

# Family: Social Interaction and Marriage

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## Introduction

Family is the core pillar of Muslim society, where the individuals are shaped and prepared to live a holistic ethical life that leads to the success of Muslim *Ummah* and its attainment of the pleasures and blessings of Allah in life and the day after. An Islamic functional and well-balanced family is the very foundation of a happy life and is the basis for an advancing civilization that based on knowledge and ethics.

The Muslim family generates a community that interacts through different aspects of life; socially, culturally, economically, politically, and so on. Therefore, it is very important to have religious ethical rules and regulations that control the social interaction and the general life of the Muslim *Ummah* towards pleasing Allah and achieving harmony and peaceful co-existence among Muslim society and the general fraternities of the human being at large.

## Principles of Social Interaction in Islam

Social interaction indicates to the way individuals behave when they meet each other in a manner that involves verbal or non-verbal communication. Thus, the Islamic principles of social interaction refer to the ethical principle values of social interaction that govern social relations among different genders and how they should dress and appear to each other as per the Islamic dress code. They also cover the broad interaction of Muslim community with its Muslim or non-Muslim members in the world.

The Islamic social interaction has foundational religious and ethical standards that established on the following values:

**1- Islamic Brotherhood:** It is a strong knotted bond and brotherhood that based on common faith in Islamic religion that unites all Muslims in the world.<sup>1</sup>

**2- Good Conduct (*Husn al-Khuluq*):** it refers to treating people with good morals; by treating them the way a person would like others to treat him. *Husn al-Khuluq* may be referred sometimes as *Adab* which means to comfort the people in such a manner that they are comforted and not inconvenienced in anyway.<sup>2</sup>

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<sup>1</sup> ‘Abd al-Qādir Aḥmad ‘Aṭā, *Hādha Ḥalālun wa Ḥādha Ḥarāmum* (Cairo: Dār al-Faḍīlah, 1975), 260.

<sup>2</sup> Mawlana Muhammad Salim Dhorat, *Good conduct and Social behavior* (Leicester: At-tazkiyah, 2012), 14.

- 3- Balance:** It is to adopt a balanced approach in all matters of life, including faith, ethics, law, home, work, public and everything in between. The Muslim should avoid both favoritism or nepotisms in his relations with his Muslim brothers, sisters and other people.<sup>3</sup>
- 4- Justice and Integrity:** Justice (*‘adl*) is a combination of moral and social values denoting fairness, balance, temperance and straightforwardness<sup>4</sup>, while integrity indicates to honesty, sincerity, and adherence to moral and ethical principles in all aspects of life.
- 5- Multi-Dimensional Responsibility:** The Muslim should balance his responsibility between his personal rights, duties towards family and community, and the religious obligations in a manner that achieves both worldly and spiritual objectives.<sup>5</sup>
- 6- Pluralism and Tolerance:** Pluralism and tolerance are Islamic principles which the *Qur’ān* and *Sunnah* have expressed them very well.<sup>6</sup> Thus, the Muslim *Ummah* should have ability to interact and work ethically with non-Muslim members of the society and tolerate their faiths and ways of life.
- 5- Al-Amr bi al-Ma’rūf wa al-Nahy ‘an al-Munkar:** Promoting virtues and fighting against evils within Muslim populations is an Islamic core principle that is glorified and honoured by the *Qur’ān* and *Sunnah*.<sup>7</sup> Therefore, Muslim societies are encouraged to utilize it to enhance the ethical standards of the entire Muslim *Ummah*.

### **Rules of Social Interaction in Islam**

Social interaction among genders in Islam has specific guidelines which are taken from the teachings of *Qur’ān* and *Sunnah*. In general, interactions between people of different sexes for the purposes of daily living are permissible as long as they do not involve doing unlawful acts (*Ḥarām*). Islamic Law regulates interactions between men and women with legal controls that protect honor, ensure chastity and purity, prevent immorality and block the means to indecency.

The following are the major Islamic guidelines on social interaction between opposites sexes:

#### **1- Covering Intimate Parts (*‘Aurah*)**

*‘Aurah* refers, literally, to everything that Allah has forbidden to reveal in front of someone who is not permitted to look at it. Covering *‘Aurah* is compulsory for both genders in Islam because

<sup>3</sup> Allah called for “Balance” in many Quranic verses including: *Sūrat al-Baqarah*; 2: 143.

<sup>4</sup> Majid Khadduri, *The Islamic Conception of Justice* (Baltimore: The Johns Hopkins University Press, 1984), 5-8.

<sup>5</sup> Muḥammad Ibn Isma‘īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* (Beirut: Dār Ibn Kathīr, 2002), ḥadīth no. 1968.

<sup>6</sup> See *Sūrat al-Baqarah*; 2:256 and *Sūrat Hūd*; 11:118-119.

<sup>7</sup> See *Sūrat al-Tawbah*; 9: 71,

revealing it in front of others is a violation of the laws of *Sharī'ah*, human character and public morals and leads to the spread of major evils that corrupt society and cause it to become dysfunctional. If a person exposes his private parts and is not ashamed before Allah, he does not have the moral qualities that qualify him to treat other people well.<sup>8</sup>

The Prophet (s.a.w.) said on covering *'Awwrah*, as narrated by *Bahz Ibn Ḥakīm* (r.a.):

عَنْ بَهْزِ بْنِ حَكِيمٍ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ((أَحْفَظُ عَوْرَتَكَ إِلَّا مِنْ زَوْجَتِكَ أَوْ مَا مَلَكَتْ يَمِينُكَ)) فَقُلْتُ: يَا رَسُولَ اللَّهِ أَفَرَأَيْتَ إِنْ كَانَ الرَّجُلُ خَالِيًا؟ قَالَ: «فَاللَّهُ أَحَقُّ أَنْ يَسْتَحْيِيَ مِنْهُ»

“*Bahz Ibn Ḥakīm* (r.a.) said that his father told on the authority of his grandfather that the Messenger of Allah said: “Keep your private parts hidden from everyone except your wife and those who you possess them.” Then I questioned: Messenger of Allah, what should one of us do if he finds himself alone? He answered: “Allah is more entitled to shy from him than the people.”<sup>9</sup>

The limits of the *'Awwrah* for the man is the area between the navel and the knee<sup>10</sup> as the minimum area to be covered in case when the person hasn't enough dress to cover his body, while the Muslim jurists agreed that the whole body of a woman is *'Awwrah* except the face and palms.<sup>11</sup> However, the Muslim male and female are encouraged to wear the best dress to enjoy the pleasures of Allah and to display how Islam exalted and glorified the Muslim believers.

Basing on that, looking to the private parts a human being is prohibited either within the same gender or with the opposite gender, hence it is a violation to the dignity of the person and his privacy, as per the guidelines of Prophetic Traditions.<sup>12</sup>

## 2- Complying with the Islamic Dress Code

The Islamic dress code applies the suitable dress code which should be worn by the Muslim males and females during their social interaction. Islam demands that the Muslims should take pride in their appearance, dress appropriately, uphold their dignity, and appreciate the things that

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<sup>8</sup> Muḥammad ‘Abd al-Azīz ‘Amr, *Al-Libāsu wa al-Zīnātu fī al-Sharī'ah al-Islāmiyya* (Beirut, Muassasatu al-Risālah, 1985), 46.

<sup>9</sup> Muḥammad Ibn Ḍīsa al-Tirmidhī, *Sunan al-Tirmidhī*, ḥadīth no. 2794.

<sup>10</sup> Uthmān Muḥammad Shaṭā al-Dimiyāṭī, *I'ānātu al-Ṭālibīn* (Cairo, Maṭba'atu Ḍīsa al-Bābī al-Halabī, 1356H), vol. 1, p.113.

<sup>11</sup> Muḥammad ‘Abd al-Azīz ‘Amr, *Al-Libāsu wa al-Zīnah*, 68.

<sup>12</sup> See Muslim Ibn al-Ḥajjāj al-Qushayrī, *Ṣaḥīḥ Muslim* (Riyadh: Dār Ṭāiba, 2006), ḥadīth no. 338.

Allah (s.w.t) has made for ornamentation and apparel. Islamic teachings hold that clothing has two functions: to cover the body and to enhance beauty.<sup>13</sup>

The dress of the Muslim male should meet the following conditions:

- 1- The dress should fully cover his 'Awrah.
- 2- It should be loose enough so as not to describe what they are covering.
- 3- It should be thick enough so as not to display the parts required to be covered.
- 4- It should not be designed in a way to attract attention and desires.
- 5- It should not be similar to what is known as the female dress.
- 6- It should not be similar to what could be identified as the dress of unbelievers.
- 7- The dress should not be clothes of fame, pride and vanity.<sup>14</sup>

On the other hand, the Muslim female dress should meet the following conditions:

- i. The dress should cover the entire body of the woman, excluding hands and face.
- ii. It should not display their adornments and charms.
- iii. It should be thick and heavy in order to prevent what is underneath from showing through and drawing attention from observers,
- iv. It should be loose, not tight, so that they do not describe any part of her body, attract the attention of others, or irritate temptations.
- v. The dress should not be perfumed to avoid stimulating the desire of the others.
- vi. It should not resemble men's clothing as woman's imitation of men is prohibited.
- vii. She should not dress in a manner to imitate non-Muslim women, as it is not permissible for Muslims to imitate non-believers in their dress, worship and holidays.
- viii. The dress should not be a dress of fame, or for the purpose of pride or ostentation.<sup>15</sup>

### **3- Abstaining from Illegal Friendship and Dating**

Islam allows legal interactions between genders that lead to getting to know each other and cooperating in realizing the individual and common interests of the Muslim *Ummah*.

On the other hand, the Muslim should be cautious about illegal friendships and dating between opposite genders. The terms pertaining to boyfriends, girlfriends, and dating, which have become

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<sup>13</sup> Yūssuf al-Qardāwī, *The Lawful and The Prohibited in Islam* (Al-Falah Foundation, 1960), 77.

<sup>14</sup> Jamal Badawi, "Woman and Men Dress in Islam", The Islamic Education & Services Institute, p. 3. Available at: [https://theislamicworkplace.com/wp-content/uploads/2007/08/men\\_women\\_dress.pdf](https://theislamicworkplace.com/wp-content/uploads/2007/08/men_women_dress.pdf), accessed 25 May, 2024.

<sup>15</sup> Muḥammad Nāsir al-Dīn al-Albānī, *Hijāb al-Mar'ah al-Muslimah fī al-Kitābi wa al-Sunnah* (Beirut: Al-Maktab al-islamī, 1985),15; Yūssuf al-Qardāwī, *The Lawful and The Prohibited in Islam*, 82-83.

fashionable even among Muslims, are borrowed from non-Muslims, and therefore, their practice by Muslim fellows is totally prohibited in Islam. In Islam, there is no such thing as a girlfriend-boyfriend relationship; you are either married or you are not.<sup>16</sup>

#### **4- Avoiding *Khalwah* in Separate Places**

*Khalwah* is an Arabic term meaning “a separate place which is not occupied by any person”. It denotes, literally, two non-*Maḥram* male and female who are in a separate or hidden place where they can have sexual intercourse without intrusion from others. *Khalwah* is prohibited by the *Sunnah* and consensus (*Ijmā'*) due to its negative impacts that lead to illegal consequences.<sup>17</sup>

The reason for the prohibition is to protect them from wrong thoughts and sexual feelings that naturally arise between a man and a woman when they are lone together without the fear of intrusion by a third person.<sup>18</sup>

#### **5- Taking Woman's Travel Precautions**

The woman in Islam is a respected member of the community with full jurisdiction to interact, transact and exercise all kinds of responsibilities as per the teachings of *Sharī'ah*. She is allowed to go out of the house to fulfill her religious obligations or exercise her normal duties after getting permission from her husband.<sup>19</sup> However, the Prophetic Traditions guide women to take some precautionary measures when travelling to remote areas for their safety and protection so that they may not be exposed to mistreatment that could damage their chastity and dignity, especially when the travel situation is difficult and safety measures are compromised.

The Muslim woman should adopt the following precautions when she intends to travel:

- 1- Taking permission from her husband. If the woman wants to go out of the house for reasonable reasons, she should get permission from her husband; who is recommended to accept her request so that he can help her fulfill her duties and responsibilities.<sup>20</sup>
- 2- Travelling with one of her *Maḥrams*, as guided by the *Sunnah*.<sup>21</sup>

If there is no *Maḥram* with her, she is allowed to travel with a trusted group of Muslim females and righteous companions, in comparison to some Muslim jurists who allowed women who have

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<sup>16</sup> Kabuye Uthman Sulaiman et al, *Ethics and Fiqh for Everyday Life* (Kuala Lumpur: IIUM Press, 2012), 74.

<sup>17</sup> Al-Tirmidhī, *Sunan al-Tirmidhī*, ḥadīth no. 2165.

<sup>18</sup> Al-Qarḍāwī, *The Lawful and The Prohibited in Islam*, 147.

<sup>19</sup> ‘Abd al-Karīm Zaidān, *Al-Mufaṣṣalu fī Ahkām al-Mar’ah* (Beirut: Mu’assat al-Risālah, 1993), Vol. 4, p. 33-35.

<sup>20</sup> Ibid, Vol. 4, p. 34-35.

<sup>21</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 3006, Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no. 1341.

no *Mahram* to go for *Hajj* with trusted Muslim companions.<sup>22</sup> Based on this, several Muslim scholars and jurists permitted the travel of woman without *Mahram* if her personal and religious safety is guaranteed because the goal is to protect the woman, and this is achieved by the safety of the road, and the presence of trustworthy companions, whether women or men.<sup>23</sup>

### **Family Institution**

Family is a social institution that relates together through a legitimate marriage, with each party's commitment to his duties and the rights of the other members of the family. Family is the most sacred social institution in Islam because it is the basic unit of the society and the foundation for multiplicity and the growth of the Muslim *Ummah* on the earth; in which the material and spiritual happiness flows. Furthermore, it is the nucleus and heart of society which plays a crucial role in re-shaping the moral, social, and spiritual development of individuals and the community. Thus, Islam laid a great emphasis on the family system and its ethical values.

The Qur'an and the Prophetic Traditions give the framework as well as the complete guidance on various aspects of family life, including marital ethics, parental responsibilities and the treatment of family members. The family that built on Islamic ethical principles serves as sacred institution that raises virtuous individuals and the basic foundation that holds firmly the other components of the Muslim society.

### **Family Roles and Principles**

The roles, objectives and functions of the family in Islam include the preservation and continuation of human race on the earth, protection of morals, fostering psycho-emotional stability, preaching love and kindness, promoting socialization and value-orientation, ensuring social and economic security, expanding the family's horizons, encouraging social cohesion and inspiring effort and sacrifice.<sup>24</sup>

The Muslim family, as a functional social institution, reflects the following principles that realize the afore-mentioned roles and objectives, as follows:

- 1- **Manifestation of *Khilāfah***: The Muslim family stands for the concept of *Khilāfah* (viceregency), where *Khilāfah* is impossible to exist without a man and a woman who reproduce to occupy the earth as vicegerents (*Khulafā*) and servants of Allah on the earth.<sup>25</sup>

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<sup>22</sup> See the comment of Al-Imām *al-Tirmidhī* in "*Sunan al-Tirmidhī*", after ḥadīth no. 1203.

<sup>23</sup> Yūssuf al-Qardāwī, *Al-Fatāwā al-Mu'āsirah* (Cairo: Maktabatu Wahbah, 2021), 582-586.

<sup>24</sup> Khurshid Ahmad, *Family Life in Islam* (Leicester: The Islamic Foundation, 1980), 18-26.

<sup>25</sup> *Sūrat al-Baqarah*; 2: 30-39, *Sūrat al-Hadīd*; 57: 25.

- 2- **Reflection of *Amānah*:** The family institution rotates around the concept of *Amānah* which involves the members' sincere relationship within the family, society, state and humanity at large and their loyalty to each other.
- 3- **Image of Responsibility:** Responsibility is a mutual accountability and cooperation that connects the Muslim family all together, where every member in the family feels and implements responsibilities that rest on his shoulder. This would make them work hard and cooperate to fulfil their mission on establishment of a perfect family unit.
- 4- **Self-driven Commitment:** The family is an ethical societal unit, with a high level of moral commitment to the ideal of *Khilāfah* and purposive orientation of all human behaviour. Its discipline is not an imposed discipline, but one that flows out of every individual's commitment to the values and ideals of Islam.
- 5- **Source of Psycho-Social Harmony:** The real Islamic family is the source of endless peace, love and accord among family members, which reflects on the entire society at the end. The *Qur'ān* states that Allah has created wives from our own kind, so that we share a harmonious happy life with them.<sup>26</sup>
- 6- **Fountain of Moral Values:** Family is the core ethical foundation of the *Ummah*, where the moral values are introduced and nurtured to the young generations of Islam, so that they live an ethical life that leads towards gaining pleasures of Allah and realizing the worldly and the hereafter welfares of the *Ummah*.

### **Marriage in Islam**

Marriage in Islam refers to a contract that legalizes cohabitation between a man and a woman and defines the rights and responsibilities of both of them.<sup>27</sup> It is a universal authentic law and a basic necessity that takes place among all living things, whether in plants or human beings. Marriage is a sacred exercise in Islam that provides means of fulfilling one's physical, emotional and spiritual needs in a lawful manner. It is both a civil contract and a fulfillment of divine commandment who created man and woman to exercise family life. The purpose of marriage is to live together in love, peace, harmony and co-operation. Thus, the couples are encouraged to love and help each other and raise their children to become true Muslims who represent the spirit of Islam.

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<sup>26</sup> See *Sūrat al-Rūm*; 30: 21.

<sup>27</sup> Muḥammad Abū Zuhra, *Al-Aḥwāl al-Shakṣiyya* (Cairo: Dār al-Fikr al-‘Arabī, 1957), 17.

Marriage has the aspects of being *‘ibādah* (worship) of Allah and the realization of the *Sunnah* of Prophet Muhammad (s.a.w.), who encouraged his *Ummah* to marry so that they shield themselves against unlawful temptations and desires. The Prophet (s.a.w.) said:

((يَا مَعْشَرَ الشَّبَابِ، مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَغْضُ لِلْبَصَرِ، وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ  
بِالصَّوْمِ، فَإِنَّهُ لَهُ وَجَاءٌ))

“O young men, whoever is able to satisfy his marital obligations should marry, for it lowers the gaze and protects one from immorality; but he who cannot afford it should observe fasting, for it is a means of curbing sexual desires.”<sup>28</sup>

### Steps of Marriage

Marriage has four steps, which should be undertaken carefully:

#### 1- Selection of Spouse

Before embarking on marriage and in order to guarantee a blessed and permanent marriage, the person is well encouraged to select a religious, compatible, capable, moderate and realistic spouse who fears Allah, observes the rights of members of the family and has the abilities to manage the challenges of life. Islam does not emphasize materialistic standards in selecting spouses, even though it acknowledges the human nature that pushes towards looking for beauty, money, or even position. Thus, it urges Muslim men and women to rank the characteristics of their proposed spouses according to their religiosity.

The Prophet (s.a.w.) said over the criterion for selection of a wife:

((تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ : لِمَالِهَا ، وَلِحَسْبِهَا ، وَلِجَمَالِهَا ، وَلِدِينِهَا ، فَاطْفَرْ بِدَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ))

“A woman is married for four reasons; for her wealth, for her nobility, for her beauty and for her religious commitment. So, marry a woman for her religion or you will be a loser”.<sup>29</sup>

Likewise, religion should be the most important attribute to the husband correspondingly, as the Prophet (s.a.w.) said: “when a man whose devotion to religion and good morals appeal to you, conveys to you a proposal for marriage, give the girl in marriage to him, If you didn’t do so, a great mischief and big strife will spread in the earth.”<sup>30</sup> If the husband is not a religious person, he

<sup>28</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 4779, Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no. 1400.

<sup>29</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 4802, Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no. 1466.

<sup>30</sup> Al-Tirmidhī, *Sunan Al-Tirmidhī*, ḥadīth no. 2165.



might prevent his wife from performing religious obligations, which is against the spirit of the Muslim family.<sup>31</sup>

## **2- Engagement Stage (*Khitbah*)**

Engagement is a promise of marriage that does not entail legal rights for both parties, and does not allow the man to undertake any relationship with the woman except looking at her outer parts in a way which encourage the fiancé to marry her without being alone or touching.

### **Etiquettes of Islamic Engagement**

The alternative Islamic legal exercise for the prohibited friendship and dating is to go through the Islamic engagement process (*Khitbah*), with following ethical rules and steps:

1. The person should consult with his family and entrusted religious companions over his marriage and the woman he wants to engage with so that he may not be deceived later.
2. He should do *Istikhārah* (prayer for seeking goodness) and pray to Allah (s.w.t.) and seek his guidance before he embarks on a certain female for engagement.
3. He should engage in the process seriously with good faith in fulfilling his family duties. Fake promises and engagements should be avoided.
4. It is permissible for the person to go for the guardian of his proposed wife (*Wali*) alone, but it is better to accompany some of his family members to show his seriousness in realizing the marriage.
5. It is encouraged to select a woman for marriage based on her religion and moral values.
6. It is recommended to look at the fiancée's face, hands and feet for satisfaction and confirmation because this may create love and affection among the two spouses.
7. Engagement is merely a promise that does not automatically entail marriage. If either of the two parties seems to withdraw for any reason he might consider, he has the right to do so with respect for the other party.
8. The two engaged persons are requested to consult each other over matters of the planned marriage until they are satisfied. If the proposal is approved by the families, they should praise Allah and agree on marriage preparations to realize their dreams in an ideal Islamic family.
9. There is no special dress for the engagement. Rather, it is recommended for the man to adorn himself and his clothes and for the woman to cover herself as per the Islamic dress code.<sup>32</sup>

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<sup>31</sup> Maulavi Ashiq Madani, *A Gift for Muslim Women* (New Delhi: Idara Isha'at-E-Diniyat, 2001), 472.

<sup>32</sup> ‘Abd al-Latīf al-Brejāwī, *Fiqh al-‘Ushrah al-Muslimah* (Hims: Dārul Irshād, 1426H), 17-23.

### 3- *Nikāh* Stage

*Nikāh* is a legal stage based on a proposal and acceptance (الإيجاب والقبول) agreement between the husband and the woman's guardian, in front of two righteous witnesses, with a specified dowry, whether mentioned in the contract sermon (خُطْبَةُ النِّكَاحِ) or not. This stage entails rights for both parties; where the woman legally deserves half of the dowry once the contract is concluded and the inheritance between them is also established upon the death of one of them.<sup>33</sup>

### 4- Wedding Stage

The wedding is the final stage of marriage, which means the announcement of the marriage between a man and a woman. The Prophetic Traditions encourage the publicizing of marriage through a wedding ceremony that involves beating tambourines and chanting that does not involve anything forbidden. It is recommended for the women to gather together to show their joy and happiness with the wedding. They were also encouraged to perfume the bride, adorn her, be friendly with her, and teach her the etiquette of meeting her husband, along with any other permissible matters that do not include any prohibition.<sup>34</sup>

### Foundations of Marriage

The Islamic marriage has principles which laid by *Sharī'ah* to regulate its existence and continuity and protect it from break up and dissolution, as follows:

**A. Legal Contract (*Nikāh*):** The marriage should be initiated by legal contract (*Nikāh*) which meets the legal *Sharī'ah* conditions. The conditions are mutual consent through proposal and acceptance (الإيجاب والقبول), presence of the guardian (الوَلِيِّ) or his representative, and the attendance of two responsible and pious witnesses.<sup>35</sup> The proposal needs to be clear-cut and unambiguous, which should be followed by a corresponding acceptance thereof. If the parties to the contract are present in person, the proposal and acceptance must be clear and verbal. If not, the oral form may be replaced with a written one.<sup>36</sup> The Prophet (s.a.w.) said:

(( لَا نِكَاحَ إِلَّا بِوَلِيِّ وَشَاهِدَيْ عَدْلٍ، وَمَا كَانَ مِنْ نِكَاحٍ عَلَى غَيْرِ ذَلِكَ فَهُوَ بَاطِلٌ ، فَإِنْ تَشَاجَرُوا ،  
فَالسُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَّ لَهُ ))

<sup>33</sup> Muḥammad Sayyid al-Masīr, *Akhḫāq al-'Usrah al-Muslimah* (Cairo: Dār al-Ṭibā'ah al-Muḥammadiyyah, 1996), 180.

<sup>34</sup> Ibid, 19-20; Ḥassan Ayyūb, *Fiqh al-'Usrah al-Muslimah* (Cairo: Dār al-Salam, 2003), 65-66.

<sup>35</sup> Aḥmad Ibn al-Naqīb al-Miṣry, *Umdat al-Sālik wa 'Uddat al-Nāsik* (Beirut: Al-Maktabah al-'Aṣriyyah, 1995), 200.

<sup>36</sup> Ḥammūdah 'Abd al-'Āṭī, *The Family Structure in Islam* (Plainfield: American Trust Publications, 1977), 60.

“There is no legal *Nikāh* without guardian and two pious witnesses. Any *Nikāh* without that is null. If they disagree (on guardianship), the Muslim ruler will be the guardian of the person without a guardian”.<sup>37</sup>

**B. Reciprocal Consent:** The two parties should exchange mutual consent without pressure or forceful intervention from any external party. The Prophet (s.a.w.) said:

(( لَا تُنكَحُ الْأَيِّمَ حَتَّىٰ تُسْتَأْمَرَ، وَلَا تُنكَحُ الْبُكَرُ حَتَّىٰ تُسْتَأْذَنَ، قَالُوا: يَا رَسُولَ اللَّهِ، وَكَيْفَ  
إِذْنُهَا؟ قَالَ: أَنْ تَسْكُتَ ))

“The divorcee or widow will not be married until consulted and the virgin will not be married until consulted”, they said: “O Prophet of Allah, how is her consent?” He said: “to keep silent”.<sup>38</sup>

**C. Reasonable Dowry:** Dowry is one of the fundamental rights of the woman which cannot be skipped or neglected. The Islamic jurists say that dowry is a compulsory factor in the marriage contract, which becomes liable for the husband after the wedding<sup>39</sup>. The Prophetic Traditions indicate that the dowry is not limited to a specific amount, Thus, it can be a lot or a little, even if it is an iron ring. However, exaggeration in dowries is discouraged, and among the blessings of a woman is the easiness of her dowry.<sup>40</sup>

**D. Permanent as Possible:** One of the goals of establishment of marriage is to have a permanent Muslim family, as far as possible, unless there are genuine grounds to dissolve the marriage. Allah says:

(( وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ))  
(سورة النساء: 19)

“Live honorable lives with your wives. If there’s something about them you don’t like, it may be that you dislike something in which Allah has placed much good for you”.<sup>41</sup>

**E. Equal Rights and Responsibilities:** The two married spouses have equal rights and responsibilities towards each other, their children and society at large. Allah states:

(( وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ )) (سورة البقرة: 228)

<sup>37</sup> Muḥammad Ibn Ḥibbān al-Bustī, Ṣaḥīḥ Ibn Ḥibbān (Beirut: Mu’assat al-Risalah, 2008), ḥadīth no.2739.

<sup>38</sup> Al-Bukhārī, Ṣaḥīḥ al-Bukhārī, ḥadīth no. 5136, Muslim, Ṣaḥīḥ Muslim, ḥadīth no. 1419.

<sup>39</sup> Aḥmad Ibn al-Naqīb al-Miṣry, ‘Umdat al-Sālik, 307.

<sup>40</sup> Aḥmad Ibn Ḥanbal, Al-Musnad (Beirut: Mu’assat al-Risālah, 2001), ḥadīth no. 24478...

<sup>41</sup> Sūrat al-Nisā’; 4: 19.

“And they have rights similar to the rights of the husbands on them in a just manner, and the men have degree over them (such as external authority in the household), and Allah is Mighty, Wise”.<sup>42</sup>

### **Rights and Responsibilities of Family Members**

The Muslim family should be a happy family that loves each other, respects one another and observes the rights and duties of every member of the family so that they live in peace, love and harmony. A Muslim couple should base their family on the divine law prescribed in the Qur’ān and Sunnah, failing which the family will not be blessed. However, to maintain a happy and blessed marital life, both husband and wife are designated to certain duties and rights, which should be fulfilled by both of them according to the level of their abilities.<sup>43</sup>

### **Duties of the Husband**

The duties of the husband reflect the rights of the wife or wives to the husband, which can be articulated as follows:

- 1) **Protection and Maintenance:** The husband is responsible for the control, maintenance and protection of the family. He has to offer maintenance facilities such as food, shelter, clothing, basic services and general care; all of which should be estimated reasonably according to the dominant custom in the area.<sup>44</sup> If the husband refrains from spending on his wife for some time, he becomes accountable for the charges of maintenance; as a debt to him, and if he fully becomes unable to provide the necessities of the maintenance, she has a right to seek divorce, unless she wishes to stay with him until he recovers again.<sup>45</sup>
- 2) **Payment of dowry:** The husband should pay the dowry (*mahar*) for his wife because it is a compulsory right of the woman on her husband in return for his conjugal rights with her, which resulted from the marriage contract (*Nikāh*). Allah says:

﴿وَعَاتُوا النِّسَاءَ صَدَقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا﴾ (سورة النِّسَاءِ: 4).

“Give the women you wed their due dowries graciously. But if they waive some of it willingly, then you may enjoy it freely with a clear conscience”.<sup>46</sup>

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<sup>42</sup> *Sūrat al-Baqarah*; 2:228.

<sup>43</sup> Kabuye et al, *Ethics and Fiqh for Everyday Life*, 86.

<sup>44</sup> Muḥammad Ibn ‘Arafah Al-Dusūqī, *Ḥashiyat al-Dusūqī ‘alā al-sharḥ al-kabīr* (Beirut: Dār Ihyā’ al-Kutub al-‘Arabiyyah, 1900), Vol. 2. p. 509.

<sup>45</sup> Aḥmad Ibn al-Naqīb al-Miṣry, *Umdat al-Sālik*, 213.

<sup>46</sup> *Sūrat al-Nisā’*; 4:4.

3) **Justice Among His Wives:** If a Muslim is married to more than one wife, he is required to fulfil the marital and conjugal rights of each one of his wives equally, without preferring one to another. Allah said:

﴿فَاتَّخِذُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً﴾ (سورة النِّسَاءِ: 3).

“Marry two, three, or four women who please you, but if you are concerned about being fair, then marry only one.”<sup>47</sup>

4) **Good Companionship:** The husband is encouraged to live with his wife in good companionship (حُسْنُ الْخُلُقِ) which includes the following dimensions:

a. **Love and Care:** The husband is encouraged to show love and care for his wife as the females are very sensitive to the emotions.<sup>48</sup>

b. **Respect:** He also instructed to respect his wife and observe her dignity. He should avoid treating her as a slave or servant because the purpose for marriage contract is not for serving only, but also to live ethically and observe the *Sharī'ah* objectives at large.

c. **Patience & Humility:** The leader of the family should exercise patience and tolerance to maintain his family and protect it from quarrels and tensions. He should be calm and manage the family with diligence and care even if he is insulted or disrespected.<sup>49</sup>

d. **Focusing on Positive Aspects:** It is advised that the husband focus on his wife's positive qualities and express his appreciation for her, rather than concentrating on her flaws and attempting to put up with them when they arise.<sup>50</sup>

e. **Socializing with the Wife:** The Prophet (s.a.w.) used to sit and converse with his wives. According to 'Aisha (r.a.), he used to pray after *Fajr*'s call (*Azān*). If she was awake, he would converse with her until *Fajr* prayer starts, and if not, he would go to sleep<sup>51</sup>.

f. **Not Causing Harm to Wife:** Preventing harm is one of the principles of Islam. If causing harm to foreigners is forbidden, then it is more likely to be forbidden for the wife. Thus, severe beating and punishment for the wife are not permissible.<sup>52</sup>

## Duties of the Wife

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<sup>47</sup> *Sūrat al-Nisā'*; 4:3.

<sup>48</sup> See *Sunan al-Tirmidhi*, ḥadīth no. 1162.

<sup>49</sup> Aḥmad Ibn al-Hussayn Al-Baihaqī, *Kitāb al-sunan al-kubrā* (Mecca: Dār al-Bāz, 1994), Vol. 5, p. 2002, ḥadīth no. 4927.

<sup>50</sup> See *Ṣaḥīḥ Muslim*, ḥadīth no. 1468.

<sup>51</sup> Al-Baihaqī, *Kitāb al-sunan al-kubrā*, vol. 1, ḥadīth no. 1108, p. 53.

<sup>52</sup> See *Muslim*, *Ṣaḥīḥ Muslim*, ḥadīth no. 1218.

The duties of the wife are the rights of the husband, which can be expressed as follows:

- 1- **Obedience to the Husband:** Allah made man the guardian of the woman with authority to lead and guide the family in accordance with the physical and mental characteristics that Allah bestowed on him and as a result of his financial duties and obligations. Thus, the Almighty Allah imposed obedience on wives to their husbands and allowed men to punish their wives in different ways, in case disobedience took place, until they submit.<sup>53</sup>
- 2- **Serving the Husband:** The woman should serve her husband with kindness and diligence. The nature of this service varies depending on different circumstances. The service of a rural woman is not the same as the service of an urban woman, and the service of a strong woman is not the same as the service of a weak woman. The service should be subject to the ability of the woman and the customs that prevail the living area.<sup>54</sup>
- 3- **Preserving Her Chastity:** The Muslim woman should guard her chastity and dignity by abstaining from prohibitions that contradict the objectives of marriage, which are based on enjoying legal intimacy and shielding against immoralities. Allah commanded Muslim women to lower their gaze, guard their chastity, and cover their adornments except what normally appears.<sup>55</sup>
- 4- **Protection of Husband's Properties:** The woman is obliged to protect and maintain the wealth and properties of her husband in whatever form they are.<sup>56</sup>
- 5- **Fulfilling Husband's Conjugal Rights:** It is the husband's right over his wife to enjoy his conjugal rights at any time he wants, as long as she is capable of having intercourse and has no any legal excuse to avoid it, such as, when she is experiencing her period cycle or when she suffers from a disease. If the wife refuses to respond to her husband's conjugal rights, she will commit a forbidden major sin act, unless she is excused by a legal ground such as menstruation, obligatory fasting, illness, and the like.<sup>57</sup>
- 6- **Managing Family Affairs:** The wife should take care of the home, educate children, and make the house a comfortable place because she is responsible for her house, as the husband is. If

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<sup>53</sup> See *Sūrat al-Nisā'*; 4:34.

<sup>54</sup> Aḥmad Ibn 'Abd al-Halīm Ibn Taymiyyah, *Al-Fatāwā al-Kubrā* (Beirut: Dār al-Kutub al-ʿilmiyyah, 1987), Vol. 4. P. 556.

<sup>55</sup> *Sūrat al-Nūr*; 24:31.

<sup>56</sup> See *Sunan Ibn Mājah*, ḥadīth no. 1851.

<sup>57</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 3065, Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no. 1436.

the husband could not afford to hire a servant, she should clean the house and cook for her family.<sup>58</sup>

**7- Good Company:** The woman is obligated to live with her husband in good company, similar to what the husband is obligated to do towards his wife. Allah stated that women have rights similar to those of men equitably<sup>59</sup>; meaning that they should live in good company with their husbands, the way the husbands should live with them in an ethical manner.

## **Common Rights and Responsibilities**

The rights and responsibilities that pertain to both husband and wife are as follows:

### **1- Sociability and Good Manners**

The Prophet (s.a.w.) stated that the most perfect believers are those who have the best behavior, so husbands and wives are instructed to behave properly with one another and observe fine etiquette. They are encouraged to be kind, well-mannered, cordial, cheerful, compassionate, helpful, courteous, just, truthful, supportive, trustworthy, loyal, well-wishing, and polite with each other.<sup>60</sup>

### **2- Attraction of One Another**

Islam advises woman to wear her nicest clothes, take care of herself, apply perfumes, cosmetics, and decorate herself for her spouse. The man also has these responsibilities towards his wife. He should be clean, perfumed, well-dressed and handsome for his wife. The rights of a wife regarding her husband are that he must provide her nourishment and clothing and must not appear to her with an ugly appearance.<sup>61</sup>

### **3- Mutual Pleasure and Gratification**

Even though obtaining pleasure and sexual fulfillment is not the primary purpose of marriage, yet it is one of its main objectives and the primary driver of marriage, and it significantly contributes to maintaining a positive working relationship between spouses as well as fortifying the family unit. Therefore, one of a husband's and wife's duties is to satisfy their own desires. Wives and husbands need to be ready to satisfy and enjoy each other's sexual

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<sup>58</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 7138, Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no. 1829.

<sup>59</sup> *Sūrat Al-Baqarah*; 2: 228.

<sup>60</sup> Al-Tirmidhī, *Sunan al-Tirmidhī*, ḥadīth no. 1162.

<sup>61</sup> Aḥmad Ibn 'Alī al-Nisā'ī, *Sunan al-Nisā'ī*, ḥadīth no. 3231.

needs. When the husband feels inclined towards sexual activity, the wife should be ready without making excuses, as per the teachings of Sunnah.<sup>62</sup>

#### 4- Rearing and Edifying Children

Fathers and mothers have shared responsibilities over raising their children, educating them, providing for their basic requirements and raising them on morals and Islamic values. Their parental participation, thoughtful consideration, and diligence are required as a result. In this case, a mother's role is more constructive and sympathetic, but a father has a higher duty.<sup>63</sup>

#### 5- Sanctification of Marriage

Both spouses should work to preserve the sanctity of the marriage by being loyal to each other and upholding their marriage to the highest level. Marriage entails paternity, kinship and offspring, which have legal and ethical consequences that should be observed. Thus, they should be truthful to each other and avoid any sexual intercourse outside of the marriage to protect the lineage of their children and the sacredness of their marriage.<sup>64</sup>

#### Rights of Children on Parents

Children, whether male or female, are blessing and a gift from Allah (s.w.t.), which should be reciprocated with thanks and gratitude, hence there are those who were not blessed with children for a wisdom which Allah may know it.

As a blessing, they have natural and legal rights over their parents. The parents are obliged to fulfil the rights of their children, as much as possible, so that they can produce qualified and eligible Muslim individuals who can take care of their parents, society and the entire Muslim *Ummah*. The following are some of basic rights of children over their parents:

- 1) **Right to Life:** Islam prohibits killing a child for any reason, whether it is poverty, a threat of poverty or exaggerated zeal about honour. In the pre-Islamic era, the young baby girls were used to be buried alive out of poverty or to protect the family from the risk of future misbehavior and shame.<sup>65</sup> The Holy Qur'an prohibited such an act when Allah said: "Kill not your children, on a plea of want, we provide sustenance for you and for them".<sup>66</sup>

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<sup>62</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 4897.

<sup>63</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 7138, Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no. 1829.

<sup>64</sup> Muḥammad al-Ṭāhir Ibn ʿĀshur, *Maqāṣid al-Sharīʿah al-Islāmiyyah* (Amman: Dār al-Nafāis, 2001), 441-443.

<sup>65</sup> Shafi Md. Mostofa "Legal and Moral Rights and Responsibilities of Family Members in Islam: An Analysis.", *Islami Ain O Bichar* 13, no. 50 (2017), 195-214.

<sup>66</sup> *Sūrat al-Anʿām*; 6:151.



- 2) **Right to Legitimacy:** Legitimacy is the foundation for family formation in Islam. Every Muslim child has the right to legitimacy, including a good name and calling after a known father. The child belongs to the family in which he or she is born, as the Prophet (s.a.w.) said: “The child belongs to the marital bed”.<sup>67</sup> He also said, “On the day of resurrection, you will be called by your names and your father’s names, so give yourselves good names”.<sup>68</sup>
- 3) **Right to Maintenance:** Children have legitimate rights to maintenance that include breast-feeding, food, shelter, clothing and health care. *Ibn al-Mundhir* confirmed that all Muslim jurists agreed unanimously that a person must provide maintenance for his children who have no other resources.<sup>69</sup>
- 4) **Right to Upright Rearing:** Parents are responsible for instilling the teachings of Islam into their children through teaching, guidance and a perfect role model because children imitate and adopt their parents’ words, acts and personalities as well. They are also to train them for prayer, fasting, honesty and the avoidance of evil practices such as alcohol, drug abuse, and sexual promiscuity.<sup>70</sup>
- 5) **Right to Education:** Parents are responsible for the proper education of their children. They are directly accountable for teaching their children how to read and write to excel in their future endeavors. Of all that a father can give to his children, the best is their good education and training. The right due to the child from his parent is for the parent to teach him writing, swimming and archery, as well as to provide with him nothing but what is wholesome.<sup>71</sup>
- 6) **Right to Equal Treatment:** Children in Islam have the right to equitable treatment regardless of sex, age or any other consideration. Preference of sons and suppression or negligence of daughters are denounced by Islam, which prohibited all pre-Islamic customs that were lowering female children.<sup>72</sup>
- 7) **Right to Inheritance and Secured Future:** Islam has ensured the financial security of the child by enacting the inheritance of children to their parents. It was also imposed on the parents to allocate some of their properties to their children so that they could live smoothly. The

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<sup>67</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 6818; Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no. 1458.

<sup>68</sup> Sulaymān Ibn al-Ash·ath Abū Dā’ūd, *Sunanu Abū Dā’ūd* (Riyadh: Dār al-Risālah, 2009), ḥadīth no. 4948.

<sup>69</sup> Muḥammad Ibn Ibrāhīm Ibn al-Mundhir, *Al-Ijmā’* (Cairo: Dār al-Athar, 2004), 92.

<sup>70</sup> See *Sūrat al-Rūm*; 31:17.

<sup>71</sup> Khurshid Ahmad, *Family Life in Islam*, 22; Abdel Rahim Omran, *Family Planning in the Legacy of Islam* (New York: United Nations Population Fund, 1992), 32.

<sup>72</sup> See *Ṣaḥīḥ Muslim*, Ḥadīth no. 1623

Prophet (s.a.w.) said: “To leave your heirs rich is better than leaving them dependent upon people’s charity”.<sup>73</sup>

### **Duties of Children Towards Parents**

Similar to the rights of children over their parents, they are obliged to fulfil their duties towards their parents. They should reciprocate the love and care that they have enjoyed throughout their lives with mutual respect and commitment towards their parents. The place and status of the two parents are beyond estimation, thus, the Quran has put a great emphasis on obeying parents and pleasing them physically and spiritually.

Here are some of the major duties of the children towards their parents:

- a) **Filial Piety:** Righteousness to the parent is one of the fundamental obligations in Islam. It is to be so kind to them, spend on them if they are in need, listen to them and obey them in what is good and protect them from everything that harms them, among others. It is a reciprocal attitude towards their countless favours for us, when we are young.<sup>74</sup>
- b) **Respect:** Respecting parents means honouring them by being polite to them in conversation, speech, and actions and having a hearty attitude of respect for their status. The children are obliged to respect their parents, regardless of whether their parents deserve the respect or not and whether they are Muslim or not, because the respect is over their parental positions not about their ethical or religious status.<sup>75</sup>
- c) **Obedience:** Disobedience to parents (*‘uqūq al-wālidayn*) is one of the major sins in Islam. One’s relationship with Allah is threatened when they displease their parents without a valid reason; such as when they request for something that prohibited by Allah (s.w.t.). *Anas ibn Mālik* reported that the Prophet (s.a.w.) said regarding the major sins: “They are associating Allah with partner, disobedience to parents, killing a person, and false testimony”.<sup>76</sup>
- d) **Care:** As parents grow old, their energies also decline. Treating one’s parents with honour requires sustaining them with the living financial costs when they are needy. Therefore, it is the duty of children to help their parents in any household work that they can do<sup>77</sup>. Allah says:

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<sup>73</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 1295, Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no.1628.

<sup>74</sup> See *Sūrat al-Isrā’*; 17:23-24.

<sup>75</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 6273.

<sup>76</sup> Muslim, *Ṣaḥīḥ Muslim*, ḥadīth no. 88.

<sup>77</sup> Mirza Ehtishamuddin Ahmed, *The Rights of Parents* (Hyderabad: Al-Athar Islamic Centre, Purani Haveli, 2011), 16.

(يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ فَلِلْوَالِدَيْنِ وَالْأَقْرَبِينَ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ  
وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ) (البقرة: 215).

“They ask you O Prophet in what way they should donate. Say, ‘Whatever donations you give are for parents, relatives, orphans, the poor, and needy travellers’. Whatever good you do is certainly well known to Allah.”<sup>78</sup>

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<sup>78</sup> *Sūrat al-Baqarah*; 2:215.