so God has permitted it at some point of time. This very fact differentiates between temporary marriage and adultery, because God and His Prophet do NOT legitimize adultery. No prophet of God ever did that.

A simple answer for your question is that one is legal and the other one is illegal. Let me give you an example: Suppose a foreigner who may be very experienced in driving car back home, when going to another country he may need to apply for a driver license to be able to drive. Now if he drives without driver license, then what is the difference between him and a person who drives with license but may not be as experienced as the former? The answer simply is that the act of the former is illegal while the latter is legal.

The partners may have sex in the three cases of prostitution, temporary marriage, and permanent marriage. Quran declares the first one illegal but has made the latter two legal. The other difference, of course, is that the prostitute has another contract one hour later, but in both temporary and permanent marriage it is the duty of woman to wait for a couple of months before entering another contract. As I mentioned according to ALL of the Shia scholars the 'Iddah' for the Mut'a is two menstrual cycles (or at least 45 days if the woman is of menstruating age but for some reason does not

menstruate) This would provide less than 8 customers a year for a prostitute!!!

I think any prostitution agency would go bankrupt in the first year if it wants to follow the regulations of Mut 'a. And there are many more differences between prostitution and temporary marriage. May Allah guide those who unknowingly ridicule His religion and His Prophet.

Q3 Would someone give the hand of his own daughter in temporary marriage?

I would say yes? Other than because they already do in a normal marriage, there are good reasons to do that in temporary marriage. Let's say a father has a daughter who if not married will commit the sin of fornication, but no one has come forward to ask her hand in long term marriage - whatever the reasons maybe. Would he give her to some known pious person who ask in temporary (if it is proved to be the Sunnah of the Prophet), or would he risk her committing fornication. I am sure many can think of other circumstances. This does not even address the issue from the man's perspective - students in foreign countries who do NOT wish to marry permanently from People of the Book (Ahlul Kitab); the possibility of turning the foreign wife to a Muslim and Da'wa (call to Islam) to her family, etc. Do you think 'Christian' parents mind? I think not!

Even about Muslim countries I should say: Although Islam intends to revolve the culture of people, as a result of tendencies and ignorance in many countries dominated by Muslims, the culture affected the Islamic teachings, while it is supposed to be the other way around. One should be able to discriminate between the true teachings of a divine religion like Islam, and a culture. About marriage in general, many Muslim families still have major 'traditional' and cultural problems in marrying their daughters, for all kinds of seemingly stupid reasons. Yet, we do not blame the religion for such old tribal mentality and the shortcomings of the

followers of Islam.

Such feelings are all as a result of our cruel cultural traditions and not the true sense of normal feeling and pure instinct. Is trying to safeguard the boys and girls by putting laws to a relationship of pleasure a corruption? What is the standard with which we determine what is corruption and what is reformation? Shouldn't we depend on logical ruling of the mind and the proven legal Islamic ruling? By taking both routes it was proven that temporary marriage is authorized and should not be prevented.

My feeling is that the average Muslims today are more tolerant of friends and family whom they know or have heard that they have committed fornication, but less tolerant on accepting that the idea of Temporary Marriage could solve many social problems and prevent the majority of adultery in many communities, if it were allowed and promoted as it was the case before the rule of Umar.

Q4: Does any brother accept that her sister contracts Mut'a marriage?

This question is fairly similar to the previous one. Is the standard what brother accepts or rejects? Isn't it first satisfaction of Almighty God? Or may be the religion of God should submit to the desires of brother and his jealousy.

Also why would a brother in many cases allow himself to do things which he prevents his sister from doing? Since when did our desires become the standards of what is wrong?

Sex is a natural desire that Allah created within the human nature. What difference does it make if a husband had pleasure with someone's sister in a temporary or a permanent marriage that is followed with a fast divorce? By such standard, permanent marriage is even more wicked because it is having continuous pleasure with the sister.

Why do we suppose that the husband is having pleasure and the wife is not? Why don't we accept that the right of pleasure is for both of them, as it is in reality? Why don't we accept that temporary marriage is not just a physical relationship, but it involves love, emotions, and sensational feelings even if it is for one month?

I guess what we should really avoid is to distort Islam based on the darkness of our complications and our unjust traditional problems.

Q5 Why can't we use the permanent marriage for the purpose of familiarization between husband and wife?

Permanent marriage can not be used for familiarization period because:

1. After the contract of permanent marriage woman can not divorce her husband if she finds that her man is not so great! Thus in the case that man likes his wife, but his wife does not like him very much, the divorce will not happen. In other words, the proposal of using the first few months of permanent marriages (familiarization) is only good for men!!! In contrary, temporary marriage will end after its period, and BOTH man and woman can decide again (to convert it to a permanent one or not).

However, as I mentioned before, under some circumstances, a Muslim scholar/Judge can divorce her, but this would be a risky way for woman since the Judge's decision might be different than her wishes and certainly a period of familiarization does not worth for all these headaches.

2. In permanent marriage contract, one can not make the condition that marriage is to be unconsummated. In other words, sex is an indispensable part of permanent marriage. Then how can a woman enter into permanent marriage contract for familiarization only? On the other hand, such necessities do not exist in temporary marriage.
3. Although one can divorce her permanent wife, this is considered the most hateful permitted act in Islam. The reason is that the couple

have some moral obligations/expectations that they intend to live together for good. If a man divorces his wife after a couple of months being with her and after removing her virginity, by saying that he did not like her too much in this period of familiarization(!!) then it will be a very bitter experience for that Muslim woman. Remember if a man does this shameful act, no body can punish him because he has just used his divorce right. But this action is morally detestable. This in fact shows that permanent marriage is not a good choice for familiarization period. Remember that your proposal should be practical, and not imaginary based on the ideal case where the unfamiliar couple have full trust to each other before the marriage.

In contrary, Temporary marriage is risk free. First of all, both man and woman are aware that they will separate after the specified period and so there will be no surprises. None of them has any moral obligation to extend the marriage beyond that period nor do she has any such expectation from the other side. Also, as mentioned, they can set a condition that marriage is not to be consummated.

Q6: If the husband leaves the town after the expiration of Mut'a marriage, is it incumbent upon him to later inquire whether the union was fruitful, and take the custody of his child?

When a man goes to a journey and temporarily marries, it is incumbent upon him to provide some information to that woman about his original place and how he can be reached, so that in the case of pregnancy, the father is informed, and he should provide all the financial means for his child. This goes for permanent marriage too. If a man divorces his wife, and immediately leaves the town for another place, it is incumbent upon him to provide information to his ex-wife as how he can be reached in the case of pregnancy. In both cases, the child is the legal heir of his father and his mother.

Q7: Can a man engage in temporary marriage even if he already has four temporary/permanent wives?

Yes. The case of the temporarily married girl in this regard (as well as other issues such as waiting period) is similar to the case of the bond women in Islam. All Muslims do agree that one can marry an unlimited number of slave-girls. Islam did NOT limit it as it did with the permanent marriage. However, it is discouraged to go further than 4 temporary wives.

The reason that Islam strictly limited the number of permanent wives into four, is that in permanent marriage there are obligations which do not exist in the other types of marriage, and these obligations can not be fulfilled if one goes more than four permanent marriages. For instance, the permanent couples are necessary to be sexually active, and man should sleep with his wife once each four nights; so how can he go further than four permanent wives? Also necessity of support of wife financially is no easy! These obligations do not apply to temporary marriage, and thus one may go further than that, yet it is not recommended at all. As I quoted some traditions earlier, it is also discouraged for a person who has permanent wife available, to engage in temporary marriage (even one) because it may cause complications for his family.

Q8. Is there any witness required for Mut'a, or the persons can say the sentences of marriage alone?

The above question has the same answer for both permanent marriage and temporary marriage. In both cases, religiously speaking, there is no witness necessary. They themselves can pronounce the sentences of marriage. However if the girl is virgin, then the boy needs the permission of her guardian beforehand. But her guardian does not have to be present as witness when they are pronouncing the marriage sentences.

Please note that I am only talking about the religious law. However,

if the couple want to register their marriage by the secular government (which is not religiously necessary), they may have to do many other things, including the witness (if the secular government requires).

However those who choose to temporarily marry in western countries, do not need to register since they know they will separate from each other soon. This is a temporary relation only, without many legal responsibilities that a permanent marriage bears (like the necessity of financial support, inheritance and so on). In the view of a western government, such relationship is nothing worse than boyfriend-girlfriend relationship which is commonly practiced in the West without any barrier. However, religiously speaking, the couple who would like to temporarily marry, are required to satisfy all the religious obligations when entering such contract and when separating from each other.

Also, for the same reason, in the western countries, there is no need for witness because no body cares about the relation of a boy and a girl. However in Muslim countries where people may accuse the boy and the girl of committing adultery, it might be necessary to have some witnesses just for the protection of the couple. But this is not a condition for the validation of marriage.

Also in the case of temporary marriage, the couple do not have to announce the marriage publicly, specially when the public opinion is not in favour of Mut'a. Public announcement is not necessary for the permanent marriage either, though it is encouraged.

Q9: In your opinion (which I do not consider as a Fatwa) how is it to follow some of the things that one, feels logical in Shia Fiqh while keeping his Sunni faith? Is it Haram?

My personal answer is that you can. In fact, I know some Sunni brothers who believe that although they know more about the specific school that they have been raised with, they do not find themselves to that specific school. If some thing proven to us by

Quran and authentic Hadith, then they follow it. For instance, I personally know a few of knowledgeable Hanafi friends who believe they can join Duhr and Asr prayer like what the followers of Ahlul-Bayt do. When I asked them why, they said we found in Sahih al-Bukhari some traditions which state that the Messenger of Allah (PBUH) joint Duhr and Asr prayer while he was not in travel and while he did not have any emergency. So since there exists at least one Islamic school which allows joining the prayers (referring to Shia Imamjyyah), and at the same time there exists authentic traditions in support of it, then we feel free to do that even though we are raised as Hanafi.

Below I have included the Fatwa of Shaikh Mahmood Shaloot, the head of al-Azhar University which clearly removes the barrier between the Sunni and the Shia, and allows the Sunnis to follow the Fatws of any of them. I just give a part of his Fatwa here:

Head Office of al-Azhar University

IN the name of Allah, the Beneficent, the Merciful

Text of the Verdict (Fatwa) Issued by His Excellency 'Shaikh al-Akbar Mahmood Shaloot', Head of the al-Azhar University, on Permissibility of Following 'al-Shia al-Imamiyyah', School of Thought.

His Excellency was asked, Some believe that, for a Muslim to have religiously correct worship and dealing, it is necessary to follow one of the four known schools of thought, whereas, "al-Shia al-Imamiyyah & quot; school of thought is not one of them nor "al-Shia al-Zaidiyah " Do your Excellency agree with this opinion, and prohibit following "al-Shia al-Imamiyyah al-lthna Ashariyyah" school of thought, for example?

His Excellency replied:

1) Islam doesnot require a Muslim to follow a particular madh'hab (school of thought). Rather, we say: every Muslim has the right to follow one of the schools of thought which has been correctly narrated and its verdicts have been compiled in its books. And,

everyone who is following such madhahib [schools of thought] can transfer to another school, and there shall be no crime on him for doing so.

(2) The Ja'fari school of thought, which is also known as "al-Shia al-Imamiyyah al-Ithna Ashariyyah" (i.e. The Twelver Imami Shi'ites) is a school of thought that is religiously correct to follow in worship as are other Sunni schools of thought.

Muslims must know this, and ought to return from unjust prejudice to any particular school of thought, since the religion of Allah and His Divine, (tBn'a was never restricted to a particular school of thought. Their jurists (Mujtahidoon) are accepted by Almighty Allah, and it is permissible to the 'non-Mujtahid' to follow them and to accord with their teaching whether in worship (Ibaadat) or transactions (Mu'aamilaat).

Signed,

Mahmood Shaloot.

The above Fatwa was announced on July 6, 1959 from the Head of al-Azhar University, and was subsequently published in many publications in the middle east which include, but are not limited to 1 Al-Sha'ab newspaper (Egypt), issue of July, 1959.

Polygamy

Polygamy or plurality of wives is one of the controversial questions connected with the family system of Islam. In this connection a few points are worth consideration:

(a) Natural and social prerequisites of polygamy

It is evident that the question of polygamy arises when:

- * The number of women eligible for marriage is more than the number of marriageable men.
- * There are women who are willingly prepared to marry a man already having a wife and consider such a marriage to be in their

interest.

Hence the question of polygamy does not arise firstly if the number of marriageable women is less than that of eligible men and secondly if the women are unwilling to marry a man having another wife. Now let us see in the case of the existence of the two conditions mentioned above, as to what can be the most reasonable and practical way of preserving the family system and safeguarding the interests of such women.

Here another question arises and that in itself is worthy taking into consideration. It is the question of the disparity between men and women in the age of fecundity which has two aspects:

- (1) Marriage age or puberty mostly commences earlier in girls than in boys.
- (2) The power of procreation of women ceases at a certain age, after which they become pregnant in very rare cases, whereas there is no such fixed age for men.

(b) Polygamy before Islam

It should be remembered that the custom of polygamy existed before the advent of Islam among the Jews, the Arabs, the Persians and many other people of the world. All that Islam has done is that it has restricted it.

During the Middle Ages it was propagated in Europe that the practice of polygamy was first introduced by Islam. Will Durant has denied this charge. He in his book, *History of Civilization* (vol 1p.61), says:

The clerics in the Middle Ages thought that polygamy was an innovation of the Prophet of Islam. But that is not the case. As we have seen, it has been practised in most of the primitive societies.

Without paying attention to its natural or social causes the Europeans over many centuries tried to describe polygamy as a big weakness of the Islamic teachings. At last some scholars exploded this myth and showed how topsy-turvy is the picture painted of this custom.

and how unjust is its attribution to Islam.

The French historian Gustave Le Bon in his book, says:

In Europe no Eastern custom has been so much criticized as polygamy and Europe has also not gone so wrong about any usage as about it. The European writers have considered polygamy to be the foundation of Islam and have described it as the root cause of the spread of this religion as well as of the decline of the Eastern people. If the readers of this book cast off their European prejudice for a while, they will admit that polygamy is a good custom as far as the social system of the East is concerned. It has enabled the people by whom it is practised to strengthen and invigorate their family relations. Thanks to this custom the woman enjoys more respect in the East than in the West. Before adducing our arguments to prove what we say, we have to mention that polygamy has not been first introduced by Islam, for this custom was prevalent among the pre-Islamic people of the East, including the Jews, the Persians, the Arabs etc. Even in the Western countries, though the climate of none of them is conducive to such a custom, monogamy is a thing which is found only in the legal books. I do not think that it can be denied that in actual practice monogamy does not exist in our society. I wonder how and why the legalized polygamy of the East is inferior to the clandestine polygamy of the West.

(Tumaddun-i Islam wa Arab)

Polygamy and its conditions in Islam

Islam allows polygamy on three basic conditions:

- (1) Preservation of the purity and cordiality of family life so that it may not become the cause of disruption of the family affairs.
- (2) Number of wives not to exceed four.
- (3) Equitable treatment of all the wives.

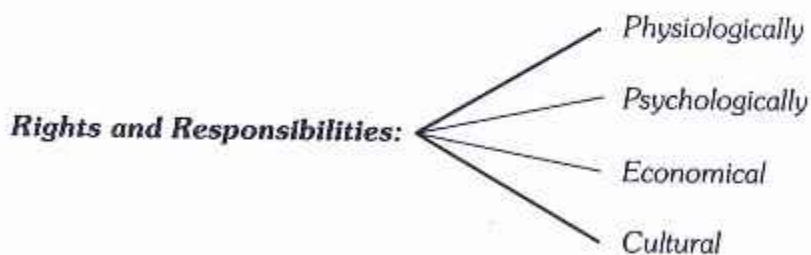
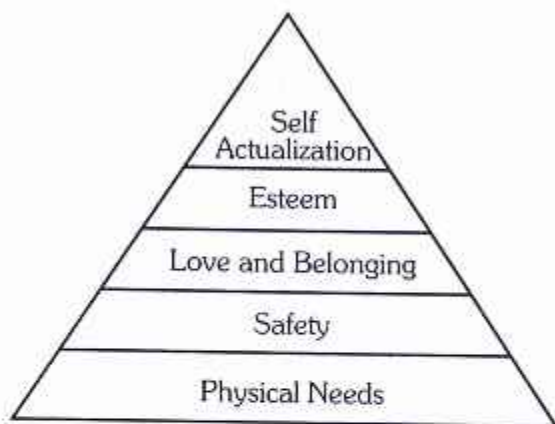
Now let us see what the Qur'an says in this respect: "*Marry women of your liking, two, three or four, and if you fear that you shall not deal justly with so many then (marry) only one*". (Surah al-Nisa, 4:3).

As we have mentioned earlier, prior to Islam there existed no limit as to the number of wives. It was Islam which restricted it and prevented the formation of harems found in the lives of the wealthy persons, rulers and sultans.

Furthermore, Islam has emphasized that taking advantage of this permission is conditional on the observance of complete equitability between the wives. This precondition requires the presence of a special spirit in the man. If he lacks it, he is not allowed to take more than one wife.

In the end, it is to be pointed out that the basic objective of conjugal life in Islam being the contentedness of the family members and mutual love and benevolence of the husband and wife, the best and the most satisfactory form of marriage is naturally monogamy. Hence the men should avail themselves of the permission of polygamy only in very exceptional circumstances.

Rights and Responsibilities of Husband and wife



Functions of the Family

Economic

- * financial support
- * allocation of resources to meet family needs

Protection

- * provide for physical care and development of members
- * food, shelter, clothing
- * safe home environment, safe lifestyle

Affection

- * provide for emotional care and development of members
- * nurturing, development of self-esteem
- * show love, affection, empathy, respect, and trust
- * guidance, discipline, reassurance, encouragement

Procreation

- * reproduction, recruitment and release of family members

Education

- * provide for cognitive development
- * teach laws and customs of the community
- * transmission of culture
- * preventative behaviours such as street proofing and coping with stress

Socializing

- * companionship of family members, responsibility to each other
- * maintenance of social order, division of labour
- * placement and involvement of members in society at large

Recreation

- * provide for a variety of leisure experiences and play
- * fun, exercise, sports, entertainment, shopping

Spiritual

- * religion, moral development, values, faith

(Adapted from: Delores Curran, (1983). Traits of a healthy family. What to do regarding nurturing human development (1983) Ohio Department of education)

Traits Found in Healthy Families**1. Communicates and listens**

- * balance of power between spouses
- * listens and responds
- * attends to non verbal communication
- * encourages independent thinking
- * has a pattern of reconciliation

2. Affirms and supports one another

- * affirmation by all family members
- * support without pressure

3. Teaches respect for others

- * accepts individual differences
- * shows respect for people and property outside the family too.

4. Develops a sense of trust

- * spouses trust each other
- * children earn trust gradually
- * broken trust can be restored

5. Has a sense of play and humour

- * spends play time together with minimal expense
- * uses humour positively
- * takes charge of stress

6. Exhibits a sense of shared responsibility

- * responsibility relates to self-esteem

- * members live with effects of lack of responsibility

7. Teaches a sense of right and wrong

- * spouses share important values
- * members are responsible for their own moral behaviour

8. Has a strong sense of family in which rituals and tradition abound

- * tells their family histories to the children
- * values traditions and rituals

9. Has a balance of interaction among members

- * family time is a priority
- * member alliances are discouraged

10. Has a shared religious core

- * shared spirituality strengthens family support
- * faith is passed on positively and meaningfully

11. Respects the privacy of one another

- * respects individuals regardless of age, gender, or any other reason
- * moves from parental rules to mutually set rules.
- * respects friends, time alone, secrets, fads, private space

12. Values service to others

- * serves others and volunteers without negative impact on family,
- * is empathetic and hospitable
- * restrains its lifestyle, is not extravagant

13. Fosters family table time and conversation

- * it is important to have meal times together
- * meal time is positive

14. Shares leisure time

- * spends time alone with individual members
- * balances collective leisure time

- * plans and prioritizes family time and activities

15. Admits to and seeks help with problems

- * expects stress and problems as normal
- * develops problem-solving strategies

NOTE:

There are no families having all 15 traits; rather these are the most common traits found in healthy families. Knowing more about these traits can help families focus on their joys and strengths, rather than the weaknesses which are often too easily identified.

Am I Ready for Parenting?

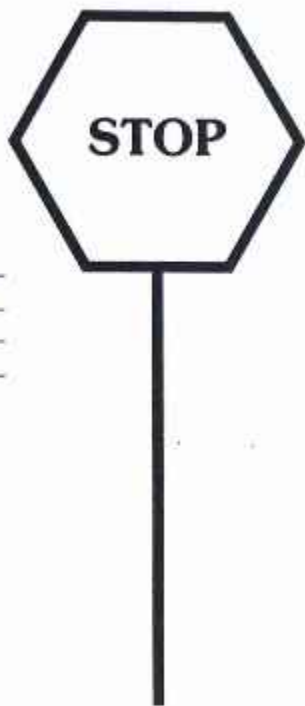
| Decide how you would feel doing the following tasks | Would enjoy this | Wouldn't mind this | Wouldn't like this | Wouldn't hate this |
|---|------------------|--------------------|--------------------|--------------------|
| Rocking the baby | | | | |
| Giving the baby a bath | | | | |
| Making the baby's a formula/food | | | | |
| Changing the baby's clothes | | | | |
| Listening to baby coo gurgle, make noises | | | | |
| Watching the baby play with a toy | | | | |
| Taking care of the baby when I am sick | | | | |
| Holding the baby | | | | |
| Burping the baby | | | | |
| Changing the baby's diaper | | | | |
| Taking baby for strolls, or outside to play | | | | |
| Knowing the baby is completely dependent on me for everything | | | | |
| Cleaning the baby when he/she gets food in hair or on clothes | | | | |
| Holding the baby when he/she cries | | | | |
| Giving the baby a bottle | | | | |
| Having the baby spit up on me | | | | |
| Listening to the baby cry loudly when he/she is hungry or mad | | | | |
| Getting up during the night to feed or take care of the baby | | | | |
| Watching the baby sit up for the first time | | | | |

Children

Am I Ready For Parenting?
(cont'd)

- 1 How many answers did you have in each of the four categories

I would enjoy this _____
 I wouldn't mind this _____
 I wouldn't like this _____
 I would hate this _____



- 2 Which 3 tasks would you enjoy the most? Explain why:
- 3 Which 3 tasks would you hate? Explain why:
- 4 Looking at your answers what type of attitude do you feel you would have in caring for a baby?
- 5 Do you feel you will be ready to be a parent within the next 3 year? Explain why:

Opinionnaire: Attitudes Toward Parenting

Most people have very strong feelings about the role of a parent. Express your opinion regarding each statement below. Give reason for your opinion (if Possible)-

1. Any one who plans and wants children is a good parent.
2. Mothers should take care of the children.
3. Caring for a child(ren) requires practice and education so that the parent provides the best care possible,
4. Children make life happier for parents.
5. Children are so expensive that few people can afford to parent in Canada today.
6. Parents should expect to give up personal needs & wishes for their children.
7. If a couple decides to have one child only, that child should be a boy to carry on the family name.
8. Children rarely need discipline if the parents are doing their job properly.
9. Parents should not divorce for the sake of the children
10. If one parent really wants a child the other parent should go along with his/her wishes.

Nutritional deficiencies during pregnancy can cause poor brain cell and structure development in the fetus which leads to decrease mental capacity for the rest of the child's life. Malnutrition immediately after birth also has similar influences on the child. Next to heredity, diet plays an important role in the development of a healthy full term baby. Nutritional deficiencies may result from a mother's poor diet, a vitamin or mineral deficiency, metabolic defect in the mother or child, and they can be because of mental retardation, low birth weight, and smaller head size. Women who are at higher risk for fetal malnutrition include adolescents with low pre-pregnancy weight, women with poor weight gain during pregnancy, women with low incomes, dietary faddists, and women with diseases such as diabetes, anaemia, T.B., Alcoholism or drug addiction that influence nutrition. Malnourished pregnant women have miscarriages, premature births, and newborn death is more often than those following healthy nutritional practices.

Nutrient needs for pregnant women can easily be met through a balanced diet consisting of four servings of milk and milk products; two serving of meat, fish, poultry, and alternates, five servings of fruits, and vegetables; five serving of bread and cereals and limited use of extras limited use of extras (foods high in fat or sugar) Junk foods should be avoided if possible especially if they tend to be eaten in place of nutritious foods. Protein is especially important for the growth of all cells, including brain, blood, bone, and muscle. Increased blood supplies to carry nutrients to the fetus demand more iron and folic acid. Calcium and Vitamin D are essential for strong bones and teeth. Vitamin C provides for healthy skin and gums, as well as strong blood vessel walls. Vitamin A is necessary for healthy eyes and skin. Vitamin and mineral supplements should only be used on the advice of a doctor when food intake or body stores need assistance. Unsupervised or large quantities of supplements can be harmful to the fetus. Water is another nutrient that should be considered. Six to eight cups of fluids (including soup, juice, and milk) should be consumed daily to carry nutrients to cells, carry away wastes, and keep body temperature regulated. Salt used to be restricted during pregnancy but has since been found a necessary part of the diet. It is best to follow regular habits with moderation.

By the fourth month, calorie needs will increase to about 300 calories more per day. Average weight gain during pregnancy is 9-16 kg (20-5 lbs). Underweight women and those expecting twins should be in the upper

range, while the lower range is recommended for overweight women. The more weight put on above this range, "the harder it is to take off after the baby is born (It usually takes 2 to 10 months to return to normal weight)

Weight loss should never be attempted during pregnancy. The rate of weight gain should be slow and steady. Approximately 1-2 kg (2-4 lbs) in the first three months and about 1/3-1/2 kg (3/4-1 lb.) per week during the last six months. A rapid increase in weight should be reported to the doctor or public health nurse as it may be a warning sign. An average weight gain of 11.5 kg (25 lbs) is distributed to baby (30%), placenta (6%), amniotic fluid (8%), uterine size increase (8%), breast size increase (4%), blood volume increase (13%), increase in fluid between cells (13%), and mother's stored reserves (18%). Excessive weight gain puts pregnant women at risk of high blood pressure and other complications.

Morning sickness or nausea is a common symptom of pregnancy. It can often be eased by diet and rest. Crackers can be eaten at time when nausea usually occurs, such as first thing in the morning. Smaller more frequent meals are more helpful than three large meals. Fluids and solids should be consumed separately, rather than together. Reduce in take of fat, fried foods, spicy foods, coffee, tea, and alcohol. Dress comfortably and get plenty of rest during the day as well as at night. Constipation and heart burn are other symptoms that can also be eased & by diet. The doctor and public health nurse are always available for more advice.

From a nutritional standpoint, it is recommended that a subsequent pregnancy begin at least 24 months after the first one so the body has enough time to replenish its nutritional supplies and the mother is well rested.

Your Opinion: Responsibilities of Parenthood

1. Do you think that a young couple should have children immediately upon marriage? Explain.
2. What should a young couple clarify or agree upon before they decide to have children?
3. Imagine that you and your partner are anxious to have children but both of you are reluctant and a little scared. What might you do
 - a) reluctant?
 - b) scared?
4. What makes being a parent a full-time job ?
5. List the material needs of a NEW baby
6. How does a young couple's life change when they have a new baby?
7. Do you feel that all couples need children? Explain

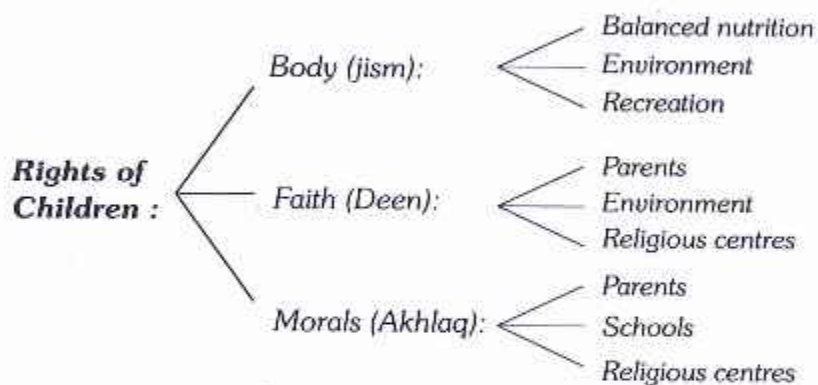
Family Issues

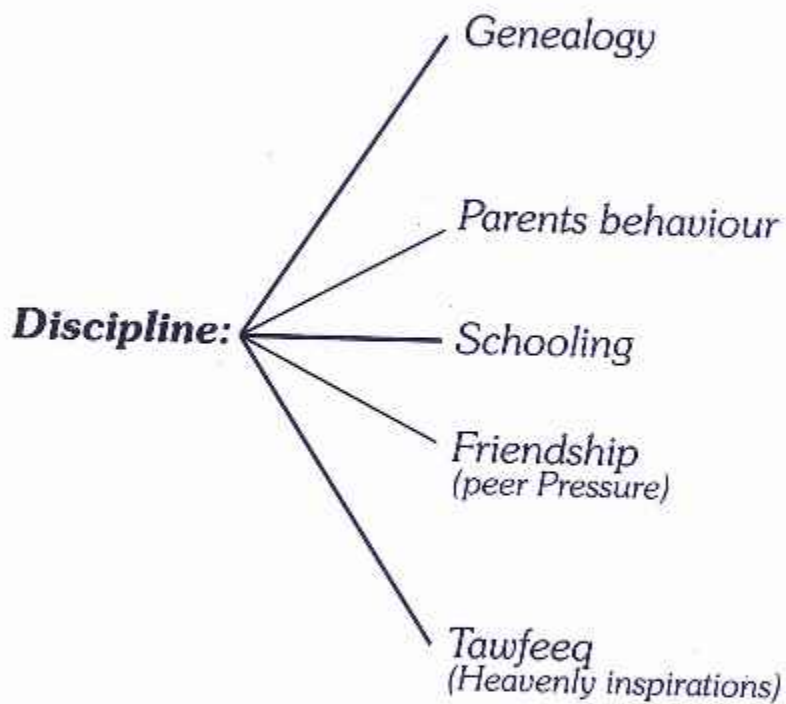
1. Aging of Population
 - responsibility for adolescents and aging parents at the same time (the sandwich generation)
2. Teen parenting
 - children are often at higher risk for a variety of problems
3. Child abuse and neglect
 - lack of knowledge and unrealistic expectations of children
4. Balancing work and family
 - dual career families, problems at home affect work
5. Health care costs
 - higher costs reduce availability to all
6. Aids
 - will increasingly affect families, creates health care issues
7. Single parents
 - often need social assistance, greater demands on the extended family
8. Drug abuse
 - parents as well as adolescents may be abusers
9. Shortage of resources
 - financial issues, environmental issues
10. Stress and time management
 - families cannot expect to "do it all"
11. Youth suicide
 - increasing inability to deal with life's problems
12. Step parenting
 - combined families must consider all members' needs

OTHER IMPLICATION FOR THE FUTURE

- family size shrinking, more couples without children, later marrying age, higher divorce and remarriage rate, increasing cohabitation with out marriage.

Rights of Children :





In Islam, marriage has strict limits in regards to recreation. This is for the benefit of the family and the society as a whole. Recreation is the time when a family spend together in an activity. In marital relationship, both the couple encounter frustrating and difficult moments. They need to forebear angry outbursts by working together and making one effort.

It is a very good practice for the couple to go toget her daily out in a peaceful place such as a park for a walk. Usually during the evenings after the say's work and dinner. This practice will give an opportunity to discuss progress and problems to both partners. They can relate to each other about the events during the day.

Once a day, it is a wise thing for the couple together with their children tosit together at home and eat and talk together. The children can be made to recite a few verses from the Holy Quran after which the parent(s) teach the children a little about religion. The sons can then be made to recite their prayers with their fathers and the daughters with their mothers.

These will contribute to good family relations and will keep the progress and welfare of the family in harmony. It will increase the obedience of the children and will encourage every member of the family to carry out his or her duties.

It is appropriate for the parents to take their children occasionally for a vacation to a picnic or cottage stay. This will relieve frustration built up at home from the duly busy life.

Islam desires to pull the family together when it comes to recreation in a matrimonial relationship rather than to entertain the society. A strong marital institution will have less problems and will yield successful future generations. Instead of going to the movies or concerts. Islamdirects marital relationship to spend time together to forgive and appreciate each other.

Islam emphasises exercise and sports in family life. There are lots of benefits of exercising and sports. They are part of recreation in a family life. A healthy active couple and their children have strong ties of caring for each other. Good health in a family encores happiness.

As a family activity, exercise strengthens bones and muscles and enables the family to work hard together. Body exercise increases the hopes of having healthy strong children. It also releases frustration and anger.

Encouraging the children to play a certain sport with the parents join in, incites the family members. It is a good practise to exercise or play sports as a whole family at least once a week. Such forms of recreation gives all the family members a healthy long life to live.

Responsibilities and Economy

With the birth of a child in a family new duties and responsibilities devolve on both, the father and the mother. As the child is related to both, each one of them has to shoulder a responsibility.

As the women have been naturally provided with a system of bearing and suckling the children, they have to undergo for about 3 years the vigour of pregnancy, delivery and nursing they have a special responsibility to look after the infant. It is evident that even after this period a child requires constant care and correct physical and moral fostering. In most cases he cannot attain the required spiritual growth and physical and mental development except under the caressing care of the mother. It is mother's deep love and tender affection accompanied by self-sacrifice which responds to the requirements of the child and nurtures his natural talents and faculties. Mother's lap is where a child receives his first education. A mother has to bear a very great responsibility of the care and basic training of the child. The wife should also help the husband as much as possible when the family is in need.

The husband being in charge of family affairs, bears a grave responsibility, which like other similar responsibilities requires a sort of self-sacrifice. The husband has certain rights for example the right of guardianship of the children till they attain puberty and that of giving consent to the marriage of his virgin daughter in addition to some other rights in connection with the management of domestic affairs. He has been trusted with all these responsibilities only to ensure the smooth running of the family affairs and to prevent the dissolution of the family structure. So if the husband violates the limits in any matter, his powers will be reduced and he will not have that influence which he should have if he plays his role properly. The principle that the necessities of life are to be provided by the husband,

is an important factor in bringing comfort to the woman and relieving her of earning her livelihood. It gives her an opportunity to play her part in arranging the domestic affairs more effectively and comprehensively. The principle should not be construed to justify man's un-restrained admonition over his wife and children.

Besides such moral commitments as the financial responsibilities the husband and wife have to satisfy the sexual needs of each other in a lawful manner, there are certain other basic and important principles which deeply affect the material life. In fact its success depends on their observation. They give a special charm and delightful character to the conjugal relations which otherwise have a material and dry form of give and take. In the Islamic teachings these principles have been summoned up in the following to maxims: A - Mutual trust, the practical manifestation of it being the cooperation between the husband and the wife in making their common life easy and smooth. B- Abstinence from every thing that may disturb their mutual confidence. The best wife is she who is sincerely affectionate and, according to the Islamic expression, "wadud", that is one who cooperates with her husband through the thick and thin of life and is helpful to him in all material and spiritual affairs. She should in no case add to his worries.

RIGHTS

Rights of Children:

"O Ali, as much rights of children are incumbent upon parents as there are rights of parents incumbent upon children."

Rights and duties are interrelated. The natural parental love was a sufficient swarthy for the upkeep, welfare and upbringing of the child. Islam prepared some wonderful guidelines for the parents.

Rights of Parents:

Allah says in Hadith Qudsi "I swear by my Glory and Power that if a child disobeys his parents and comes to me with all the good deeds of the prophets, I will not accept them from him."

The parents proceed to the old age side by side with the progress of the children towards youth. The love and kindness of the parents and their efforts carrying for the children **MUST** be reciprocated by the children with

the obedience and help.

In this world, it is the parents who are the cause of the existence of the child, it is they who strive to bring it up, it is they who endeavour and look forward to take it to the height of perfection.

If there is anyone after the creator, who is directly responsible for the existence and progress of the child it is the parents. It is for this reason that the Qur'an has, in many places mentioned the obedience of the parents side by side with the Worship of Allah. There are a few rights mentioned in this ayat of Qur'an:

"And thy Lord hath decreed that you worship none but Him and that you be kind to your parents, (Behave kindly with them and do not compel them to bring their needs to your attention, but fulfil their requirements before they have to tell you, even though in reality they are not in need for your assistance). If one or both of them attain old age in your life (and become angry with you) say not to them a single word of contempt, and (if they beat you) repel not to them, but address them in humour and respect (say to them May Allah Forgive You) and, out of kindness, lower to them the wing of humanity (and whenever you look at them, look with a gentleness and kindness; do not raise your voice upon their voices, nor your hand above their hands, nor walk before them and say; My Lord, bestow on them thy Mercy even as they cherished me in childhood "
Qur'an 17:23

The rights that are explained here are; To cheerfully bear the hardship inflicted by the parents, to talk to them gently, and not to raise your hands upon their hand and not to deceive them in anyway, all these injunctions cover the obedience by the body To look at them with kindness and mercy and, always to ask God's mercy for them, show love. To fulfil their needs before their demands concerns the rights of Almighty God and parents reach a point of similarity.

During pregnancy, the mother gladly suffers such tremolos which the parental love can never endure. Islam is a natural religion, it has no where ignored the natural ways, it is for this reason that many Ayats specially refer to the troubles endured by the mothers.

In travail upon travail did his mother bear him, and in two years was his weaning (Qur'an, 31-14)

We have enjoyed on man kindness to his parents. In pain did his mother bear him, and in pain did she give him birth. The carrying of the child to his weaning is thirty months (Qur'an 46:15)

The holy prophet said "paradise is under the feel of mot hers." Rights of husband: Men are protector and maintainers of woman, because Allah has given them more (strength) than the other. And because they (men) support them (women) from their means (Qur'an 4:34)

This Ayat covers in a nut shell, all the principals of domestic life. A women, by nature is a weaker sex. As such she should not be expected to struggle for a livelihood instead a man should provide both. If home is kingdom, then the husband is the king and the wife his prime Minister. This phrase: "Allah has given them more than the other" refers to the natural strength of man in comparison to women.

A man is prohibited from marrying his wife's sister only so long as the other sister continues to be his wife. If that relationship terminated as the result of death or divorce, there is no objection to his marrying a sister of his former wife. Hence in this prohibition is not permanent. That is why wife's sister is not regarded as mahram for the purpose of looking at her or meeting her.

A mother in-law and father in-law should be taken care of usually the wife will dislike her in-laws. This should not be the case The wife should treat her in-laws as her parents The something applies to the husband. Usually the husband is living with his own parents and does not have much to argue with his in-laws about.

A brother in-law and a sister in-law should just be treated like a real brother or sister. Usually brother in-laws and sister in-laws get along with the wife and husband very well.

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یہ کتاب آپ کے پاس امانت ہے۔ اسے پڑھیں، اس کی حفاظت کریں اور
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