



Fiqh of Marriage: Class Twenty-Eight

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

The Hadith:

عَنْ أَبِي هُرَيْرَةَ (قَالَ : قَالَ رَسُولُ اللَّهِ ({ مَلْعُونٌ مَنْ أَتَى امْرَأَةً فِي دُبْرِهَا
{ رَوَاهُ أَبُو دَاوُدَ , وَالنَّسَائِيُّ وَاللَّفْظُ لَهُ , وَرِجَالُهُ ثِقَاتٌ , وَلَكِنْ أُعْلِّ
بِالْإِسَالِ .

Narrated Abu Huraira that the Messenger of Allah said, “He has intercourse with a woman in her back side is cursed.”

[[Narrated by Abu Dawud and Nasaii

:The Explanation

The Author begins the Chapter of Relations between spouses with this .Hadith, and perhaps it would have been better to delay it

The word 'imra'ah (woman) in the hadith is given in a general form in order to include relations with all women, while the intended meaning is the wife, and attached to this is the slave woman.

It is not permissible for a man to come to his wife in that place, nor for a syed to come to a slave woman in that place.

Once a man asked Ibn Umar: "Our female slaves serve us and we praise them."

He said, "Why do you praise them?"

He said, "Since we are able to have relations with them in the back passage."

Ibn Umar replied, "Are you (asking about) Kufr?" (He considered it Kufr)

And this hadith is not far from that, since it mentions the la'an (curse) which is being thrown out of Allah's Mercy.

We mentioned previously that one should not direct a curse at a specific living person, even if he is a Kaafir. Since it is a dua against a person.

He may be asking Allah to throw him from His Mercy, but what about if he makes Tawbah (repentance)?

What if an evil doer is written to have a good ending and he accepts Islam? Then we would have done a great crime against him.

But Allah says, "Allah curses the liars,"

“Allah curses the oppressors,”

The Prophet alayhi as salam cursed whoever goes to his wife in the back passage.

It is as if the curse is upon the action.

This is a subject we do not want to dwell on because it is said that it is a subject that is distasteful.

But it is necessary to clarify the ruling on it, and the Messenger alayhi as salam spoke about it, in order to clarify the law and to the Fiqh.

In some books of Fiqh they mention the names of some Ulema who were said to permit this action, but if we check their books we see that either the attribution to them was wrong, or that they went back on their ruling.

From those to whom permissibility was wrongfully attributed is Malik bin Anas, and from those who take back their ruling was al-Shafi'ee.

When it was mentioned to Rabi' that Shafii had mentioned the permissibility of this, he said, “By Allah they lied about him,”

Shafii' has narrated in six of his books the prohibition of that and a warning about it.

And this action is proven to be Haram by both 'Aql (reason) and Naql (texts),
.or by Qiyaas, and by clear texts

.From the clear texts is this one that we are reading today

And from Qiyaas, the words of Allah, "Say it is a hurt.." this verse is referring
to the blood of menses, so they say in the other place is something more
.harmful than the blood of menses

And they mention regarding the verse: "Your women are a tilthe for you, so
".approach your tilth however you wish

Some people took the meaning of the word 'however' in the previous verse to
mean in whichever way. Imam Qurtabi stated that this verse was revealed in
response to the Jews, who said, "If a man has relations with his wife in the
".front passage, but from behind, the child will be cross-eyed

If he approaches her from behind, but in the sexual organ, and she has a child,
the child will be crosseyed. So in response to this verse, Allah revealed the
ayah: "You women are a tilthe for you, so approach your tilthe however you
".wish

And some Mufasssireen state, the Muhajireen from Makkah used to approach
their women from different positions, but the people of Madina would only
have relations with women on their sides. As the Jews used to do, and they
considered the Jews people of the book and that they know the best about
.Halal and Haram

So one of the Mahajireen married a woman from the Ansar and he wanted to .have relations with her from behind, in the front passage

”.She stopped him, saying: “No, we do not have relations except on the side

In the morning, she complained to the Messenger of Allah, so the verse was revealed, “Your women are a tilth for you, so approach your tilth however ...you wish

So there are some who took the generality of the word “however you wish” .and stated that all manner of sexual relations are permissible

.However, this view can be responded to by this very same Ayah

Your wives are a...” what? Enjoyment? Yes, but the verse did not say“ .enjoyment, it mentions ‘tilth’ . And tilth is a place of growing and fruit

?Where does something grow, from the front or the back

.The front, it is the place of planting and reaping. And the fruit is the child

So the verse itself explains the purpose for having relations with women, which is planting the seeds in this tilth, and the tilth produces a harvest, and .the harvest in relations with women is the child

:A women poet once wrote

. *We are a tilth, for what is planted within us*

.The woman does not have to work

So for this reason it is a mistake to claim that it is the mother that determines the type of child that is born. The woman has no control over this, it is the .man. The woman is simply passive

Does man think he shall be left alone without purpose. Was he not a drop of“
”.sperm sent forth

.The sperm is from the man

The verse says the “your woman are a tilth,” so the tilth can only be the place
.where a child grows

Then it says, “Go to your tilth however you like” it does not say, Go to your *women*, it says ‘tilth’. So relations in the tilth from the front, or behind, all of
.this is allowed

In some narrations, “Yes if the place of relations is one, which is the place within which you place the cover of a bottle.” Whether you cover the bottle
.from front, back, or side, they are all correct

Thus, no one can use this ayah to prove this action, and make it general for all
.types of enjoyment

”.Rabi’ said, “Shafii has forbidden this action in 6 books of his

And no one can say otherwise, and the student of knowledge can say that there is ijmaa' (consensus) after the four imams regarding the prohibition of this action

And it is narrated by Imam Qurtubi that Abu Hanifa said, this action and Kufr are the same, i.e. relations in the back passage with a woman, or a man, and Kufr are the same

”?And Ibn Abbas when asked about his, he said, “Are you asking about Kufr

And from the study of this subject is the question, is it allowed for a man to enjoy what is between the two thighs or buttocks of a woman, without penetrating the rear

The answer is, yes. The man has the right to enjoy every place on her body, except that place

.If it were between her two thighs, or some place, even her underarm, he can

Say a women is in her menses, and the man has the desire, what can he do.
:Any manner in order to cause his water to flow and relax, except

.The menses, and the rear passage

:There is a matter that the fuqaha and sociologists point out, which is

If a man got used to have relations with a woman in that place, he will never .enjoy having relations with her in the front passage ever

Because some places are more constricted than others, and, we seek refuge in Allah, this behavior, and some are afflicted with homosexuality, and if he practices this behavior with a boy or young man, when he gets married, he .find a difference in the place, and want to return to what he was upon before

Also, from the harms of this act is that it prevents the wife from her right, and .it is a waste of the seeds that one is waiting for the result of

Do you not see if a man had some fertile lands, and seeds were very expensive, and he want and bought a case of seeds, and then went to a lake or a swamp, and dumped threw his seeds in the putrid swamp, and he lost his harvest, do ?you think this person is intelligent

Or did he stop his crop, and wasted his seed, and prevented the coming of the .harvest

And likewise that the person wastes the seed, in a wasteful land, and leaves the .fertile land for something else

”Ibn Abbas said, “Make Taymumum from the fertile earth

So this action contradicts the religious law, and the sound mind, and manhood, and it contradicts social norms, for he wastes the most valuable position in his life, the seed of a child, and we are not talking about seeds of .grain, or beans, and even if you lost this you would be sad

So what about if you lost the seed that is from your very eyes and marrow, it is
.the essence of your entire body, from the hair to the nail

This is why the wudu is only on the limbs, but janaba is for the entire body,
.even where the hair grows from the body

Does an intelligent person waste his capital, the most valuable thing in his
possession, and his product, if you built a factory to produce containers, or
.clothes, or shoes, and the produce products

And another factory produces children. Which one is more valuable. One
.child is more valuable

And you, Allah has given you the factory, and he has given you the raw
.material, and you destroy the factory, and the machinery to produce

So anyone who reflects on this chapter, will not think that the punishment
.that Allah mentions is too much

You want enjoyment, relaxation, calmness, seek it in its place, not in its
.opposite

And I believe that if a person saw that place with his eyes, he would not even
.want to look at the woman after that

So have can it be, that he is not repulsed? Perhaps this is sufficient as a
warning regarding the ugliness of this action, and the prohibition of the
Prophet, who was sent with the highest akhlaq, and this is the evilest of
.character. We ask Allah for safety and goodness

.End of Class 28