



Islamic Marriage Program

The Mutual Marital Rights

Firstly: The Rights of the Wife

Financial rights:

1. The Mahr (dowry): This is the money to which the wife is entitled from her husband when the marriage contract is completed or when the marriage is consummated. It is a right which the man is obliged to pay to the woman. Allah says (interpretation of the meaning): ***“And give to the women (whom you marry) their Mahr (obligatory bridal-money given by the husband to his wife at the time of marriage) with a good heart”*** [al-Nisaa’ 4:4] The prescription of the Mahr demonstrates the seriousness and importance of the marriage-contract, and is a token of respect and honor to the woman. The Mahr is not a condition or essential part of the marriage-contract, according to the majority of fuqahaa’; rather it is one of the consequences of the contract. If the marriage-contract is done without any mention of the Mahr, it is still valid, according to the consensus of the majority, because Allah says (interpretation of the meaning): ***“There is no sin on you, if you divorce women while yet you have not touched (had sexual relation with) them, nor appointed unto them their Mahr (bridal-money given by the husband to his wife at the time of marriage)”*** [al-Baqarah 2:236] The fact that divorce is permitted before consummation of the marriage or before stipulating the Mahr indicates that it is permissible not to stipulate the Mahr in the marriage-contract. If the

Mahr is stipulated, it becomes obligatory upon the husband; if it is not stipulated, then he must give the Mahr that is given to women of similar status to his wife.

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2. Spending: The scholars of Islam agreed that it is obligatory for husbands to spend on their wives, on the condition that the wife makes herself available to her husband. If she refuses him or rebels, then she is not entitled to that spending. The reason why it is obligatory to spend on her is that the woman is available only to her husband, because of the marriage contract, and she is not allowed to leave the marital home except with his permission. So he has to spend on her and provide for her, and this is in return for her making herself available to him for his pleasure. What is meant by spending is providing what the wife needs of food and accommodation. She has the right to these things even if she is rich, because Allah says (interpretation of the meaning): *“but the father of the child shall bear the cost of the mother’s food and clothing on a reasonable basis”* [al-Baqarah 2:233] *“Let the rich man spend according to his means; and the man whose resources are restricted, let him spend according to what Allah has given him”* [al-Talaaq 65:7] The Prophet (peace and blessings of Allah be upon him) said to Hind bint ‘Utbah – the wife of Abu Sufyaan – who had complained that he did not spend on her: *“Take what is sufficient for you and your children, on a reasonable basis.”* It was narrated that ‘Aa’ishah said: “Hind bint ‘Utbah, the wife of Abu Sufyaan, entered upon the Messenger of Allah (peace and blessings of Allah be upon him) and said, ‘O Messenger of Allah, Abu Sufyaan is a stingy man who does not spend enough on me and my children, except for what I take from his wealth without his knowledge. Is there any sin on me for doing that?’ The Messenger of Allah (peace and blessings of Allah be upon

him) said, ‘Take from his wealth on a reasonable basis, only what is sufficient for you and your children.’” (Narrated by al-Bukhaari, 5049; Muslim, 1714)

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3. Accommodation: This is also one of the wife’s rights, which means that her husband should prepare for her accommodation according to his means and ability. Allah says (interpretation of the meaning): **“Lodge them (the divorced women) where you dwell, according to your means”** [al-Talaaq 65:6]

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- Non-financial rights:

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4. Kind treatment: The husband must have a good attitude towards his wife and be kind to her, and offer her everything that may soften her heart towards him, because Allah says (interpretation of the meaning): **“and live with them honorably”** [al-Nisaa’ 4:19] **“And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable”** [al-Baqarah 2:228] It was narrated that Abu Hurayrah (may Allah be pleased with him) said: **“The Messenger of Allah (peace and blessings of Allaah be upon him) said: ‘Be kind to women.’”** (Narrated by al-Bukhaari, 3153; Muslim, 1468).

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There follow examples of the kind treatment of the Prophet (peace and blessings of Allah be upon him) towards his wives:

- It was narrated from Zaynab bint Abi Salamah that Umm Salamah said: “I got my menses when I was lying with the Prophet (peace and blessings of Allah be upon him) under a single woollen sheet. I slipped away and put on the clothes I usually wore for menstruation. The Messenger of Allah (peace and blessings of Allah be upon him) said to me, ‘Have you got your menses?’ I said, ‘Yes.’ Then he called me and made me lie with him under the same sheet.” She said: And she told me that the Prophet (peace and blessings of Allah be upon him) used to kiss her when he was fasting, and the Prophet (peace and blessings of Allah be upon him) and I used to do ghusl to cleanse ourselves from janaabah from one vessel. (Narrated by al-Bukhaari, 316; Muslim, 296)

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- It was narrated that ‘Urwah ibn al-Zubayr said: “‘Aa’ishah said: ‘By Allah, I saw the Messenger of Allah (peace and blessings of Allah be upon him) standing at the door of my apartment when the Abyssinians were playing with their spears in the Mosque of the Messenger of Allah (peace and blessings of Allah be upon him). He covered me with his cloak so that I could watch their games, then he stood there for my sake until I was the one who had had enough. So you should appreciate the fact that young girls like to have fun.’” (Narrated by al-Bukhaari, 443; Muslim, 892)

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- It was narrated from ‘Aa’ishah the Mother of the Believers (may Allah be pleased with her) that the Messenger of Allah (peace and blessings of Allah be upon him) used to pray sitting down; he would recite Qur’an when he was sitting down, then when there were thirty or forty Ayahs left, he would stand up and recite them standing up. Then he did

rukoo', then sujood; then he would do likewise in the second rak'ah. When he had finished his prayer, he would look, and if I was awake he would talk with me, and if I was asleep he would lie down. (Narrated by al-Bukhaari, 1068)

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5. Not harming one's wife: This is one of the basic principles of Islam. Because harming others is haraam in the case of strangers, it is even more so in the case of harming one's wife. It was narrated from 'Ubaadah ibn al-Saamit that the Messenger of Allah (peace and blessings of Allah be upon him) ruled, *"There should be no harming nor reciprocating harm."* (Narrated by Ibn Maajah, 2340)

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Secondly: The Rights of the Husband

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1. The obligation of obedience: Allah has made the man a qawwaam (protector and maintainer) of the woman by commanding, directing and taking care of her, just as guardians take care of their charges, by virtue of the physical and mental faculties that Allah has given only to men and the financial obligations that He has enjoined upon them. Allah says (interpretation of the meaning): ***"Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means"*** [al-Nisaa' 4:34] 'Ali ibn Abi Talhah said, narrating from Ibn 'Abbaas: ***"Men are the protectors and maintainers of women"*** means, they are in charge of them, i.e., she should obey him in matters of obedience that Allah has enjoined upon her, and obey him by treating his family well and taking care of his wealth.

This was the view of Muqaatil, al-Saddi and al-Dahhaak.(Tafseer Ibn Katheer, 1/492)

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2. Making herself available to her husband: One of the rights that the husband has over his wife is that he should be able to enjoy her (physically). If he marries a woman and she is able to have intercourse, she is obliged to submit herself to him according to the contract, if he asks her. That is after he gives her the immediate mahr, and gives her some time – two or three days, if she asks for that – to sort herself out, because that is something that she needs, and because that is not too long and is customary. If a wife refuses to respond to her husband’s request for intercourse, she has done something haraam and has committed a major sin, unless she has a valid shar’i excuse such as menses, obligatory fasting, sickness, etc. It was narrated that Abu Hurayrah (may Allah be pleased with him) said: “The Messenger of Allah (peace and blessings of Allah be upon him) said: ‘When a man calls his wife to his bed and she refuses, and he went to sleep angry with her, the angels will curse her until morning.’” (Narrated by al-Bukhaari, 3065; Muslim, 1436)

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3. Not admitting anyone whom the husband dislikes: One of the rights that the husband has over his wife is that she should not permit anyone whom he dislikes to enter his house. It was narrated from Abu Hurayrah (may Allah be pleased with him) that the Messenger of Allah (peace and blessings of Allah be upon him) said: “It is not permitted for a woman to fast when her husband is present without his permission, or to admit anyone into his house without his

permission.....” (Narrated by al-Bukhaari, 4899; Muslim, 1026)

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4. Not going out of the house except with the husband’s permission: One of the rights of the husband over his wife is that she should not go out of the house except with his permission. The Shaafa’is and Hanbalis said: she does not have the right to visit (even) her sick father except with the permission of her husband, and he has the right to prevent her from doing that... because obedience to the husband is obligatory, and it is not permitted to neglect an obligatory action for something that is not obligatory.

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5. Serving her husband and treating him in a good manner: Shaykh al-Islam Ibn Taymiyah said: She is obliged to serve her husband according to what is reasonable among people of similar standing. That varies according to circumstances: the way in which a Bedouin woman serves (her husband) will not be like the way of a town-dweller, and the way of a strong woman will not be like the way of a weak woman. (al-Fataawa al-Kubraa, 4/561) The wife is also obligated to treat her husband in a good manner, because Allah says (interpretation of the meaning): “*And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable*” [al-Baqarah 2:228] Al-Qurtubi said: It was also narrated from him – i.e., Ibn ‘Abbaas – that this means: they have the right to good companionship and kind and reasonable treatment from their husbands just as they are obliged to obey the commands of their husbands. And it was said that they have the right that their husbands should not

harm them, and their husbands have a similar right over them. This was the view of al-Tabari. Ibn Zayd said: You should fear Allah concerning them just as they should fear Allah concerning you. The meanings are similar, and the Ayah includes all of that in the rights and duties of marriage. (Tafseer al-Qurtubi, 3/123-124)

*I, hereby, certify that I have read and understand mutual marital rights
and I am committed to abide by them.*

Applicant Name: _____

Applicant Signature: _____

Date: _____