



Fiqh of Marriage: Class Eight

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

In continuation of the hadith we began last time:

The Hadith:

وَعَنْ جَابِرٍ (قَالَ : قَالَ رَسُولُ اللَّهِ ({ إِذَا خَطَبَ أَحَدُكُمْ الْمَرْأَةَ , فَإِنْ اسْتَطَاعَ أَنْ يَنْظُرَ مِنْهَا مَا يَدْعُوهُ إِلَى نِكَاحِهَا , فَلْيَفْعَلْ } رَوَاهُ أَحْمَدُ , وَأَبُو دَاوُدَ , وَرِجَالُهُ ثِقَاتٌ , وَصَحَّحَهُ الْحَاكِمُ .

830. Narrated Jabir: Allah's Messenger said, "When one of you proposes (marriage) to a woman, if he is able to look at what will induce him to marry her, he should do so."

Reported by Ahmad and Abu Dawud and al-Hakim declared it to be Saheeh.

The Explanation:

We spoke about the proposal of ‘Umar to the daughter of ‘Ali, and that he saw from her what is normally apparent, from her calf, and from this the Hanbali school allows a man to see from a woman he intends to marry what is normally apparent.

To proceed, the goal of seeing the prospective bride is not only for looking, but for sitting with her, and speaking with her, in order to hear the tone of her voice, and the way she responds to his questions.

We mentioned the different opinions amongst the Ulema about what one may see, but which one of these opinions is strongest?

The hands and the face only, what is normally apparent, or anything?

I believe the opinion that he may see anything is rejected, because sound reasoning does not accept it, nor honor, nor the habits and customs amongst people, because our habits and customs do not allow such an opinion.

What remains are the first two opinions. The face and hands only, or what is normally apparent.

What is normally apparent is supported by the actions of Umar (ra).

The limit of seeing is what normally apparent. Now should he see her with her permission in front of her family, or without her knowing?

Some scholars say without her knowing, so that if he leaves the proposal she will not be hurt psychologically, or say something untrue about the suitor because he rejected marriage to her.

What is important is the seeing, and in some cultures they forbid the seeing altogether. This is strange, since outside of the proposal, male and female are often intermingling, either in the streets, or in private places, or in the market, they meet one another.

So when it comes to doing things unofficially, anything goes, but when it comes to applying the Shariah, no, they say: my daughter is not an item for people to have a look at. This is what some say.

But if we say that the nature of people have changed, and some young men take this ruling in order to see the daughters of people, and they do not have a firm intention for marriage, rather they just want to shop around. Perhaps she might be good.

No, the Prophet said, “If you propose marriage” and the Prophet used the past tense verb (Khataba) to indicate that there must be firm intention and to prevent the playing around with the Shariah.

And for this reason, the Shariah permitted the forbidden. Since it is forbidden to look at other women, but it has been made allowed for a noble reason.

In some narrations of this hadith, the Prophet said, “Go and look at her, since indeed in the eyes of the Ansaar there is Something.” What is this something?

The Tafseer of this is not explained to us, and something is very general. Some of the Ulema said, it meant they have dark pupils, and it is a type of beauty, or some said their eyes are small, relative to the rest of the face, or many other explanations.

So the looking at her will let him know what she has, in order for him to decide in the marriage. And the Prophet mentioned the wisdom in this, which is compatibility, and good companionship, and this is the Sunnah that we must apply.

However, there are some conditions we must apply: The one coming to see the potential spouse should be sincere in his proposal, and some Ulema state that the stage of looking should come after all the other research has taken place, from all angles.

Some state that the looking only comes after agreeing on all other matters pertaining to the marriage, in order for him to be sincere in his desire to see his wife. And so looking should not be the first thing on his mind, and he looks and then changes his decision.

The Hadith:

وَلِمُسْلِمٍ : عَنْ أَبِي هُرَيْرَةَ ({ أَنَّ النَّبِيَّ (قَالَ لِرَجُلٍ تَزَوَّجَ امْرَأَةً : أَنْظَرْتَ إِلَيْهَا ؟
" قَالَ : لَا . قَالَ : " اذْهَبْ فَانظُرْ إِلَيْهَا } .

831. Muslim reported from Abu Huraira: The Prophet asked a man who had intended to marry a woman, "Have you looked at her?" He replied, "No." He said, "Go and look at her."

The Explanation:

He intended to marry a woman, and the Prophet said, "Have you looked at her?" The Prophet had the highest of character and Akhlaaq, "Wa innaka 'ala khuluqin 'adheem."

But here, he lowers, to the level of nature and instincts: "Did you look at her?" And why did he ask about looking at her? In order that you satisfy your nafs, and that you will live with someone who will fulfill your needs, and that can only be known through looking.

It is a very subtle point, but the Prophet did not leave anything out from his teaching.

Now, some of the Fuqaha speak about the question: What if it is not possible to see his or her spouse, what should they do?

He heard all about her, about her Khuluq and character, and family, and religion, and everything, but he did not know how she looks?

There could be a personal reason why he does not find her compatible, just as the Prophet did not like certain foods, such as lizard, not because they were haram, but because he did not have them in his homeland.

In this case, what a person can do is send a reliable woman from his family to go and see her and then inform him about her.

As it was narrated that the Prophet desired to marry a woman, so he sent a woman to see her, and he told her: “Look at her veins near her ankles (Araqeeb) and pay attention to the scent of her mouth.” The veins in the legs being hidden is a sign of beauty.

One of the Arabs poets said,

“Nubi’tu anna fataatan kuntu akhtubuhaa

Arqoobuha mithlu shahr as Saumi fee at-Toolii”

“I was informed that the girl I was proposing too,

has veins like the Month of Fasting in length.”

“Look at her veins,” to see her beauty, “and pay attention to the scent of her mouth.”

Some people have a an illness that always causes a change of breath, and it is well know that using a Siwaak was commanded to clean the mouth from anything that affects it.

However, if it is an inherent problem, then this will prevent a man from enjoying his wife.

And it is said, the animal with the worst breath is the lion, and perhaps if you go to the zoo and see a sleeping lion, you will find flies coming near the lions mouth, because of the strong odor coming out of it.

If it is easy to see the potential spouse, it should be done, but without Khalwa, or isolation.

It is permissible for the fiancées to go wherever it is liked, by the Shaitan. Not wherever they like, but wherever the Shaitan likes, on a trip, on an excursion, nothing will happen right? Perhaps the Shaitan will overwhelm them, and this is a big problem.

And some allow the two, if they had the Kitab, or nuptial agreement, to travel, be alone, and do whatever married couples do. They are married from the perspective of the Shar'. However, does not marriage have things that come along with it? "Announce the marriage," and "Beat the duff because of it," as the Prophet said. So that all known that so-and-so is the wife of so-and-so.

But if we allow them to do all things before the announcement of marriage, and the beating of the duff, and the cooking of food, and its aroma that all enjoy, and before the eating and the waleema, and things may happen between them, and then he decides to leave her.

And he feels that her obeying his desire for her was a deficiency on her part, and she feels that she was fulfilling a religious obligation.

But the culture and the society, how will they look at it after he divorces her? He will deny consummating the marriage with her, saying, no, she is lying. And in front of society, he has not officially consummated the marriage.

So people are between to extremes, those who forbid the spouses from seeing each other, and they consider a man seeing his fiancée like a person looking at products in a store.

And there are those who allow more than seeing one another, by permitting isolation together, going out together, spending the night, etc.

There is either too much strictness or too much relaxation.

In some religions, if a man is interested in marrying a woman, she will live with him before the marriage. He will see how she is, in the kitchen, sleeping, etc, how does she dress inside the house and outside, because according to them, marriage is until death. Once the contract is done, there is no divorce. They do not part until death.

So the man will desire to make sure about everything that has to do with the potential wife before taking the big step in marriage.

These are the two extremes.

The Prophet commanded and allowed for one to see from her, what will lead to his desire for marriage, if he is able.

This is a Rukhsaa from the general command “Qul lil mumineena yaghudoo...qul lil muminaatii yaghdudnaa..”

Now, is the right to see one's potential spouse from the right of the woman as well, or no?

Yes it is her right as well. But in order for a woman to see a man, she does not need to make a special effort, or seek permission from his parents, since he is uncovered. He

comes and goes and she is able to see him, when he sits with her father or brother, or in any other manner.

Just as a man wants to see a woman in order to find attraction and rely upon it in his choice for marriage, she too desires that.

As Abdullah ibn Umar stated, when he used to beautify himself, and trim his moustache, and comb his hair. They said, “Why do you do this, oh Ibn Umar?”

He said, “Indeed the women desire from us what we desire from them.” We desire from them to be tidy, clean, and attractive, and she too desires this from her husband.

Thus, the spouses seeing one another is a practical matter, and one should not go to extreme strictness or relaxation in this matter.

In today’s age, there is a new form of seeing, that did not exist in the past. What is it? The photograph or picture.

Can a person rely upon a picture? And does a photograph give a true representation of reality?

You all know that one can take a photograph, and then change colors and lighten and darken, and enlarge and shrink, and doctor the image.

And then the picture will come out so respectable and deceiving.

So, my advice is that young people should not rely upon photographs. Even if it were an entire album, filled with different pictures.

You cannot rely upon them. Because deception through pictures has caused many problems. A photographer if he wants to, he can take a picture of a man and a woman, and paste them together, to make it look as if they were once together.

Did you see who your sister was with? And she never saw the person in her entire life, or spoke to him, or was near him.

About fifty years ago, one of the leaders of a country, and Arab country, this trick was played on him. They took a picture of his wife, and she never went out to parties or the like, and they put her next to the leader's biggest opponent in the party, and publicized it in the newspapers. It was a big crime.

One cannot rely upon photographs. But someone might say, pictures can be relied upon according to Shariah. How? Do you know of anyone who got married through a picture? The Best of Creation, the Prophet.

But what was the source of the image? It was an image of silk from Paradise upon which was the image of Aisha. And it was said to him, this is your wife.

But who was the one who brought the image? Jibreel, "Mutaa'an, thamma ameen. The trustworthy and obedient. He did not change anything, or exchange anything. And he brought the image from Jannah.

There was no falsification, or changing of reality.

So, if the picture is from a reliable source, and the spouse is shown according to how they really are.

But nowadays, Jibreel does not bring the pictures, it is Iblees. There is deliberate falsification.

So there are some Ulema who prefer the sending of pictures, and they say: It is like sending a reliable women