

# Marriage

**Issue No. 1-** The relation between a man and a woman becomes lawful (halal) by contracting marriage. There are two kinds of marriage:

(a) Permanent marriage.

(b) Fixed-time marriage.

**Issue No. 2-** Whether the marriage is permanent or fixed time (temporary), the formal formula must be pronounced. And the formula (Sigha) of the marriage contract should be pronounced either by the man and the woman themselves, or by a person who is appointed by them as their representatives to recite it on their behalf.

**Issue No. 3-** There is no objection for a man representing a woman or a woman representing a man to pronounce the marriage formula.

**Issue No. 4-** As long as the woman and the man are not certain that their representative has pronounced the formula, they will not be Halal to each other. However, if the representative is a trustworthy person and says that he has done so, it will be sufficient.

## The Method of Pronouncing the permanent Marriage Formula

**Issue No. 5-** It will be sufficient if in pronouncing the formula for permanent marriage, the woman says: “**Zawwajtuka nafsi ‘alas sidaqil ma’lum**” (i.e. I have made myself your wife on

the agreed Mahr [Dowry]), and then the man should immediately respond thus: **“Qabiltut tazwij”** (i.e. I accept the marriage).

And if they appoint other person to act as their representative for pronouncing the formula of marriage, it is sufficient if the representative of the woman says, **“Zawwajtu muwakkilati muwakkilaka ‘alas sidaqil ma’lum”**, (i.e. I have given my client to your client in marriage on the agreed Mahr), and thereafter the representative of the man should immediately respond thus: **“Qabiltut tazwija li muwakkili hakaza”**, (I accepted the same way the marriage on behalf of my client).

#### **The Method of Pronouncing the Fixed-time Marriage Formula**

**Issue No. 6-** It will be sufficient if in pronouncing the formula for temporary marriage, after having agreed on the period of marriage and the amount of Mahr, the woman says: **“Zawwajtuka nafsi fil muddatil ma’lumati ‘alal mahril ma’lum”** (i.e. I have made myself your wife for the agreed period and the agreed Mahr), and then the man immediately responds thus: **“Qabiltu”**, (i.e. I have accepted), or if the representative of the woman says, **“Zawwajtu muwakkilati muwakkilaka fil muddatil ma’lumati ‘alal mahril ma’lum”**, (i.e. I have given my client to your client in marriage for the agreed period and the agreed Mahr), and thereafter the representative of the man should immediately respond thus: **“Qabiltu li muwakkili hakaza”**, ( I also accepted the same way on behalf of my client ).

## **Conditions of Pronouncing Nikah**

**Issue No. 7-** There are certain conditions for the Nikah recited for marriage. They are as follows:

**1-** The formula of marriage contract should be recited in correct Arabic. And if the man and the woman cannot pronounce the formula in correct Arabic, they should appoint representatives who can recite it in Arabic. But if they cannot recite it in Arabic and they also cannot find qualified representatives, then they can pronounce the formula of marriage contract in any other language, but the words in the other language must convey the meaning of the Arabic formula.

**2-** The one who recites the formula should have the intention of Insha' (i.e. reciting it in a creative sense, making it effective immediately). In other words, their intention by uttering these words should be that she effectively makes herself the wife of the man, and the man effectively accepts her as his wife. The representative should also have the same intention.

**3-** The person who pronounces the Nikah should be sane, and he should also be Baligh, though he may represent someone else.

**4-** In pronouncing the Nikah, the representatives should specify the man and the woman.

**5-** The woman and the man should be willing to enter into matrimonial alliance.

**Issue No. 8-** If a girl has reached the age of Bulugh (puberty) and is mature, (i.e. she can decide what is in her own interest) wishes to marry, she should, as a precaution, obtain permission from her father or parental grandfather. However, if the father refuses to grant permission to her for marrying a suitable man and compatible to her, then, his permission is not necessary. Similarly, it is not necessary to obtain permission if there is no access to her father or parental grandfather, if she is eager to get married urgently. If the girl had already married and later divorced or became widowed, her father or parental grandfather's permission is not necessary for the new marriage.

### **Occasions Nullifying Nikah**

**Issue No. 9-** If the man comes to know after Nikah that his wife has one of the following seven deficiencies, he can annul the marriage:

1- Insanity.

2- Leprosy.

3- Leucoderma.

4- Blindness.

5- Being crippled in a way that is evident.

6- 'Ifdha' meaning that the woman's urinary and menstrual tracts have become one.

7- Presence of flesh or a bone or a gland in the woman's uterus which obstruct sexual intercourse.

**Issue No. 10-** A woman can also annul the Nikah in the following cases:

**1-** Insanity of the husband **2-** Having no male organ **3-** Being incapable to have sexual intercourse **4-** His testicles have been removed.

If she finds Leprosy and Leucoderma in her husband and she did not know that before marriage, she can get separated from him. And as an obligatory precaution, the husband should become satisfied to divorce her. If he did not accept the divorce, then the Mujtahid should do that.

**Issue No. 11-** If the wife annuls the marriage because of the husband's inability to have sexual intercourse, the husband should give her half of her Mahr. But, if the man or the wife annuls the marriage because of one of the other deficiencies enumerated above, and if the marriage has not been consummated, he will not be liable for anything. But if the marriage was consummated, he should pay her full Mahr.

**Issue No. 12-** If the man and the woman know the deficiencies enumerated above after marriage, and then the marriage has been consummated intentionally, they lose their right to Nullify Nikah.

### **Women With Whom Matrimony is Haraam**

**Issue No. 13-** Matrimonial relation is haraam with women who are one's Mahram, for instance, mother, daughter, sister, paternal aunt, maternal aunt, niece (one's brother's or sister's daughter), wife of one's father, daughter of one's wife and mother-in-law.

**Issue No. 14-** If a man marries a woman, even if he may not have had sexual intercourse with her, then her mother, her mother's mother her father's mother and all the women as the line ascends are his Mahram. However, the daughter of one's wife will become haraam to that man if he has had sexual intercourse with her.

**Issue No. 15-** The parental and maternal aunt of a man and the parental and maternal aunt of his father and the parental and maternal aunt of his paternal grandfather and the parental and maternal aunt of his mother, and the parental and maternal aunt of his maternal grandmother, as the line ascend, are all his Mahram.

**Issue No. 16-** The husband's father and his grandfather, however high they go, and his sons and grandsons, however low they go, are all **Mahram** to her.

**Issue No. 17-** If a man marries a woman he cannot marry her wife's sister, as long as she is his wife. Even after divorce, as long as she is in the waiting period, if it is the waiting period for revocable divorce (details of which will be found in section on divorce), and as a recommended precaution, he cannot marry her in the waiting period of the temporary marriage.

**Issue No. 18-** A man cannot marry the niece of his wife without her permission.

**Issue No. 19-** A Muslim woman cannot marry a non-Muslim man.

**Issue No. 20-** In temporary marriage, the duration of the period and the amount of Mahr should have been specified, and without these two points, it will be void.

### **Rules Regarding Looking At Non-Mahram**

**Issue No. 21-** It is haraam for men to look at the hair and the body of the Non-Mahram women, except the faces and the hands up to the wrists of such women.

**Issue No. 22-** It is Wajib for women to cover their bodies and their hair from Non-Mahram men. However, it is not necessary to cover faces and hands up to wrists.

**Issue No. 23-** It is permissible for a male doctor to look at a Non-Mahram woman for treatment if it is necessary.

**Issue No. 24-** It is permissible for a man to look at a woman he intends to marry in order to find out about her beauty or her defects, if she agrees.

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