



Fiqh of Marriage: Class Twenty-Nine

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

The Hadith:

1014 - وَعَنْ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ : قَالَ رَسُولُ اللَّهِ ()
{ لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ أَتَى رَجُلًا أَوْ امْرَأَةً فِي دُبُرِهَا } رَوَاهُ التِّرْمِذِيُّ ,
وَالنَّسَائِيُّ , وَابْنُ حِبَّانَ , وَأُعْلَى بِالْوَقْفِ

**Ibn Abbas Narrated that the Prophet alayhi
as salam said: “Allah does not look at a man
who approaches a man or a woman in the
rear passage.”**

The Explanation This hadith adds to the hadith before it the prohibition of
approaching a

man going on to a man. Because the later has much harm and filth and loss progeny, since water is spilled in air and emptiness.

The Hadith of Ibn Abbas, adds to what was mentioned about a man going to a woman in the forbidden place, the going of a man to another man.

The Hadith:

وَعَنْ أَبِي هُرَيْرَةَ (عَنِ النَّبِيِّ) قَالَ : { مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ
فَلَا يُؤْذِي جَارَهُ , وَاسْتَوْصُوا بِالنِّسَاءِ خَيْرًا , فَإِنَّهُنَّ خُلِقْنَ مِنْ ضِلْعٍ , وَإِنَّ
أَعْوَجَ شَيْءٍ فِي الصُّلْعِ أَعْلَاهُ , فَإِنْ ذَهَبَتْ تُقِيمُهُ كَسَرْتَهُ , وَإِنْ تَرَكَتُهُ لَمْ
يَزَلْ أَعْوَجَ , فَاسْتَوْصُوا بِالنِّسَاءِ خَيْرًا } مُتَّفَقٌ عَلَيْهِ , وَاللَّفْظُ لِلْبُخَارِيِّ

وَلِمُسْلِمٍ : { فَإِنْ اسْتَمْتَعَتْ بِهَا اسْتَمْتَعَتْ وَبِهَا عَوَجٌ , وَإِنْ ذَهَبَتْ تُقِيمُهَا
كَسَرْتَهَا , وَكَسَرُهَا طَلَّاقُهَا }

Narrated Abu Huraira: The Prophet alayhi as salam said:
“He who believes in Allah and the last Day should not harm his neighbor; and take my advice regarding good treatment of women, for they were created from a rib. And the most

curved part of the rib is the upper part. If you attempt to straighten it, you will break it, and if you leave it alone, it will remain bent. So take my advice regarding good treatment of women. [Agreed Upon].

Muslim adds: “So if you enjoy her you will do so while crookedness remains in her; but if you attempt to straighten her you will break her, and breaking her is divorcing her.”

The Explanation:

There was an introduction earlier about the connection between believing in Allah, and the Day of Judgement.

And the conditional statement in this hadith, “Whoever believes in Allah and the Last Day,” what is meant by it is encouragement to do what is coming after it, and explaining its importance...

“Then let him not harm his neighbor,”

And we pointed out that the rights of the neighbor are vast, and that Imam al-Bukhari, in his book *Adab al-Mufrad*, has 12 chapters, with approximately 20 hadith regarding the *adaab* and character and rights in dealing with neighbors.

And if we come to the basis of fulfilling the rights of the neighbor, we find it in the Quran, and the Sunnah, and through reason.

In the context of the Quran, we see that in a strong and deep manner, the connection of the rights of the neighbor with the basic obligations upon a person. Allah most High says,

وَأَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ
وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ
بِالْجُنُبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ [النساء : 36]

“Worship Allah, and do not ascribe partners with him, and be kind to your parents, and relatives, and orphans, and the poor, and the neighbor who is near, and the neighbors who are strangers, the companion by your side, the wayfarer, and what your right hands possess...”

10 categories:

The Parents: 2
Relatives,
Orphans,
The poor,
Neighbors, of two types,
And the companion,
And the wayfarer,

And those whom your right hands possess.

This categories have established rights up a person, in exchange for what Allah has given a person, and making him a caretaker over these people.

And from the amazing context and ordering of the Qur'an, the enjoining of these rights come in the context of disputation between husband and wife.

Allah says, "Men are the protectors and maintainers of women, because has given the one more strength than the other, and what they spend..."

Then Allah explains the solution for marital differences, if it is feared that there is negligence or rebellion, or it is feared that there is not marital harmony, to have a Shari' arbitration, until the rulings of the marital harmony are enforced.

Then, as if Allah Most High is saying, this marital harmony should not come about at the expenses of the parents, or those who are mentioned along with the parents.

This admonition, "Worship Allah and do not ascribe partners to him," is at the pinnacle of rights, for which Allah has created Creation.

"And I (Allah) have not created mankind nor Jinn, except to worship Me."

And what is anew is "and do not ascribe partners to Him,"

Then comes the second right after the right of Allah, and is the first right between servants of Allah, upon each other, which is the right of the parents,

“And with parents, goodness (Ihsaana)”

It is given in the verbal noun form, as an emphasis.

And goodness with parents is paying back one's debts, repayment of a debt,

“Wa Qur rabirhamhuma kama rabayaani Sagheeraa”

“O Lord have mercy upon them as they raised me when young.”

No matter how much you do of goodness to parents, you will not repay the due to them, not even one tenth of their right.

You came to this world naked, possessing only screams and cries, and you stayed in their care until you became a grown man, on his own two feet.

The the Leader of the Faithful, Umar, saw a man carrying his mother, and making Tawaaf around the Kaa'aba.

He said, “Who is this?”

He said, “My mother.”

He said, “You have down well.”

He said, “Do you think, O Leader of the Faithful, that I have repaid her right?”

Umar said, “No by Allah, not even one push, while giving birth to you.”

No matter how much you carried her, and did for you.

It does not compare to what she did in her childhood, if you got even slightly ill, what did she do for you?

As it is said, she became sad in order for you to be happy, she stayed up at night so that you could sleep, she went hungry in order that you be satiated, and this is how it was throughout your life.

Until you became strong, and Allah knows what you will do with her after that.

“And with parents, kindness, and relatives,”

Relatives (Qurbaa) here refers to relatives from the maternal side, also known as Uoolul arhaam, in accordance to their closeness.

And from the Uoolul arhaam are categories, are those who receive a portion of inheritance. They are the close relatives.

And there are those who are on this level, but they do not receive inheritance, such as the paternal uncles sister. The paternal uncle inherits, but his sister does not. And likewise, the daughter of the paternal uncle, the son inherits,

but the daughter does not. The son of the brother (nephew) inherits, but the daughter of the brother (niece) does not inherit.

And thus, this category comes second, after the parents (dhawil qurbaa).

Then comes after that, the general right of society, as they call it (societal interdependence).

This interdependence, that is talked about today, is established in the book of Allah. This was revelation upon the Messenger, without doubt.

And the inheritor must pay his due rights, and the orphan.

The orphan, according to sociologists, amongst humans, is: someone who loses his father before the age of puberty.

But amongst animals, an orphan is one who loses his mother.

But among birds, it is one who lost both the father and mother.

Amongst people, the one who loses a father feels it, feels being deprived, and grows up in an environment where he is humiliated, because he is weak, and due to this weakness, Allah enjoined taking care of them.

“Those who feed food out of love of Allah, the poor, the orphan, and the prisoner.”

“Those who usurp the wealth of the orphan are only swallowing into their bellies fire,”

So that the caretaker of the orphan would guard his or her wealth, and guard his rights.

And this is a vast chapter.

The orphan has right upon every person, no matter how close or far from him or her.

And whatever happens to the orphan, the kindness and love of the society for him will never make up for his losing his father.

To live in the care of his father, poor and destitute, is better, and more beloved, to live under the care of a king from the kings.

Because being taken care of by the rich might satisfy the body, in terms of food, and clothing, and fulfilling necessities, but it will never replace the inner necessity, being deprived of true love, and care.

Rather if a person places his hand on the head of a orphan, he feels that he feels sorry for him, and that he is weak and in need of people’s mercy, whereas the father, even if he disciplines him, realizes that this is due to his love for him.

The status of the orphan I great, and it is befitting for us, as in the past, to give kind words, of love, to help bring his affairs together, from the day he

becomes an orphan, to puberty, to the day of marriage, to the day he participates in society.

And what is amazing is that they say that an orphan grows up angry at society, since he feels that the society has not given him is right, psychologically, and materially. He feels enmity.

So you grows up, and he hates the orphans of society, seeking revenge, but:

The Prophet alayhi as salam grew up an orphan, and took care of orphans, and taught those who took care of orphans, how to be kind.

“Famma al yateema, fa laa taqhar.” “As for the orphan, then do not be harsh.”

We shall continue with the rest of the categories next time Inshallah.

And Allah knows best.

End of Class 29.