



Fiqh of Marriage: Class Ten

الحمد لله و الصلاة و السلام على رسول الله و بعد:

And to complete what we spoke about last time, and for this reason, as Ibn Masud says, it is not possible to find any prohibition except that in it is benefit for servants of Allah.

Every prohibition is to prevent harms.

And it is not possible to find a command except that it is the fulfillment of some benefit for servants of Allah.

Thus, we find that Shariah stands in the middle between Jalb al Masaalih, and Darr al Mafaasid (Attracting Benefits and Repelling Harms.)

“until the first suitor leaves his proposal, or gives his permission.”

Here, the Prophet gives a limit, not based on time, for example the passing of one year, but rather if the first suitor leaves his proposal, or the second suitor goes to the first and says, “Brother, you proposed to so-and-so. Are you still sincere in your proposal and seeking her hand in marriage? Or are you hesitant and not sure if you still would like to marry her?” Perhaps he became interested in someone else, and he will say, “No I have forgotten about her, I have found someone else.”

Or he can be told, there are others who would like to propose, do you give them permission. He might say, “Yes, go ahead.” This is what is meant by getting permission. Or perhaps the first suitor may realize that others are interested, and say to the second, “Go ahead, I give your permission.” Since this will lead to good feelings between them.

The relationship between the first suitor and the woman is ended, in order that it may begin with the second. The path will be opened up for others.

The Hadith

وَعَنْ سَهْلِ بْنِ سَعْدِ السَّاعِدِيِّ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ :

{ جَاءَتْ امْرَأَةً إِلَى رَسُولِ اللَّهِ (فَقَالَتْ : يَا رَسُولَ اللَّهِ ! جِئْتُ أَهَبُ لَكَ نَفْسِي , فَانظُرْ إِلَيْهَا رَسُولُ اللَّهِ (فَصَعَّدَ النَّظَرَ فِيهَا , وَصَوَّبَهُ , ثُمَّ طَاطَأَ رَسُولُ اللَّهِ (رَأْسَهُ , فَلَمَّا رَأَتْ الْمَرْأَةَ أَنَّهُ لَمْ يَقْضِ فِيهَا شَيْئًا جَلَسَتْ , فَقَامَ رَجُلٌ مِنْ أَصْحَابِهِ .
فَقَالَ : يَا رَسُولَ اللَّهِ ! إِنْ لَمْ يَكُنْ لَكَ بِهَا حَاجَةٌ فَزَوِّجِيهَا .

قَالَ : " فَهَلْ عِنْدَكَ مِنْ شَيْءٍ ؟ " .

فَقَالَ : لَا , وَاللَّهِ يَا رَسُولَ اللَّهِ .

فَقَالَ : " إِذْهَبْ إِلَى أَهْلِكَ , فَانظُرْ هَلْ تَجِدُ شَيْئًا ؟ " فَذَهَبَ , ثُمَّ رَجَعَ ؟

فَقَالَ : لَا , وَاللَّهِ يَا رَسُولَ اللَّهِ , مَا وَجَدْتُ شَيْئًا .

فَقَالَ رَسُولُ اللَّهِ (" انظُرْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ " , فَذَهَبَ , ثُمَّ رَجَعَ .

فَقَالَ : لَا وَاللَّهِ , يَا رَسُولَ اللَّهِ , وَلَا خَاتَمًا مِنْ حَدِيدٍ , وَلَكِنْ هَذَا إِزَارِي - قَالَ سَهْلٌ :

مَا لَهُ رِذَاءٌ - فَلَهَا نِصْفُهُ .

فَقَالَ رَسُولُ اللَّهِ (" مَا تَصْنَعُ يَا زَارِكُ ؟ إِنْ لَبِستَهُ لَمْ يَكُنْ عَلَيْهَا مِنْهُ شَيْءٌ , وَإِنْ لَبِستَهُ لَمْ يَكُنْ عَلَيْكَ شَيْءٌ " فَجَلَسَ الرَّجُلُ , وَحَتَّى إِذَا طَالَ مَجْلِسُهُ قَامَ ; فَرَأَاهُ رَسُولُ اللَّهِ (مُوَلِّيًا

, فَأَمَرَ بِهِ , فَدَعِيَ لَهُ , فَلَمَّا جَاءَ .

قَالَ : " مَاذَا مَعَكَ مِنَ الْقُرْآنِ ؟ " .

قَالَ : مَعِيَ سُورَةُ كَذَا , وَسُورَةُ كَذَا , عَدَّدَهَا .
فَقَالَ : " تَقْرَأُهُنَّ عَنْ ظَهْرِ قَلْبِكَ ؟ " .

The Explanation

“A woman came to the Prophet...”

This hadith is regarding a woman giving herself in marriage in general, but more specifically it refers to one of the special dispensations given to the Prophet.

Let us look at the hadith, one sentence at a time.

“A woman came to the Messenger of Allah.”

She came to the Messenger of Allah. Normally speaking, a woman does not offer herself in marriage, and she is not the one to propose the marriage. Since this would not be befitting of her modesty and hayaa’ in front of men, since her nature is shyness and modesty.

So this woman coming to the Prophet, did it mean she did not have any hayaa’? No. Did it mean she had a lot of desire for men? No. Since she came to the Messenger of Allah.

And if any woman knew that coming to the Prophet and offering herself to him in marriage would lead to her becoming his wife, no woman in the world would miss the opportunity. Since this is a great honor.

Just like a father who find a righteous and honorable man and proposes marriage to him, this is not belittling his daughter. Nor does it mean he is desperate or cannot provide for his daughter. Rather, this is from choosing a righteous a good spouse.

And we mentioned before that Umar offered his daughter in marriage to Abu Bakr, and Uthman, and they were the noblest of people, after the messenger of Allah. So he offered to give Hafsa in marriage to them.

So, for a woman to offer herself in marriage, or through her father, this is not something unbecoming. Since it is from a person choosing a good spouse.

Here a woman came to the Prophet, and most of the commentators state that her name is not known, and what is important is the subject, not her personality.

She said, “Oh Messenger of Allah,” she did not come to seek a fatwa, or help, or some knowledge, rather she said, “I give myself to you.”

What did she intend by this? What is well known amongst people is that the statement “I give myself to you, Ahabu nafsee” means, to give herself in marriage without demanding any Mahr. I give myself to you as a gift.

And here, the Prophet did not reprimand her for this type of offering, since it is the tie of marriage.

But he looked at her, and then kept silent. When he kept silent, she knew he had made his decision.

The response of the Prophet was clear to those around him, by his actions. She spoke the offer, and he responded by remaining silent.

Those around him knew that the Prophet did not have interest in her.

One might ask, why? Was it because of the wives that he already had, or was it because of something in her? If it was something other than her, he would have said it. “I already have wives, or I am not in need of marriage...”

Then, the question come up regarding her coming to the Prophet without her Wali. And does a woman have a right to gift herself in marriage? Or marry herself to a man? Or to be a guardian for another woman and give her in marriage?

The hadith is forthcoming about “La nikaah illa bi wali” “There is no marriage except with a wali.”

However, this ruling applies to the general body of the Muslims. But in particular for the Prophet, he has more right to all the believers than themselves.

He does not need a wali to marry a woman.

Also, from this hadith, we see that the Prophet looked at the potential wife, so it is permissible to look at the one being proposed to, and it is allowed to repeat the look.

We also learn from this hadith, that the Sahabi did not have much wealth, he was a poor, he did not even have an iron ring. Yet a woman who offered herself to the Messenger of Allah was wedded to such a poor person.

So the economic level of a person, we cannot say it has no consideration whatsoever in marriage, no it is considered, and it has an effect, and affects the relationship between spouses.

But realistically, if the wife is pleased with her husband, she is satisfied, even with an iron ring, that is sufficient.

“If you do not have need for her...”

The Prophet remained silent, but perhaps he might change his mind, or desire to get married to her in the future. So the Sahabi wanted to take precaution, and said, if you do not have need.

Hubab ibn Mundhir, in Badr, said, is this what Allah has revealed to you, or is it from the plans of war.

If you do not have need for her, marry her to me. He did not say, if you do not like her, since this is a personal territory that is no ones business. “So marry her to me.”

Was the Prophet her father, or uncle, in order for him to wed her to him?

But he knew that the Prophet had the right of waliyyah over her, and he possessed the ability to marry her to whomever he pleased.

The Prophet said, ‘What do you have.’ He said, I have this loin clothe. The Prophet said, what would you do if you give her half.

Go and seek ‘something’. And the Ulema reflect on the word ‘something’ or ‘shay’. Ibn Hazm said, anything that is called ‘shay’ or something, even a grain of wheat, is sufficient.

But the other Ulema said it must be something valuable, something that is of value.

The Jumhoor agree that it must be something that is salable, if for only a dirham.

He searched, and could not find anything. Then the Prophet responded, saying, search, if only an iron ring. If there was anything of less value than an iron ring, he would have mentioned it.

Was this too little for her? Know, she came to give herself away without anything, so she was not interested in wealth. And perhaps the Prophet knew that she was not interested in wealth.

And Sadaaq comes from Sidq, which shows the sincerity of the interest of the man in the woman, if he doesn't pay anything, then what is the proof of his love?

And then the Prophet said, "Do you have anything from the Quran?" In some narrations, the Sahabi replied, "al-Baqarah and what comes after it." Thus we know that the order of Surahs was known to the Sahabah, during his lifetime.

Amongst the Ulema of usul at-Tafseer, some of them say the order of Surahs was ijtihaadi, based on the Ijtihad of the Sahabah. But others state that the order of Surahs is taqqeefi, that it was taught by the Prophet and there is no room for ijtihaad. This is similar to the order of the ayahs.

This hadith shows that the Sahabah knew what was meant by Surah "al-Baqarah and the Surahs after it."

The Prophet said, do you know them by heart. Not just by reading. So the Prophet said, "I have wed her to you by that which is with you with the Quran."

The Prophet said, "Go and teach her 20 ayahs."

The Ulema asked, can the Quran be the Mahr for a woman?

Some said no, the Prophet married her in honor of the Quran that he had memorized. But what did she benefit from it? He could teach her.

Perhaps the Prophet gave her something from himself. It is permissible for a third party to pay for the mahr on behalf of the groom.

The Prophet said, teach her 20 ayahs. And from here we have the question: “Is it permissible to receive payment for teaching the Quran?”

Some say that this hadith shows that teaching the Quran was considered by the Prophet as something worthy of value and payment.

The Ulema all agree that teaching any worldly knowledge is sufficient for a mahr, even if it is in math. This teaching, even geography, is sufficient for mahr. They also allow teaching Ahkaam as Salaat, for example. Any type of teaching of knowledge.

But the difference of opinion is over the Quran, since the scholars differed about whether it is allowed to take payment for teaching the Quran.

And Allah knows best.

End of Class Ten.