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| <div>NIKĀḤ · 01 OF 08</div> <div>Marriage<br/>&amp; the Family</div> <div>النِّكَاحُ</div> <div>A binding covenant. What makes it valid, what each owes the other, and how it is ended when it must be.</div> <div><div>2 · The contract — its pillars</div><div>3 · Walī, witnesses &amp; consent</div><div>4 · Mahr — the dower</div><div>5 · Who may not be married</div><div>6 · Rights &amp; the walimah</div><div>7 · Ṭalāq — the procedure</div><div>8 · 'Iddah — the waiting period</div></div> <div><div>H · M · S · Ḥb noted where they differ.</div><div>Matters of divorce and custody carry legal consequences – consult a qualified scholar and your local court.</div></div> | <div>02 The contract</div> <div>ITS PILLARS</div> <div>1 An offer and its acceptance, in one sitting.</div> <div>2 Two parties lawful to one another.</div> <div>3 The walī of the bride.</div> <div>4 Two witnesses of sound character.</div> <div>5 The mahr — named, or else due at its fair rate.</div> <div>Ḥ holds the walī not to be a condition for an adult woman of sound mind; the other three require him, and a contract without him is void.</div> <div><div>Abū Dāwūd, Tirmidhī · ṣaḥīḥ – “No marriage without a walī and two witnesses of integrity.”</div></div> <div>KHUṬBAT AL-ḤĀJAH</div> <div>Opened with before the contract:</div> <div>إِنَّ الْحَمْدَ لِلَّهِ. نَحْمَدُهُ وَنَسْتَعِينُهُ<br/>وَنَسْتَغْفِرُهُ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا<br/>وَمِنْ سَيِّئَاتِ أَعْمَالِنَا</div> <div>Followed by the three verses: Q 3:102, 4:1 and 33:70–71.</div> <div><div>Abū Dāwūd, Tirmidhī, Nasā’i · ṣaḥīḥ. Announce the marriage publicly; secrecy is contrary to the sunnah.</div></div> | <div>03 Walī &amp; consent</div> <div>ORDER OF THE WALĪ</div> <div>Father, then grandfather, then son, then full brother, then half-brother by the father, then their sons, then paternal uncles. Failing all, the Muslim judge acts as walī.</div> <div>CONSENT</div> <div>A previously married woman states her consent in words.</div> <div>A virgin is asked, and her silence is taken as assent.</div> <div>A marriage contracted against her will is invalid, and she may have it annulled.</div> <div><div>Bukhārī, Muslim · ṣaḥīḥ; Bukhārī · the woman whose father married her off unwillingly and had the marriage revoked.</div></div> <div>SEEING ONE ANOTHER</div> <div>Looking at the one you intend to marry is encouraged — “it is likelier to bring accord between you.” Meetings are in the presence of a maḥram, and there is no seclusion before the contract.</div> <div><div>Tirmidhī, Nasā’i · ṣaḥīḥ</div></div> <div>Choosing: a woman is sought for four things — her wealth, her lineage, her beauty and her religion. “Take the one of religion, and prosper.”</div> <div><div>Bukhārī, Muslim · ṣaḥīḥ</div></div> | <div>04 Mahr</div> <div>The bride's property alone, given to her and not to her family. It is a right of the contract, not a price, and no marriage is valid without it.</div> <div><div>Q 4:4 – “Give the women their dowries as a free gift.”</div></div> <div>THE AMOUNT</div> <div>No maximum in the shari’ah. The best is the lightest.</div> <div>Ḥ sets a minimum of ten dirhams; <b>M</b> three. <b>S</b> and <b>Ḥb</b> set none — anything of value suffices.</div> <div>It may be deferred in whole or in part, and the deferred portion becomes a debt on the estate.</div> <div>It may be non-monetary: the Prophet ﷺ married a man to a woman for what he had memorised of the Qur’ān.</div> <div><div>Bukhārī, Muslim · ṣaḥīḥ; Abū Dāwūd · ṣaḥīḥ – “The marriage of greatest blessing is the least burdensome.”</div></div> <div>IF DIVORCE PRECEDES CONSUMMATION</div> <div>Half the named mahr is due. Where none was named, a gift according to his means is given instead, and no ‘iddah is owed.</div> <div><div>Q 2:236-237, 33:49</div></div> |
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## 05 Who may not marry

### FORBIDDEN PERMANENTLY

**By blood** — mother and grandmothers, daughter and granddaughters, sister, aunt paternal and maternal, niece by brother or sister.

**By marriage** — wife's mother, wife's daughter once the marriage is consummated, son's wife, father's wife.

**By suckling** — every relation forbidden by blood is forbidden by milk, where five full feeds were taken within the first two years.

Q 4:23; Muslim · ṣaḥīḥ

### FORBIDDEN WHILE A CAUSE LASTS

Two sisters at once; a woman and her aunt at once.

A woman already married, or still within her 'iddah.

A fifth wife while four are held.

A Muslim woman to a non-Muslim man. A Muslim man may marry a chaste woman of the People of the Book, though marrying a Muslim woman is better.

Q 5:5, 2:221; Bukhārī, Muslim · ṣaḥīḥ.  
Temporary marriage (mut'ah) was prohibited finally at Khaybar and is void by consensus.

## 06 Rights

### HERS UPON HIM

Maintenance — food, clothing and a home — according to his means, not hers.

Kind companionship, and patience with what he dislikes.

Her mahr in full, and her own property untouched.

Justice in time and provision where there is more than one wife.

To be taught her religion, and not prevented from it.

Q 4:19, 65:7; Muslim · ṣaḥīḥ — the sermon of the Farewell Hajj.

### HIS UPON HER

Obedience in what is lawful — never in disobedience to Allah.

Guarding his honour, his household and his property in his absence.

Not admitting into his home one he dislikes.

Muslim · ṣaḥīḥ — "The best of you is the best to his family." Tirmidhī · ṣaḥīḥ

### THE WALĪMAH

A sunnah mu'akkadah after consummation, however modest — he ﷺ held one with two measures of barley. Accepting the invitation is obligatory unless excused.

Bukhārī, Muslim · ṣaḥīḥ

## 07 Ṭalāq

The most detested of lawful things. Before it: admonition, then separation in bed, then two arbiters — one from each family.

Q 4:35; Abū Dāwūd · the report is weak in chain, sound in meaning by consensus.

### THE SUNNAH FORM

One pronouncement only, in a period of purity in which no intercourse has occurred.

She remains in the home throughout the 'iddah — she is not turned out, nor does she leave.

He may take her back within the 'iddah without a new contract. This is allowed twice.

After the third, she is not lawful to him until she marries another in a genuine marriage that then ends of itself.

Q 2:229-230, 65:1; Bukhārī, Muslim · ṣaḥīḥ

**Three at once:** counted as three and final per H, M, S and Ḥb; a minority of scholars count it one. Uttered in rage or in jest, it takes effect.

### KHUL' — AT HER REQUEST

She returns the mahr, or part of it, and the marriage is dissolved. Her 'iddah is one menstrual cycle.

Bukhārī · ṣaḥīḥ — the wife of Thābit ibn Qays.

## 08 'Iddah

The waiting period. Its purpose is certainty of lineage, and the chance of return.

### Divorced, still menstruating

Three cycles. H and Ḥb read *qurū'* as menstruations; M and S as the purities between them.

### Past menstruating, or too young

Three lunar months.

### Pregnant

Until she delivers — whether by divorce or by death, and even if it is the day after.

### Widowed

Four months and ten days. She observes mourning: no perfume, no adornment, and she remains in the marital home.

### Not yet consummated

None at all. She may remarry at once.

Q 2:228, 2:234, 33:49, 65:4; Bukhārī, Muslim · ṣaḥīḥ. Maintenance continues through a revocable 'iddah. Custody of a young child rests with the mother while she does not remarry; the child chooses at discernment per S and Ḥb.