A Model Khutbah

Strategy to Enhance Women’s Rights Protection in Islamic Family Law Matters

Wrapa Nigeria
LIFE OF WOMAN UNDER ISLAM

All praise belongs to Allah, He who “created the mates; the male and the female, from a drop of seminal fluid when emitted”. He physically distinguished between them “And the female is not like the male”. I praise Him for his countless bounties. I bear witness that there is no deity but Allah, He is the One and only and has no partners. To Him belongs the most beautiful names, and the sublime attributes. I also bear witness that our master Muhammad (May peace and blessings be upon him) is his sincere servant and messenger, the great intercessor on the Day of Judgment, the holder of the highest position. May the peace and blessing of Allah be upon him and his righteous companions and his pure family.

{O mankind! Fear your lord, who created you from a single soul and created its mate from it, and, from the two of them, scattered numerous men and women. Fear Allah in whose name you adjure one another, and the wombs}. (That is ‘Fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship). Indeed Allah is watchful over you}. Quran 04:01

Brothers and sisters in Islam! For thousands of years before the advent of Islam, women had survived in a very difficult and tragic situation, and had been used as a toy in the hands of oppressors, facing different kinds of humility and degradation, suffering various types of tribulation and deprivation, covered in the veil of oppression and misery. At that time of history, there was no prudent man who could sympathize with a woman as a mother, daughter, wife, window or orphan.

A female during the defunct Greek civilization was traded in the market like beasts and slaves. She was often referred to as “abomination of the devil” – That was in Eastern Europe. However, a conference was held in the western part of Europe in 756 AD to discuss “the status of women” but unfortunately all discussions were shaped to serve the interest of the men. The resolution of the then European Religion Leaders summit came to prohibit women from reading the Holy Book, because, she was the main cause of all miseries facing mankind in this life, according to their lame belief.
Women were humiliated in those days to the extent that some described them as “evil”, “the desired calamity”, “the necessary devil”, “deceiving flash”, “chronic disease” etc. In ancient China, women were burnt alive when their husbands died, because there is no reason for them to live, according to the beliefs of their brutal and inhuman monks. It was never better elsewhere. During the pre-Islamic era of ignorance, known as “the Jahiliya” era, tribes of the Arabian Peninsula used to bury their daughters alive. The Holy Qur’an referred to the practice while condemning it by saying:

“When the girl buried-alive will be asked, for what sin she was killed”. Qur’an 81:08-09

Female children were seen as a disgrace in the pre-Islamic Jahiliya period. Thus, men of the Arabia detested receiving the news of newborn daughters. They used to avoid public gatherings because of the bad and shameful news that they received. Imagine how foolish these people were! And how ungrateful they were for the grace that Allah has blessed them with! Instead of being thankful and cheerful, the jahily father would turn gloomy, depressed and sad because his wife gave birth to a female. Allah the Most High described the situation as follows:

“When the news of a female [newborn] is brought to one of them, his face becomes darkened and he chokes with suppressed agony. He hides from the people out of distress at the news he has been brought; shall he retain it in humiliation, or bury it in the ground.”Qur’an 16:58-59

However, women had been living under suppression and totalitarian authority of men for a long period of time, where she was used and abused, without mercy, like a machine. She had been treated in the same or similar way throughout the history and in all civilizations, until when the sun of Islam shined in the Arabia, and its light spread everywhere, its justice and mercy filed the atmosphere. It was only then that the whole world came to know the atrocities committed against women.

According to the Islamic perspective, a female was never less important than a man. Rather, she is considered ‘the twin-half of man’, in other words, ‘she completes the man’, because together they build the society, then, the nation.
The prophet of Islam (May peace and blessings be upon him) says:

“Women are the twin-halves of men”.

It was after Islam has laid this foundation and set this principle, that, the rest of the world stated to talk about women’s rights.

Despite the western propaganda against Islam, women can never achieve all their rights completely except under the teachings of Islam. The contemporary secular west is celebrating to have given women some rights and freedom, which gave her respect and some sort of sanctity. This is nothing but false and fake claims.

My Muslim sisters! Beware of those false claims. Do not compromise your belief for those perverted ideologies. Do not ‘replace what is superior with that which is inferior’. Islam is the first and only faith which has legislated comprehensive and detailed rules on women’s rights, and set clearly their duties and obligation. Based on these principles, woman was able to achieve her wellbeing and integrity. Islam has bestowed honor and respect to her gentle personality, and has protected her integrity in a way she had never dreamt of before the dawn of Islam.

Islam has wisely considered the special characteristics of women and has – based on that – given them the appropriate role to play in building and maintaining the society, their role is vital and unique that only they can carry it out in the community. We must agree that there are some tasks in the community that man cannot carry out by nature, such as; conception, birth, nursing, raising of children, household chores and some other related tasks that suit her special condition. These are duties that any woman in the world can comfortably execute in privacy, while maintaining her decency, honor and high human values. On the other hand, these tasks are never less important than the field work carried out by the men – which also suit their physical and psychological condition. A woman going out to work in the field shoulder-to-shoulder with men is corruptive to her nature, neglecting her honor and dignity, her physical debility and emotional feebleness. These facts cause so many women to be taken for granted and fall victims of betrayal in the hands of those men in whose hearts is a disease.
There is no man with the slightest trace of humanity in his heart, talk less of faith, would like to see his daughter, wife, sister or one of his female relatives been trapped by some dissolute men, or fallen victim of a traitorous lewd.

The famous Egyptian poet Ahmad Shauqi wrote:

*Raise your girls on virtue,*

*It’s a strong bond for them wherever they go.*

*A mother is a school once she’s prepared,*

*She will produce a nation of amiable descent.*

*A Mother is a garden when rain irrigates it,*

*It fertilizes and foliates it and turns it to a leafy meadow.*

The messenger of Allah (May peace and blessings be upon him) said:

“Whoever has three daughters whom he provides shelter for, support and shoes mercy to; Paradise becomes absolutely binding for him”. It was said: “what if they are two (daughters)?” He replied: “even if they are two”.

**SECOND KHUTBAH:**

Praise be to Allah who rules with truth and justice, and He is the Best of all judges. He rules with justice and Has ordered His servant to do same. He prohibits injustice unto Himself, and has made it prohibited unto his servants. He is the Most Merciful. I bear witness that there is no deity but Allah, Alone with no partners; The Lord of the ancestors and the successors. I bear witness that our master Muhammad is His servant and Messenger, and the best of all His creatures. May peace and blessings be upon him, his noble family, sincere companions and those who righteously followed till the Day of Judgment.

O mankind! I enjoin you and my humble self to fear Allah. I would also like to remind you that Islam has instructed its followers to respect women, be she a
mother, a daughter or a wife. Muslims are also instructed to revere their paternal and maternal aunts. These instructions are more emphasized when the female in question is an orphan or a widow. However, according to the Islamic perspective, women are considered to be the ‘cradle of the men’, and the ‘matrix of the heroes’, and the ‘mother of the great people’ and ‘the school’ from which all the unique leaders of the world have graduated. For this reason, the righteousness of women means the righteousness of the society in general. While the deviation of women means the collapse of the whole society. Islam believes that, whoever honors women is an honorable man, and no one neglect there right except a foolish man. Women – as they say – defeats the wellborn man, while gets defeated by the mean man.

The Prophet (May peace and blessings be upon him) says:

“I advise you to be kind to women because they were created as delicate as ribs. And the most delicate part of a rib is the top part. If you try to forcefully mend it, it will break, and if you leave it, it remains the way it is.”

Allah the Most High said:

{Allah made for you mates from your own selves, and appointed for you from your mates, children and grandchildren, and we provided you with all the good things. What, will they believe in falsehood while they deny the blessings of Allah?} Qur’an 16:72.

This was the first brick laid by Islam in building the foundation of women’s right and freedom. And thus did Islam freed women from the shackles of dictatorship in which she lived for ages, and saved her from the dreadful storm that would destroy her life.

The Prophet (May peace and blessings be upon him) says:

“Allah has prohibited you to disobey your mothers, and to bury alive your daughters. Paradise is under the feet of mothers. And the best among you are those who are kind to their families. And I am the kindest among to my family.”

Brothers in faith! The above mentioned quotes prove that women hold a great position and value in the eyes of Islam. However, the general rule in Islam is;
whatever good she did is to her benefit, and whatever evil she incurs is to her harm.

Allah the Most High says:

{No soul does evil except against itself, and no bearer should bear another’s burden; then to your Lord will be your return, whereat He will inform you concerning that about which you used to differ.} Qur’an 6: 164.

The holy Qur’an also said:

{The wives have rights similar to the obligations upon them, in accordance with honorable norms; and men have a degree above them.” Qur’an 2:228.

This degree given the men by the above Qur’anic verse does in any way allow the man to abuse an atom’s weight of her rights, nor is he allowed to degrade her. This degree means responsibly and the bond of marriage, because the wisdom of Allah requires that the man is physically and psychologically different from the woman.

Allah The Most High said:

{Men are the managers of women, because of the advantage Allah has granted some of them over others, and by virtue of their spending out of their wealth.} Qur’an 4:34.

But if a woman wants to be equal with men, then why not?, Allah Has prepared the atmosphere for that, that is; in the realm of righteousness.

The Holy Qur’an said:

{Then their Lord answered them, I do not waste the work of any worker among you, whether male or female; you are all of the same footing.} Qur’an 3:195.

He also said:

{Whoever acts righteously, whether male or female, should he be faithful, we revive him with a good life and pay them their reward by the best of what they used to do.} Qur’an 16:97.
Hence, whoever tells a woman that she can be equal with man in all aspects of life; he has deceived and exhausted her.

Allah The Most High said:

{..The origination of Allah according to which He originated mankind – There is no altering Allah’s creation; that is the upright religion, but most people do not know.} Qur’an 30:30.

He also said:

{It is Allah’s precedent that has passed before, and you will never find in Allah’s precedent any change.} Qur’an 48:23.

O Allah! We ask you not to leave any sin of ours except that you forgive it, or any distress but you relieve it, or any debt but you settle it, or any illness but you cure it, or any affliction but you lift it, or any difficulty but you ease it, or any need from the needs of this life and hereafter that is pleasing to you and there is good in it for us but you assist us in it being met, and that you make it easy by your mercy, O Lord of the universe!

O servants of Allah!

Be reminded that, Allah enjoins justice and kindness, and generosity towards relatives, and He forbids indecency, wrong and aggression, He advices you so that you may take admonition.

Remember Allah, and He will remember you. Thank Him for His favors, He will increase you.
MARRIAGE AND THE ESTABLISHMENT OF FAMILY IN ISLAM

All praise belongs to Allah Who Has authorized marriage and prohibited adultery, He Has permitted Muslims to transact with each other in peace, He is The Originator of the heavens and the earth, maker of the angels (His) messengers, possessing wings, two, three or four (of them). He said in the Holy Qur’an:

{Then marry (other) women that you like, two, three, or four} Qur’an 4:3.

Glorified is He Who created the mates; male and female, from a drop of seminal fluid. I bear witness that there is no deity but Allah, the Only with no partners. The Finder, The All-inclusive, He neither begat, nor was begotten, nor has He any equal. I also bear witness that our master Muhammad is His servant and Messenger, the holder of great characters.

O my Allah! Send peace and blessings to our optimum mentor and great intercessor Muhammad, who was the best husband and the best in-law, and the best legislator that gave marriage its complete rights secretly and openly. He said:

“I do fast (some days) and I skip (some others), I do pray, I do sleep, and I marry wives. So whoever turns away from my Sunnah does not belong to me”.

And may peace and blessings be upon his pure family, rightly guided companions, and those who followed suit till the Day of Judgment; ‘the day when mankind will stand before the lord of all the worlds’.

{O mankind! Fear your lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women. Fear Allah, in whose name you adjures one another, and the wombs (i.e. fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship). Indeed Allah is watchful over you.} Qur’an 4:1.

“O you who have faith! Fear Allah and speak upright words. He shall rectify your conduct for you and He shall forgive you your sins. Whoever obeys Allah and his messenger has certainly achieved a great success.” Qur’an 34: 70 – 71.
“Indeed we presented the Trust to the heavens and the earth and the mountains, but they refused to bear it, and were apprehensive of it; but man undertook it. Indeed he is most unfair and senseless” Qur’an 34: 72.

O Muslim brothers! When Allah wished to distinguish mankind from animals and other creatures, He set up an appropriate system that organizes the contact between the two genders; male and female, in order to avoid undesirable interactions that would lead to a serious chaos. This system is capable of protecting human’s dignity, maintaining his honor, as well as rewarding him for subscribing to the system. The system in question is Marriage. Prophet Muhammad peace be upon him said:

“….and in one’s sexual intercourse (with his wife) there is a reward.” The companions asked ‘O messenger of Allah is there reward for him who satisfied his sexual need among us?’ he replied “you see, if he were to satisfy it with something forbidden, wouldn’t it be a sin on his own part? Similarly, if he were to satisfy it legally, he should be rewarded”.

Thus, Islam has made the connection between man and his wife a decent one; built on offer and acceptance, which constitute an agreement, then comes the issue of witnesses; those who would bear witness that the two parties have become one. By having these elements, marriage is established, Human Desire is therefore been secured a safe landing, posterity is been safeguarded and women are been protected from exploitation. Whenever the seed is planted in an environment surrounded by maternal instinct and paternal sentiment, it will grow in a worthy fashion, and yield good fruits. Allah the Most High said:

{Allah made for you mates from your own selves and appointed for you, from your mates, children and grandchildren, and provided you with all the good things.} Qur’an 16: 72.

Woman is not just man’s partner in this life, but she is the source of tranquility and stability for him. In addition to the heavy burden she usually lifts off his shoulders, she perceives the pregnancy, she delivers the babies, and she raises the children etc. Allah the Most High said:
{And of His signs is that He created for you mates from your own selves that you may take comfort in them, and He ordained affection and mercy between you. There are indeed signs in that for a people who reflect} Qur’an 30: 21.

Marriage saves both partners from being hijacked by the machines of desire, and it eases their lives here and hereafter. Without marriage, human beings are vulnerable to become extinct. So marriage saves our species from extinction, it extend our progeny and it raises our status. The prophet peace and blessings be upon him said:

“When one marries he has completed half of his religion. So he should fear Allah with regard to the remaining half.”

The prophet peace and blessings be upon him also said:

“Whoever can afford to get married but refused to, he is not from (my true followers)”.  

The prophet peace and blessings be upon him also said:

“This world is all about (temporal) conveniences, and the best convenience in the world is the pious woman”.

The prophet peace and blessings be upon him also said:

“O young men! Whoever among you can afford it, let him get married, for it is affective in lowering the gaze and guarding chastity and whoever cannot then he should fast, for it will be a restraint for him”

The prophet peace and blessings be upon him also said:

“Women are the half-twins of men”

It is reported in another narration that he has said:

“Assuredly, women are not but the half-twins of men”.

Allah said:

{..their wives have rights similar to the obligations upon them, in accordance with honorable numbs; and men have a degree above them} Qur’an 2: 228.
In the light of the above, men should know that it is obligatory on them to take the full responsibility of their wives because of the wives’ special conditions; {And the female is not like the male}¹ both physically and psychologically. For example, it is scientifically proven that male brains are about 10% larger than the female brains. It is also reported that a woman’s brain has a larger corpus coliseum, which means women can transfer data between the right and left hemisphere faster than men. Men tend to be more left brained, while women have greater access to both sides {so that if one of the two defaults the other will remind her.} Qur’an 2: 282.

However, these biological and physiological differences affect the behaviors of each of them practically. Thus Islam gives each of them the appropriate role in the society and shares responsibility among them in the way that will suit their respective natures. Allah the Most High said:

{Consort with them in an honorable manner; and should you dislike them, may be you dislike something while Allah invest it with an abundant good} Qur’an 4: 19.

And Allah the Most High also said:


O you brothers and sisters in Islam, indeed women are your helpful partners whom Allah has entrusted in your custodies. You have legalized intercourse with them by the words of Allah and the approval of their families, so fear Allah concerning them. The prophet peace be upon him said:

“A believer must not hate his wife; if he dislikes one of her characters he will be pleased with another.”

Allah said:

{Men are the managers of women, because of the advantage Allah has granted some of them over others and by virtue of their spending out of their wealth. So righteous women are obedient, care-taking in the absence (of their

¹Qur’an 3: 36.
husbands) of what Allah has enjoined (them) to guard. As for those (wives) whose misconduct you fear (first) advises them, and (if ineffective) keep away from them in the bed, and (as the last resort) beat them. Then if they obey you, do not seek any course (of action) against them} Qur’an 4: 34.

It is important here to highlight that marital relationship is completely different from any other relationship between man and woman. Islam considers this relationship an everlasting one between the husband and wife, until the death of either of them or a kindly release. It is not a temporary relationship. It is a real and frank life with no deception or ambiguity. It is a moderate life with no extravagancy or stinginess. Allah the most High said:

{Let the affluent man spend out of his affluence, and let he whose provision has been tightened spend out of what Allah has given him. Allah does not task any soul except (according to) what he has given it. Allah will bring about ease after hardship}. Qur’an 65: 7.

It is a life based on the principle of “there should neither harming nor reciprocating harm” as ordained by the Prophet (peace and blessings be upon him).

Marriage is indeed an act of worship, because spending in its cause attracts rewards. Islam also does not consider wives as concubines or servants. Neither does it consider the marital life as a mere friendship. Allah the most high said:

{Do not covet the advantage which Allah has given some of you over others. To men belongs a share of what they have earned, and to women a share of what they have earned. And ask Allah for His grace. Indeed Allah has knowledge of all things.} Qur’an 4: 32.

Men should also be reminded of the Hadith in which women were described to be as delicate as ribs, and that requires that men should handle them with intensive care lest the relationship gets jeopardized. Men should always be Kind to them rather than offending them. The prophet (peace and blessings be upon him) said:

“Hearts are naturally disposed for loving those who are kind to them, and hating those are offensive to them”
The popular Arabian poem reads:

Be kind to people, you will enslave their hearts,

How often does kindness enslave Humans?!

May peace and blessings of Allah be upon our master the prophet Muhammad, his family and his companions.

SECOND KHUTBAH:

All praise belongs to Allah, He who created human being from water, then invested him with ties of blood and marriage, and your Lord is all-Powerful.

I bear witness that there is no deity but Allah, the One and Only, He has no partners and He is sufficient for the believers as a guardian and supporter.

I also bear witness that our master Muhammad is His servant and messenger the most merciful and compassionate to the believers.

May peace and blessings be upon whom was sent as a bearer of good news and Warner to all mankind, our master Muhammad who has struggle in the way of Allah. And may peace be upon his pure and blessed family, and great companions and those who follow their footsteps till the Day of Judgment; a day when neither wealth nor children will avail, except him who comes to Allah with a sound heart.

{Our lord! Grand us comfort in our spouses and descendent and make us imams of the god-fearing ones}

{O mankind! Be wary of your lord who created you from a single soul, and created its mate from it, and from the two of them scattered numerous men and women. Be wary of Allah, in whose name you adjure one another, and the wombs [i.e. fear Allah observe the rights of the blood relations and beware of breaking the ties of kinship]. Indeed Allah is watchful over you}. Qur’an 4: 01.

Husband and wife are the bed rock in establishing a righteous family, and they assume full responsibly over its establishment and maintenance. According to the correct teachings of Islam, a mother is the source of perfection in raising the future men and heroes of the society. So if she was brought up well, the society excels and prospers. And ‘behind every successful man’, they say, ‘is a woman’.
A mother is a school once she’s prepared,
She will produce a nation of amiable descent.

Likewise, if women’s character and behavior deviated, the whole nation will
collapse and you will only see a corrupt society, a wasted morality, and a lose family. In this case chaos and disorder will be dominating the system of life.

The prophet (Peace and blessings be upon him) said:

“After me I have not left any affliction more harmful to men than women”

Islamically, marriage is considered the beginning of the learning process of practical leadership skills for a man. It is to train him on how to shoulder responsibility in the real sense of the ward. The messenger of Allah (PBUH) said:

“All of you are guardians and are responsible for your wards. The ruler is a guardian and responsible for his subjects; the man is a guardian and responsible for his family; the woman is guardian and responsible for her husband’s house and his upspring; and so all of you are guardians and responsible for your wards.”

Allah the most high said:

{O you who have faith! Save yourselves and your families from a fire}. Qur’an 66: 06.

After believing in Allah and his messenger, adapting to good conducts and behaviors; the most important principle that Islam stressed is ‘Prevention’. This principle manifests itself in all aspects of the Islamic faith. For example, A Muslim believes in Allah and his messenger as prevention against the eternal calamity. However, prevention in Islam is embodied in obeying orders and avoiding prohibitions.

Allah the most high said:

{Tell the faithful men to cast down their looks and to guard their private parts. That is more decent for them. Allah is indeed well aware of what they do. And tell the faithful women to cast down their looks and to guard their private parts, and not to display their charms, except for what is outward}. Qur’an 24: 30 – 31.
And He also said:

{Stay in your houses and do not display your finery with the display of the former [days of] ignorance. Maintain the prayer and pay the zakat, and obey Allah and his Apostle}. Qur’an 33:33.

As preventive measures for children, there are various Qur’anic verses and prophetic Hadiths that stress the importance of showing commitment by the couple towards raising their children in the Islamic way. They should work together in giving them the best Islamic education. The prophet (SAW) said, while addressing the responsible minds:

“Marry and have children for I will be proud of your great number before the nations on the day of resurrection”

No one would like to lose something that belongs to him or attached to him, such as his servants, employees, or even his pets. So, how would someone afford to see his offspring or himself going in the wrong direction? For this reason, parents most stand firm and make sure they have carried out their duties towards their children – to prevent them from following the wrong path, otherwise, they have betrayed the trust. Allah the most high said;

{Oh you who have faith! Do not betray Allah and apostle, and do not betray your trusts knowingly}. Qur’an 8:27

And he also said:

{Stay in your houses and do not display your finery with the display of the former [days of] ignorance. Maintain the prayer and pay the zakat, and obey Allah and his Apostle}. Qur’an 33:33.

And he also said:

{Say, ‘indeed the losers are those who ruin themselves and their families on the day of resurrection. Look! That is the manifest loss!}

An orphan is not he whose parents have freed themselves from the burden of this life and left him behind so humble, the real orphan is he whose parents are
alive, but the mother has abandoned him, and the father is busy with other worldly affairs.

O Allah! We ask you not to leave any sin of ours except that you forgive it, or any distress but you relieve it, or any debt but you settle it, or any illness but you cure it, or any affliction but you lift it, or any difficulty but you ease it, or any need from the needs of this life and hereafter that is pleasing to you and there is good in it for us but you assist us in it being met, and that you make it easy by your mercy, O Lord of the universe!

O servants of Allah!

Be reminded that, Allah enjoins justice and kindness, and generosity towards relatives, and He forbids indecency, wrong and aggression, He advices you so that you may take admonition.

Remember Allah, and He will remember you. Thank Him for His favors, He will increase you.
HUSBAND AND WIFE’S RIGHTS TO DIVORCE IN ISLAM “RETAIN IN KINDNESS OR RELEASE WITH HONOR.”

Praise be to Allah who has made marriage a covenant between the husband and wife. He has made lawful for them to live together in joy and love, and explained to them their rights and obligations in order to save the human species. And when the purpose of marriage is defeated and the hope of harmony and peaceful reconciliation between them is impossible, Allah then has legislated ‘Divorce’ that is the Dissolution of the Marriage with kindness. Allah the Most High has said:

{O prophet! When you divorce women, divorce them at [the conclusion of] their term and calculate the term, and be wary of Allah, your lord. Do not turn them out from their houses, no shall they go out, unless they commit a gross indecency. These are Allah’s bounds, and whoever transgresses the bounds of Allah certainly wrongs himself. You never know may be Allah will bring off something new later on. Then when they have completed their term, either retain them honorably or separate from them honorably}. Qur’an 65: 1 – 2.

I bear witness that there is no deity but Allah, the One and Only, He has no partners. To Him belongs the sovereignty. All praise is due for him. And to him will be the final abode. I also bear witness that out Master Muhammad is his servant and messenger, the holder of the best character and ethics, who said

“Allah did not legalize anything more abominable to him than Divorce”.

Divorce in the above Hadith has been described as “legal” and at the same time as “abominable”. This is indeed sufficient as repulsion and discouragement against divorce in Islam.

Brothers and sisters in Islam: I advise you and my humble self to fear Allah The Most High, He said:

{O mankind! Fear your lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women.
Fear Allah, in whose name you adjures one another, and the wombs (i.e. fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship). Indeed Allah is watchful over you.} Qur’an 4:1.

My faithful brothers and sisters! Divorce in Islam is designated by Allah as the very last recourse and as mercy for the husband and the wife when faultiness and shortcomings upset the marital union. In response to such circumstances, Islam allows the grieved parties to seek a release from their unfulfilled and perhaps unfulfillable covenant of marriage. Therefore, saving them from embarrassment and violating the right of each other.

Is it probably a serious misconception to say, as some westerners seem to imply, that the exercise of divorce is the exclusive right of man whenever he dislikes some defects from the woman, because he is the one allowed in Islam to initiate and pronounce the dissolution of the marriage tie. This is not true. Islam has legislated [khul’i] irrevocable form of divorce which is initiated by the wife rather than the Husband. If she is unhappy in her marriage for her own reasons, and he has no overt fault or guilt, she may seek a divorce from him. She shall return to him the dowry and other marriage gifts, to compensate for his marital and/or moral loses.

Allah the most high said:

{So if you fear they would not maintain Allah’s bounds, there is no sin upon them, in what she may give to secure her release}. Qur’an 02: 229.

It is reported in Sahihul Bukhari that the wife of Thabit bin Qais came to the prophet (Peace and blessings be upon him) and said: “O messenger of Allah! I do not find any fault with Thabit bin Qais regarding his attitude or religious commitments, but I, being a Muslim, dislike to behave in un-Islamic manner (if I remain with him)” the messenger of Allah Said: “will you give him back his garden which he gave you (as dowry)”? She said: “yes” the messenger of Allah said to Thabit: “Take back the garden and divorce her once”.

It is therefore clear from the above that Islam has authorized divorce only where there is no conceivable way of reconciliation or hope for peace between the parties. Even then, the husband is instructed to consider the whole situation
carefully, (to search his own soul, to judge his wife as a total person) to act patiently, responsibly, and charitably before initiating a divorce. Otherwise, the divorce would be pronounced under some congenial circumstances of a passing fatigue, momentary depression, or casual unfulfillment, and therefore is regrettable rash, thoughtless or irresponsible.

It is important to note that Allah Has not legalized divorce to be a substitute formula for an ordinary oath in the market place or during a casual conversation and arguments. It was reported in the Hadith that the prophet (SAW) has said:

“Whoever wants to swear should swear by Allah”

Therefore, divorce oath formula is prohibited in Islam and whoever does it is to be punished. However, a husband is allowed two revocable divorce pronouncements. The third if used will be absolutely irrevocable, unless there has been an unintended Tahlil. After that Islam commands marital partners to consort with each other in kindness or to part with kindness. By so doing, Islam has protected the right of divorce from being abused by unserious men, or angry men without fulfilling its conditions.

Furthermore, if a divorce is to take place according to the Sunnah and instructions of the Prophet (Peace and blessings be upon him), the wife must be in a state of ‘fresh purity’, that I; she must be fully recovered from the menses of the regular menstruation and the usual postnatal fluxes, in addition, she must not have had an intercourse at any time during this period of fresh purity, which covers the whole interim between the monthly courses. The wisdom behind restricting the timing of divorce to the said period is to impose certain limitations on divorce and put checking points that will prevent its occurrence in anger or for trivial reasons and later be regretted. Sayidna Ali (may Allah be please with him) is reported to hare said:

“If people were to fulfill the conditions of divorce, no man will regret divorcing his wife”

Any divorce pronouncement which is not made in accordance with the Sunnah procedures, is considered contra-sunnah or Bid’a, i.e.; an act of deviation
in the disapproved direction. Such a pronouncement is both religiously forbidden and legally void.

A Sunnah divorce is however, when the husband pronounces a simple revocable divorce, to his wife in her free purity before two qualified witnesses, after the exhaustion of all the other peaceful means of reconciliation, without pronouncing another second divorce while she is in her waiting probationary period “Iddah”.

The Most High has said:

{O prophet! When you divorce women, divorce them at [the conclusion of] their term and calculate the term, and be wary of Allah, your lord. Do not turn them out from their houses, no shall they go out, unless they commit a gross indecency. These are Allah’s bounds, and whoever transgresses the bounds of Allah certainly wrongs himself. You never know may be Allah will bring off something new later on. Then when they have completed their term, either retain them honorably or separate from them honorably}. Qur’an 65: 1 – 2.

The above verse points out that the single revocable divorce is the only form of divorce that is allowed, because it gives room for reconciliation and revocation of divorce within the waiting period. That is:

{Then when they have completed their term, either retain them honorably or separate from them honorably}. Qur’an 65: 2.

The verse also shows that for a divorce to be characterized as Snnah, it must accrue while the wife is in a state of purity and had not has intercourse with the husband. He said:

{Divorce them at [the conclusion of] their term.} Qur’an 65: 1.

This means that Islam has made it prohibited for the husband to initiate divorce while his wife is in her menses period, because it increases her waiting period and therefore, harms her. On the other hand, Islam has prohibited him from divorce after having had an intercourse with her in her purity period, because that may confuse her. She wouldn’t be sure if she had conceived a child or not, and
therefore, which of the iddahs should she serve? Is it a normal Iddah (three month) or a pregnant Iddah (till she delivers).

Meanwhile, all forms of contra-Sunnah divorces are discouraged by Islam, such includes pronouncing more than one divorce at a time, or pronouncing it in the purity period in which he has had intercourse with the wife. However, the most disapproved and completely prohibited form of divorce is the one occurring during the menses of the regular menstruation and/or the usual postural filness.

My brothers and sisters in Islam, Allah has ordained you to give respect to woman. The prophet (Peace and blessings be upon him) says:

“I advise you to be kind to women because they were created as delicate as ribs. And the most delicate part of a rib is the top part. If you try to forcefully mend it, it will break, and if you leave it, it remains the way it is.”

Allah the Most High says:

{Allah made for you mates from your own selves, and appointed for you from your mates, children and grandchildren, and we provided you with all the good things. What, will they believe in falsehood while they deny the blessings of Allah?} Qur’an 16:72.

{Indeed Allah enjoins you and kindness and generosity toward relatives, and he forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.} Qur’an 16: 90.

O Allah! We ask you not to leave any sin of ours except that you forgive it, or any distress but you relieve it, or any debt but you settle it, or any illness but you cure it, or any affliction but you lift it, or any difficulty but you ease it, or any need from the needs of this life and hereafter that is pleasing to you and there is good in it for us but you assist us in it being met, and that you make it easy by your mercy, O Lord of the universe!

O servants of Allah!

Be reminded that, Allah enjoins justice and kindness, and generosity towards relatives, and He forbids indecency, wrong and aggression, He advices you so that you may take admonition.
Remember Allah, and He will remember you. Thank Him for His favors, He will increase you.

SECOND KHUTBAH:

Praise be to Allah who has shown us the best ways, and thought us the best ethics. He it is who harmonized between the husband and wife. The holder of the most beautiful names and the most sublime attributes.

I bear witness that there is no deity but Allah, The One and Only, He has no partners. And I bear witness that Muhammad is His servant and messenger who made it clear that:

“There are three things which, whether undertaken seriously or in jest, are Islamically considered serious; marriage, divorce and the revocation of divorce.” This Hadith was reported by Abu Dawud, Tirmizi, and it is the formula endorsed by all jurists.

O servants of Allah! Divorce revocation is a right given by Islam to the husband when the couple develops a desire for reconciliation, provided that it happens during the probationary period of divorce. This reunion requires no new marriage contract, nor does it require all the standard requisites such as a wali or a dowry. The right to revoke back a divorce is an absolute one that was conferred to him by the Sharia law that no one can deprive the husband from, because Islam has given him this right to ease the process of reunion between the parties and create an opportunity for another chance.

The Most High said:

{And their Husbands have a greater right to restore them during this [duration] if they desire reconciliation} Qur’an 2: 228

According to the jurists, a husband can also revoke a divorce even if he is, or the divorced wife is, in the state of Ihram for Hajj or Umrah, or while either of them is seriously sick. This is the only case where a contract is allowed under these three conditions. That is simply because Islam considers divorce revocation as a re-affirmation of an existing contract, not an initiation of a new fresh agreement.

The revocation could be done either;
1) By pronouncing in clear words, by simply stating that ‘he has revoked his wife etc.’, or by paying the woman a suggestive compliment. We should note here that even “jokes” count, because it was explained earlier that the prophet (Peace and blessings be upon him) has made it clear that there is no joke in these three things that is marriage, divorce, revocation of divorce. This is the rule of law and the law always considers the manifest, not the hidden, thus Islam judges him from his utterances, not his intention. If he utters a revocation and intends otherwise in his heart, then the Sharia would consider the utterance, whereas the intention will be judged by Allah.

2) The husband can equally revoke the divorce by action, which is a gesture of touch, kissing or even having intercourse with her with the intention of resuming his full marital states.

O savants of Allah! Allah has ordained you to invoke peace and blessings for the Prophet of mercy, and he said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

O Allah! May you send peace and blessings to our master Muhammad, his family and companions. May you also be pleased with our masters, Abubakar, Umar, Usman and Ali, and the rest of them.

Be reminded that, Allah enjoins justice and kindness, and generosity towards relatives, and He forbids indecency, wrong and aggression, He advises you so that you may take admonition.

Remember Allah, and He will remember you. Thank Him for His favors, He will increase you.

May Allah bless us all with the good understanding of the holy Qur’an, may He benefit us all with the signs and wisdoms therein, and may He accept us and our good deeds, for He is all-Hearing all-Knowing.

May Allah pardon us all.
MARRIAGE GUARDIANSHIP AND COMPULSION

Praise be to Allah who enacted the laws and explained to us the permissible and the forbidden. He enjoined the good and forbid the evil. He has honored the religion of Islam with Nobel and intellectual followers. He said:

{And of His signs is that He created for you mates from your own selves that you may take comfort in them, and He ordained affection and mercy between you}. Qur’an 30: 21.

We praise Him for legalizing marriage. We bear witness that there is no deity but Him. The One and Only He has forbidden abomination openly and secretly. We also bear witness that Muhammad is His savant and messenger who said:

“No valid marriage except with a guardian.”

And He also said:

“Any woman who gives herself in marriage without the permission of her guardian, her marriage is void.”

May peace and blessings be upon him, his family and companions.

O my Muslim Brothers! Marriage guardianship is principally devised to protect the honor and pride of the woman. It is the legal authority invested in a person who is fully qualified and competent to safeguard the interest and right of the woman who is incapable of doing so independently because of immaturity, inexperience, or even the natural shyness in women that sometimes, prevent them from making the right choice. As a precautionary measure, the guardian must meet certain moral and personal requisites.

These are:

a) Must be male: the prophet (SAW) said: “A woman neither gives away another woman, nor herself in marriage, for only the adulteress gives herself away in marriage.”
b) He must also be a free Muslim, of sound mind, of full age, and of good character. However, a minor, insane, irresponsible, drunk or fool person will not be accepted as guardian. A non-Muslim cannot be a guardian of a Muslim woman, even if she is his relative.

c) Someone in a state of Ihram for Hajj or Umrah also cannot be a guardian (wali) for the Hadith that says: “The Muhrim (one in the state of Ihram) cannot contract a marriage for himself or give someone away in marriage”.

There are two types of guardians.

1. A guardian who has a right empowering him to act on his word’s behalf with or without her consent, because he is believed to be acting in her interest. He can’t therefore give her off for a dowry lower than her normal equal class. Nevertheless, this right of compulsion could be overruled by the authority if the guardian’s choice for the woman seems to harm her religion or dignity, such as giving her out to an immoral, leper, leprous, insane or a neuter. The prophet (SAW) said:
   “There should be neither harms, nor reciprocating harm”.

   The right of compulsion in marriage, where it applies, may be exercised only by a father who is also qualified to be a guardian over his minor and virgin daughter. The prophet (SAW) said:

   “The consent of a virgin is to be sought and her silence is evidence of her approval”.

   The above hadith shows that a woman with marital experience has different rule from the virgin, while the previously married woman has the right of her complete choice, the virgin has no full right, rather she should be counsel, and her approval should be sought. In other words, her consent is important, even though she does not enjoy a complete and unlimited freedom over her choice, because she is in no position to know where her real interest lies, unlike the previously married woman who is more matured, exposed, experienced, and very unlikely to be easily misguided.

   A farther can compel his virgin minor daughter in marriage, but under conditions;
1) If the farther had – in any time before – pronounced his daughter as “prudent” of sound mind and had approved her to make her own choice because he is pleased with her moral and religious commitments then he can’t compel her after that to marry his choice.

2) If the daughter has had an experience of marriage that lasted for a period of one year – for example, he can’t compel her too.

3) If he is marrying her to an equal suitor, but in a case where he marries her out to an unequal husband, with physical, moral or religious defect, he cannot compel her, even if she is virgin, because such authority was given to him to do what is believed to be in the interest of the ward and in fulfillment of his religious responsibility. And whenever there is harm, Islam abstains.

In the absence the father, the guardian who was assigned by the father – as in his will – will take the responsibility of guardianship upon the daughter. He can also have the right to compel her – if only – the father has clearly indicated that in his will.

However, what is going on presently in our country – the Hausa land – is a disaster. Because some guardians who have no authority of marriage compulsion can just come out and force a female into a marriage. In fact, in some cases even women claim that right and force their fellow gender to marry someone out of their consent, and then assign a man to be the guardian. This is indeed taboo and unacceptable in Islam. It is – by Allah – a great injustice and oppression.

This is your responsibility, my brothers and sisters – and everybody will be questioned about his responsibilities before Allah; you will be accounted for yourself, daughters, sons, wife/s, servants, brothers and all your wards. The prophet (SAW) said:

“All of you are guardians and are responsible for your wards. The ruler is a guardian and responsible for his subjects; the man is a guardian and responsible for his family; the woman is guardian and responsible for her husband’s house and his upspring; and so all of you are guardians and responsible for your wards”.

Allah the Most High said:
{O you who have faith! Indeed among your spouses and children you have enemies; so beware of them. And if you excuse, forbear and forgive, then Allah is indeed all forgiving, all merciful} Qur’an 64: 14.

SECOND KHUTBAH:

Praise be to Allah! We thank him in all situations, we seek refuge in him from the evil of those who went astray, from the calamities caused by the living ones and the dead ones, and from the calamity of the anti-Christ. May He safeguard our women from disobeying their husbands.

We praise Allah, The Great, The Most Exalted, we thank Him for His favors and ask Him for continuity forever.

O servants of Allah! The woman whose divorce has been initiated and pronounced by the husband is fully entitled to complete maintenance as long as she is still in the waiting period, just as if the marriage were still completely intact. This right applies to women who serve the period of revocable divorce. But for those who are pregnant whether the divorce is revocable or irrevocable, the husband is totally responsible for her food, clothing, shelter, if necessary services, and he should provide her adequately as if no divorce had taken place. A widow woman is also entitled to same. So is a woman whose marriage was nullified by the authorities. Allah The Most High said:

{And should they be pregnant, maintain them until they deliver}. Qur’an 6:06.

The only exception here is in the case of Recrimination [li’an]\(^2\), where the woman is not entitled for maintenance by the husband, because they have cancelled that by their mutual imprecations.

In the case of irrevocable divorce, the wife is not entitled for maintenance except, as we mentioned earlier if she is pregnant. It is reported in the Hadith that Fatima bint Qais who was irrevocably divorced by her husband complained of

\(^2\)Li’an is a form of mutual imprecation, where a man accuses his wife of adultery, but he has no witness other than himself. He then swears five oaths, and she does the same after that the marriage becomes dissolved and absolutely irrevocable.
insufficiency of the amount she received from her husband during the waiting period, and the prophet (SAW) said to her:

“You are not entitled for any maintenance from him” or “he is not responsible for your maintenance”.

This is also captured in the Holy Qur’an where it says:

{House them where you live, in accordance with your means, and do not harass them to put them in stress, and should they be pregnant, maintain them until they deliver}. Qur’an 64: 06.

It is not obligatory to provide this maintenance for a widow, because maintenance is the equivalent of the services that the woman usually offers in the house, now that the husband himself has died, all services are automatically terminated and the marriage intoto. The Most High said:

{And say, go on working: Allah will see your conduct, and his apostle and the faithful [as well], and you will be returned to the knower of the sensible and the unseen and He will inform you concerning what you used to do}. Qur’an 9: 105.

May Allah bless us with the understanding of the Holy Qur’an, may He benefit us with all the blessings of its chapters and verses.

O savants of Allah! Allah has ordained you to invoke peace and blessings for the prophet of mercy, and he said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

O Allah! May you send peace and blessings to our master Muhammad, his family and companions. May you also be pleased with our masters, Abubakar, Umar, Usman and Ali, and the rest of them.

Be reminded that, Allah enjoins justice and kindness, and generosity towards relatives, and He forbids indecency, wrong and aggression, He advices you so that you may take admonition.
MARRIAGE AS A SYSTEM THAT PLEASING ALLAH

All praise belongs to Allah who has legalized marriage and prohibited adultery. He has made marriage the lawful transaction between man and woman, and has made it one of the most powerful norms of creation and being in the worlds of human beings, animals and plants. He the most Exalted said:

{O mankind! Indeed we created you from a male and a female, and made you nations and tribes that you may identify with one another. Indeed the noblest of you in the sight of Allah is the most God wary among you. Indeed Allah is all knowing, all-aware.} Qur'an 49: 13.

He also said:

{O mankind! Fear your lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women. Fear Allah, in whose name you adjures one another, and the wombs (i.e. fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship). Indeed Allah is watchful over you.} Qur’an 4: 1.

I bear witness that there is no deity but Allah, the One and Only, He has no partners. And I bear witness that Muhammad is his servant and messenger. May peace and blessings of Allah be upon him. He was reported to have said:

“O young men! Whoever among you can afford it, let him get married, for it is affective in lowering the gaze and guarding chastity, and whoever cannot, then he should fast, for it will be a restraint for him”

He also said:

“Whoever can afford to get married but refused to, he is not from (my true followers)”.

May peace and blessings be upon him, his family, companions and those who follow suit till the day of resurrection.

O my brothers and sisters! It is important to know that it is Allah’s wish to distinguished mankind from other animals that he allowed the later’s desire to
control their behaviors, setting no barrier or control in the relation binding their males with females. On the other hand, he set for human beings suitable norms that guide this relationship in order to protect man’s behavior and dignity. He has fashioned the connection between man and woman with a beautiful connection that is built on agreement, manifestation of offer and acceptance, and the witness of such an agreement by others who can testify that this man and woman were legally connected to each other. By so doing, the human desire is been secured a safe landing, posterity is been safeguarded and women are been protected from exploitation. Whenever the seed is planted in an environment surrounded by maternal instinct and paternal sentiment, it will grow in a worthy fashion, and yield good fruits.

This is the system which pleases Allah, so he approved it for Islam, and abrogated anything other than that.

Marriage is the best means through which progeny is enhanced and protected, life is maintained and developed, for Islam gives huge importance to the progeny.

Islam also considers marriage as act of worship. That’s why it should be learnt just the way other acts of worships are being tough. The noble companion of the Prophet, Abdullahi Ibn Abbas was reported to have said:

“The worship of a worshiper will never be complete until he gets married”.

Muslim brothers! Engagement before marriage is allowed in Islam, to allow the couple knows each other before finalizing the marriage agreement. The woman must be free from all defects as outlined by the Sharia law, and she must not be engage to someone else, she must not be in serving her waiting probationary period after being divorced by another man, whether an irrevocable or revocable divorce, or being a widow. In this period, a formal engagement is prohibited, except a light complement, or a little gift, are allowed for the irrevocable divorce and dead iddah. Allah the most high said:

{There is no sin upon you in what you may hint in proposing to [recently widow] women, or what you may secretly cherish within your hearts. Allah knows that you will be thinking of them, but do not make troth with them secretly, unless you say honorable words, and do not resolve on a marriage tie until the prescribed
term is complete. Know that Allah knows what is in your hearts, so beware of Him} Qur’an 02: 235.

My Muslim brothers and sisters! Islam has allowed the man to look at his proposed women, so that the marriage will take place with full content and pleasures.

It was reported that Mughira bin Shaiba had propose to a woman, when the prophet (SAW) said to him:

“Go and look at her; He said: “No” the Prophet (SAW) said go and look at her, for that is more likely to create love between you.”

Jabir bin Abdullah (may Allah be pleased with him) has reported the Prophet (SAW) saying;

“Shall anyone from you propose to a woman, and is able to see in her something that will encourage him to marry her, he should do.”

Man is allowed to look at his proposed woman’s face and hands. By looking at the face, he can judge on her beauty and cleanliness, while the hand signifies physical fitness. The beholder is only allowed to take a decent look; otherwise he will be committing a sin. One can also delegate another man or woman to go and look at his proposed on his behalf. If the delegated person is a woman she can go beyond face and hands. It is reported in a hadith that the Prophet (SAW) sent Ummu Sulaim to see a maid on his behalf and instructed her;

“Check the smell of the mouth, and take a look at the legs (Shanks).’

Islam also advises that, when the man is uncomfortable with what he sees, he must be quite about it. He shouldn’t say something that will harm her. It may be what he dislikes about her can please another man.

However, this rule does not apply only to men, women are also equally allowed to look at the man who is supposed to be their future husband and approve or disapprove him.

It is not allowed however, to be in privacy with the proposed because she still remains a non-mahram person. That can lead to unlawful acts- touching, kissing
etc. Unless if she is accompanied by a Mahram (a relative). Because it is unlikely that these feared acts would happen while in his presence.

Jabir (May Allah be with him) has reported the Prophet (Peace and blessings be upon him) to have said:

“Whoever believes in Allah and the last day, should not be in privacy with a woman except in a presence of her Mahram, lest Satan will be their third in that meeting”

Abdullahi bin Umar (may Allah be pleased with him) reported the prophet (Peace and blessings be upon him) saying;

“This life is a delight, and the best of its delights is a righteous wife.”

It was also reported that the prophet (Peace and blessings be upon him) has said;

“The best thing that benefits the believer after piety (God-fearing) is the righteous wife. Even when he is absent she protects herself and his wealth.”

May Allah bless us all with the understanding of the Holy Qur’an, and may he benefit us with its wise and memorable verses.

SECOND KHUTBAH:

Praise be to Allah; we praise Him, we thank him, we ask for his forgiveness and help, we repent to him and depend on him, we seek refuge in him from the evil of ourselves and our bad deeds. We bear witness that there is no deity but Allah the One and Only. He has no partners. He orders justice and kindness to women and forbids injustice and suppression against them. We bear witness that Muhammad is his servant and messenger. Who fulfilled the trust and taught the ummah. He said:

“The best among you is he who is the most kind to his family. And I am the kindest among you to my family.”

May peace and blessings of Allah be upon him, His family and companions.

O my people! I advice you and my humble self to fear Allah in our transactions with our wives and families, we should treat them as humans. You should know
that their provision and clothes is our responsibility as Allah the Most High has stressed in the holy Qur’an:

{Mothers shall suckle their children for two full years, - that for such as desire to complete the suckling – and on the father shall be their maintenance and clothing, in accordance with honorable norms. No soul is to be tasked except according to its capacity: neither the mother shall be made suffer harm on her child’s account, nor the father on account of his child, and on the [father’s] heir devolve [duties and rights] similar to that. And if the couple desire to wean, with mutual consent and consultation, there will be no sin upon them. And if you want to have your children wet-nursed, there will be no sin upon you so long as you pay what you give in accordance with honorable norms, and be wary of Allah, and know that Allah sees best what you do}. Qur’an 2: 233.

He also said:

{House them where you live, in accordance with your means, and do not harass them to put them in straits, and should they be pregnant, maintain them until they deliver. Then if they suckle [the baby] for you, give them their wages and consult together honorably; but if you make things difficult for each other, then another woman will suckle [the baby] for him. Let the affluent man spend out of his affluence, and let he whose provision has been tightened spend out of what Allah has given him. Allah does not task any soul except (according to) what he has given it. Allah will bring about ease after hardship}. Qur’an 65: 6 – 7.

O servants of Allah! You should struggle in fighting your egos, and disciple yourselves in the way you will be able to take your responsibilities towards your families, bearing their burden, enduring their troubles, and overlooking their shortcomings, while doing the utmost in upbringing them and guiding them to the righteous way of Allah. The Messenger of Allah said;

“A day with a just leader is better, in the sight of Allah, than seventy years”.

Therefore, man’s struggle for his family is equivalent to Jihad in the way of Allah. Imam Bishr was reported to have said:

(Imam Ahmad bin Hambal surpassed me for three reasons; he struggles to provide for himself and his family.)
The prophet (SAW) is reported to have said;

“Whatever the man spends for his family will have a status of Sadaqa”. And a man is rewarded for the morsel he places in the mouth of his wife.”

O savants of Allah! Allah has ordained you to invoke peace and blessings for the prophet of mercy, and he said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

O Allah! May you send peace and blessings to our master Muhammad, his family and companions. May you also be pleased with our masters, Abubakar, Umar, Usman and Ali, and the rest of them.

O Allah! We ask you not to leave any sin of ours except that you forgive it, or any distress but you relieve it, or any debt but you settle it, or any illness but you cure it, or any affliction but you lift it, or any difficulty but you ease it, or any need from the needs of this life and hereafter that is pleasing to you and there is good in it for us but you assist us in it being met, and that you make it easy by your mercy, O Lord of the universe!

O servants of Allah!

Be reminded that, Allah enjoins justice and kindness, and generosity towards relatives, and He forbids indecency, wrong and aggression, He advises you so that you may take admonition.

Remember Allah, and He will remember you. Thank Him for His favors, He will increase you.
MAINTENANCE FOR DIVORCEE AND PROVISION FOR THE WIFE.

Praise be to Allah who created for you mates from among yourselves and created love between you. Exalted is He who said:

{And of His signs is that He created for you mates from you own selves that you may take comfort in them, and He ordained affection and mercy between you. There are indeed signs in that for a people who reflect} Qur’an 30: 21.

I bear witness that there is no deity but Allah, the One and Only, He has no partners. And I bear witness that Muhammad is his servant and messenger; the holder of the best characters. May peace and blessings be upon him his family and companion.

Allah the Most Exalted said:

{O mankind! Fear your lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women. Fear Allah, in whose name you adjures one another, and the wombs (i.e. fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship). Indeed Allah is watchful over you.} Qur’an 4: 1.

Abdullahi bin Umar was reported to have said;

“Every divorced woman is entitled to maintenance except the woman who was divorced after her dowry was specified, but before consummation”.

Maintenance also connotes the post divorce settlement the husband gives to his divorcee in order to console her for and state of disunion she is in. this applies to both revocable and irrevocable divorces. For the irrevocable divorce, the settlement is made immediately after the divorce. While for revocable it comes after completing her waiting period, because she still maintain the status of a wife while in the waiting period, and it is very likely that the relationship between them would be resumed. So there is nothing to console her about. In a case where a divorced woman died, her settlement should be given to her heirs.
However, the post-divorce settlement is considered Mandoob (highly recommended and rewardable) in the Maliki scholars, while according to the Shafi‘i school of thought it is obligatory. Apparently those who say its obligatory have stronger arguments and acquire more proves.

Allah the Almighty said;

{For the divorced women there shall be a provision, in accordance with honorable norms – an obligation on the God wary}. Qur’an 2: 241.

He also said:

{There is no sin upon you if you divorce women while you have not yet touched them or settled a dowry for them. Yet provide for them – the well-off according to his capacity – with a sustenance that is honorable, an obligation on the virtuous}. Qur’an 2: 236.

He also said:

{O prophet! Say to your wives, ‘If you desire the life of the world and its glitter, come, I will provide for you and release you in a graceful manner}. Qur’an 33: 28

And he also said;

{O you who have faith! When you marry faithful women and then divorce them before you touché them, there shall be no period for you to reckon. But provide for them and release them in a graceful manner}. Qur’an 33: 49

**Maintenance for the wife:**

It was reported by Hakim, that his grandfather asked the prophet (Peace and blessings be upon him):

“O messenger of Allah! How do we approach our women? He (Peace and blessings be upon him) answered;

“Approach your wife the way you wish, feed her when you eat, cloth her when you wear, do not distort her image, neither do you strike.”
O servants of Allah! The wife’s maintenance entails her incontestable right to lodging, clothing, food and general care. She is entitled to this right by virtue of the fact that she is devoted to the husband’s companionship and is confined to his household, or by the very reason of marriage i.e., being his wife and ‘trust’. Maintenance, however, is not a pure mathematical equation or a calculated business transaction, in which she provides comfort, affection and compassion, in return for maintenance. The essence of marriage is compassion, of which she is entitled to receive at least as much as she gives.

Abu Sulaiman Al-Darany has said; “The righteous wife is not only a help in this life, by taking care of all your needs at home, she also help you to be devoted to the next life.”

O servants of Allah! It is clear from what we have mentioned that maintenance is no more than securing all the necessary needs of woman, to avoid her being in need of others. Those necessary needs could be classified into three major needs food, cloth and accommodation.

As for food, it is the most crucial in human’s life and sustenance. It is what sustain him and maintain him internally.

While cloth is what protects human being form outside.

On the other hand, accommodation is where he abides and takes shelter against natural antagonism.

In a nut shell, the obligatory maintenance for woman do not exceed these three categories, and the components that are attached to them. In addition to some other needs that omitting them would harm the woman.

Let’s take them one by one with details.

First of all: **Food maintenance:**

1. The husband will be fully responsible for feeding his wife in accordance with his means and her style of life.
2. Other facts to be considered include: the situation, weather city or town, culture at home or abroad, the time of high cost of living or otherwise. It is also his responsibility to provide all the necessary components for preparing
the food. In case of nursing mother, there should be a raise in the maintenance because of the need of the baby for nutrition as well as the mother.

3. Quantity and quality: Because of the flexibility of the Islamic law on the issue of maintenance, it is better to follow the custom according to which the married couple comes from. We should consider the social background of the bride’s family. If the couple belongs to the same social strata, then he will provide adequately in accordance with their life style, but if they came from different background, then a middle way should be followed. It is clear, however according to our Maliki school that the maintenance of a lower class family differs from that of the higher.

The Maliki School does not only consider the husband’s financial situation, but the financial situation of both of them. The maintenance therefore estimated according to the life style and of course his means.

Allah the Most High said:

{And on the father shall be their maintenance and clothing, in accordance with honorable norms}. Qur’an 2: 233.

This shows that the situation of both should be taken into consideration. It was reported that the Prophet (Peace and blessings be upon him) had instructed Abu Sufyan’s wife, after she complained about her husband’s stinginess: “Take what will suffice you and your children in a good manner”.

The prophet (SAW) left it open for her to decide on the quantity of what will suffice her, and he did not specify.

However, as we have mentioned earlier, the wife is entitled to this right by the virtue of the fact that she is devoted to the husband’s companionship and is confined to his household.

Secondly: **Clothing**

It is also the responsibility of the husband to cloth his wife, at least, twice a year; i.e.; once every summer and winner. The one of summer could cover the summer and spring seasons, while the one of winter could be worn in winter and
autumn. This is because each season has its suitable cloths. But if they live in an environment where they can wear the same cloth for all seasons, then clothing once is sufficient, except if it decays within the said period.

That is how it should be done; a cloth at least in a case where the cloths of winter differ from that of summer. Also if the cloths are in good condition, she can use it till the summer of the next year, otherwise it will be obligatory for him to provide a new one.

We should also note here that clothing includes blanket, bed sheets, mats etc. It also includes all other components that are necessary for the household as usually required by the culture and tradition of that society.

However the type and quantity of the cloths is determined by the wife’s social background, husband’s financial situation and the culture of the society. Other items such as bed, carpet etc, when necessary and if the husband’s situation allows. But the least that will be accepted in clothing is what can cover her body and head, and can protect her against cold and hot.

May peace and blessings be upon Prophet Muhammad the best of creatures.

Allah says:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

O Allah! May you send peace and blessings to our master Muhammad, his family and companions. May you also be pleased with our masters, Abubakar, Umar, Usman and Ali, and the remaining of them.

SECOND KHUTBAH:

Praise be to Allah whose esteem is great, whose sovereignty is mighty and whose bounties are endless. He has ordained women to cover and adhere to the ethics in order to establish a descent and strong family. We bear witness that there is no deity but Allah, the One and Only, He has no partner. And we bear witness that Muhammad is his servant and messenger He said:
“From Dinar (money) that you spent in the path of Allah, the Dinar that you spent in freeing a slave, the Dinar that you spent in charity to a needy person, and the dinar you spent on your family, the one that is greatest in reward is the one that you spent on your family.”

Thirdly: Accommodation

In Islam, it is the husband’s responsibility to provide for the wife’s shelter. He must lodge her in an adequate accommodation whether by renting or borrowing or owning as far as it befits the means and life styles of both mates.

A wife of high ranking status, has the right to refuse living with the husband’s relatives in the same house, if she feels that will harm her or expose her privacy or cause conflict between them. Should she agree in the marriage contract to share the lodging with his relatives, she must honor the agreement, this applies to the high ranking and low ranking wife.

However, a commoner wife or low ranking has no right to refuse living with the husband’s relatives in the same house, unless the marriage contract has stipulated otherwise, or if it appears that sharing the same house with her in-laws will subject her to any harm.

On the other hand, if a woman of any background – whether high ranking or low ranking – shared the house with her in-laws without any agreement, and then it turn to be harmful to her, whether by violating her privacy, or interference in her affairs, or conflicts, she can reject to continue.

Meanwhile, none of the couple has the right to reject living with the others’ children from previous marriage, if they don’t have a guardian to look after them, provided that the partners knew about the children before marriage. So, none of them has the right to refuse them after the marriage, nor to eject them from the house. However, if he/she didn’t know before the marriage that the children have a guardian, then later discovered that they had one, he can reject living with them.

Majority of Jurists believe that a sick wife is also unquestionably entitled to full maintenance by the husband. That is; the cost of her medical care, her medicine, the physicians’ fee etc. The husband is also responsible for her delivery expenses, including the midwife fee, even if she is divorced. He shall also provide
for other usual expenses attached to naming ceremony as it is done in their culture such as food, drinks, and deserts. Etc.

He must also provide her modestly with ornaments that are necessary to her life such as kohl, henna, soap and body creams.

O my Muslim brothers! You should fear Allah concerning the right of your wives; you should maintain them, provide for them and fulfill to them. By so doing, Allah will magnify your rewards and ease your affairs. He will also bring about welfare, love, compassion and mercy into your lives.

“O our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us the grace to lead the righteous”.

O our lord! Accept the repentance of the repentants, forgive the sins of the sinners, pay off the debts of the debtors, heal our patients and pardon all our sins. O the lord of the universe!

{Indeed Allah enjoins you and kindness and generosity toward relatives, and he forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.} Qur’an 16: 90.

At the end of this, I pray to Allah, the Almighty, to grant us forgiveness.

Supplicate to Allah for forgiveness for He is the Most Forgiving and the Most Merciful.
Praise be to Allah. We thank him and ask for his forgiveness, we seek refuge in Allah from the evil of ourselves and our bad deeds. Whoever Allah guides no one can mislead him, and whoever Allah misleads, he will have no guardian.

I bear witness that there is no deity but Allah, the One and Only, He has no partners, and I bear witness that Muhammad is his servant and messenger. He (SAW) has delivered the message, and fulfilled the trust and advised the nation and removed the sadness and struggled in the cause of Allah until his final days. Then he led us on a clear white path, whose night is as clear as its day; anyone who deviates from it has ruined himself.

May peace and blessings of Allah be upon him, his household, companions and those who righteously followed them till the last day.

Allah the Almighty said:

{O you who have faith! Be wary of Allah with the wariness due to him and do not die except as Muslims} Qur’an 3: 102.

The Almighty also said:

{Mothers shall suckle their children for two full years, - that for such as desire to complete the suckling – and on the father shall be their maintenance and clothing, in accordance with honorable norms. No soul is to be tasked except according to its capacity: neither the mother shall be made suffer harm on neither her child’s account, nor the father on account of his child, and on the [father’s] heir devolve [duties and rights] similar to that. And if the couple desire to wean, with mutual consent and consultation, there will be no sin upon them. And if you want to have your children wet-nursed, there will be no sin upon you so long as you pay what you give in accordance with honorable norms, and be wary of Allah, and know that Allah sees best what you do}. Qur’an 2: 233.
O people! I advice you and my humble self to fear Allah. You should also know that custody of children means to look after the child at home and monitor his movements outside home, provide for his necessary needs such as food, cloths, education, healthcare and raise him in an adequately clean and healthy environment.

Custody of children is an obligation on the parents upon children, in order to save the children from loss or destruction. Because it is naturally rooted in the human instinct, this responsibility has always been stressed by other faiths and laws as well. In Islam however, it is the shared responsibility of the father and the mother. In case of separation, it is the right of the woman to keep the young children in her custody, feed them, look after them; while it is the father’s responsibility to bear the full cost of this care. The father has the right to visit his son, to educate him, train him and take care of him.

The right to custody belongs to the closest relative woman, and then it goes to the closest man. In a situation where there is dispute over the custody of a child, the entitlement goes sequently as follows:

1. Mother: She is the most appropriate person to keep the child in her custody because of her passion and love for him. It was reported that; a man divorced his wife and attempted to take away her son from her. When she went to the prophet (Peace and blessings be upon him) and explained to him: “O Messenger of Allah this son of mine, my womb used to be his vessel, and my breast his feeder, and my lap his crib. Now after his father has divorced me, he wanted to take him away from me” the prophet (SAW) then said: “You have more right to him as long as you do not marry.”

   Abu Dawud and Thirmizy have both reported Sayidna Ali (may Allah be pleased with him) to have narrated:

   “Zaid bin Harith traveled to Makkah and bought with him Hamza’s daughter. Ja’afar then said: I will be the one to take her. I am more entitled to her. She is my cousin and I am married to her (maternal) Aunt, and an aunt is a mother. Then Ali also said: I am more entitled to her. She is my cousin and I am married to the daughter of the Prophet (Peace and blessings be upon him) and she is more entitled to her. Then Zaid said: I am more entitled to her because I am the one who traveled purposely to her, and I brought her. As they were
arguing, the prophet (Peace and blessings be upon him) came out and said: “As for the custody of the maid, I ruled in favor of Ja’afar, she should stay with her (maternal) Aunt. An aunt is a mother” in another vision he said: “an aunt has a status of mother” and in another: “indeed aunt is a mother”

However, the custodian may be male or female, Muslim or non-Muslim, free or slave, provided that the conditions are fulfilled.

There are certain criteria ought to be fulfilled before one is qualified as a custodian. Those criteria are set to protect the rights of the child and to make sure that the person entrusted is capable and responsible enough to use this power and authority given to him over the child in the good interest of the child. Women are always perfect than men, because of their tendency for mercy and lenity with the young ones. Then comes the men whose potentiality lies in their ability to protect and maintain the interest of their wards.

Be that as it may, Islam has stipulated conditions for both men and women who are qualified for the task. Some of these conditions are common for both of them, while some are specific for women and others special for men.

A – Common conditions for men and women:
1. Sanity: No child will be kept in the custody of an insane man or woman, whether fully or partially insane. Moreover, people with levity or stupidity are also exempted from this right.
2. The ability to handle the affairs of the child. Therefore, people with sense illnesses, over aged, blind, dump, deaf, disabled etc whether male or female are also not allowed, except in a situation where by they have someone who will do all the required job on their behalf. Because these categories of people need someone to look after them as well, so how could they look after someone else? The Hanafi school of law says concerning the blind person: if he is able to provide protection for the child, he is qualified otherwise no. Shafi’i is holding the same view.
3. Prudence: whether as character or criteria consist of 2 things; puberty and ability to maintain wealth. That means, one can attain puberty, but still not prudent; he may be fool or spendthrift even though he has attained puberty. On the other hand, he may be prudent even though he is under aged. The two scenarios are found in the real life.
According to the Maliki School of law, prudence as condition of custody means; the ability to maintain wealth. Which means a person below the age of puberty can be a custodian provided that he is proven to be prudent, because custody is about maintaining of wealth. Therefore no custody and maintaining for a fool or a spendthrift is allowed lest they will destroy the wealth of the entrusted child.

Al-Dasuqi said: “if a minor is proven to be good in managing of wealth, then he is entitled to be a custodian of a younger child. In this case, the minor and the child he fosters become in the custody of the custodian of the minor. The fostered child becomes in the custody of the two. The adult’s role, therefore, is to protect them physically, while the minor custodian will be protecting the wealth”.

4. To be free from communicable diseases: if the custodian is suffering from any of those diseases that can affect the child, such as leprosy, severe mange, scabies etc. he will be banned. However any transmittable/communicable disease can fall under this, other common diseases that are non-communicable are allowed.

5. Trustworthy: the custodian must be trustworthy that the faith, characters, values and uprising of the child could be entrusted to him. This condition disqualifies immoral man or woman, drunkard, adulterer, and an irresponsible. Because these category of people can render the child’s life, moral and faith vulnerable to waste and destruction, while they are busy with their fancies. Ibn Abdul Bar has said: this is the reason why we disapproved the custody for an immoral woman.

6. The capacity to provide accommodation for the child in a good location where he will be secured from any harm or any harmful attack or robbery etc or a place where will be accessed by immoral people, more especially if the child is a female and the house is at the outskate of the town and it’s not secured. This fear for the female is, and even the male becomes justifiable as they become sexually matured, and therefore vulnerable to harassment. Hence, the aim of the accommodation is to protect self, property and dignity.

7. Lenity (leniency): one of the conditions stipulated here is being merciful and compassionate with the child. If one is known to be harsh on the child – whether naturally or for some old grudges that he had with the child’s parents,
then he should be denied the right to custody and be forwarded to the next appropriate person.

Imam Malik has summarized all the above mentioned conditions in a short phrase when he said: “If she has no shelter or she is not trustworthy, or incapable, or foolish, or feeble, or overage, then she is not entitled to custody of children whether she is a free woman or a slave.”

Al Baji notes: “The whole issue of custody is aimed at being lenient with the young one, once she fell short of that, then his stay with her is a mare lost.”

O servants of Allah! All what applies here as condition on a female would apply on men as well.

You should be mindful that; “Allah enjoins you and kindness and generosity toward relatives, and he forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.” Qur’an 16: 90.

SECOND KHUTBAH:

Praise be to Allah, the One and Only, the Unique and Eternal. May peace and blessing be upon his messenger, our master Muhammad, may the blessings continue to flow as long as the kingdom of Allah exists. I bear witness that there is no deity but Allah, He has no partners. And I bear witness that Muhammad is His servant and messenger. May Allah send more salutations and blessings upon him, his companions, his family and those who follow their footsteps till the day of resurrection.

Brothers in faith!

Fear Allah with all the reverence that is due to Him.

Imam Ahmad and Al-Hakim have both reported a Hadith In which the messenger of Allah (SAW) said:

“Whoever separates between a mother and her daughter, Allah the Almighty will separate between him and his beloved ones on the Day of resurrection.”

It is important here to explain that jurists hold 2 different opinions on whose right is the custody? Some say it is the right of the child upon his both parents as
long as they stay together, but if they separate, then the interest of the child should be considered in determining who should foster him.

While others say it is the mothers right depending on the Hadith where the prophet said to the mother: “You are more entitled to the child as long as you do not marry”, and also because she is the one who is more likely to be harmed if separated from her child. The Almighty said:

{Neither the mother shall be made suffer harm on her child’s account} Qur’an 2: 233.

Those who hold the first opinion argue that the child was left with the mother not because of her interest, rather because of his wellbeing, and he is more likely to be okay with her. That’s why he will be revoked from her when she gets married to another man regardless of whether that will hurt her or not. And for the same reason she would be forced to take him in absence of another qualified custodian even if she refuses.

It is however clear that this arguments are more or less technical not essential in the Islamic sharia.

Another important point that needs to be highlighted here is that; the right to custody does not contradict with the right of guardianship. As the child stays in the custody of his mother, does not prevent his father from the right of visiting him, educating him, training him or assigning someone to teach him the Holy Qur’an or any other science or trade, as these are values that children naturally learn from their fathers. At the same time the father is fully responsible for his son’s feeding, cloths, other necessary needs in accordance with the custom they live in and based on the father’s financial situation. The judge should write and document whatever he spends clearly, as such: “The father has paid so and so for the expenses of so and so”

Similarly, the mother has the right to see her young children if they are not in her custody. For the elder ones, once in a week. Sheikh Khalil said in his Mukhtasar: “She can visit the young ones every day and the grown ones every Friday.”
May Allah bless us all with the good understanding of the holy Qur’an. May He benefit us all with the signs and wisdoms therein. May He deliver us from the painful punishment of the hereafter, lodge us all into the Home of Joy, and may He accept us and our good deeds, for He is all hearing and all Knowing.

{Indeed Allah enjoins you and kindness and generosity toward relatives, and He forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.} Qur’an 16: 90.
WOMAN’S ENTITLEMENTS ON HER GUARDIAN

Praise be to Allah who ordained righteousness and kindness to kinship. He has prohibited us from being undutiful to elders. He has assigned essential obligations on Muslim towards his Muslim brothers, and conferred some essential rights on women that guardians ought to respect, among which is her right to be married to her equal.

We bear witness there is no deity but Allah, the One and Only, he has no partners, the Creator of all beings. We also bear witness that our master Muhammad is his servant and messenger, the truthful and honest. O Allah may you send peace and blessings to him, his family, companions and those who followed their footsteps in righteousness and commitments.

O my people! Fear Allah, and thank him for his favors, one of which is the gift of daughters. Whoever Allah blessed with a daughter is been put in a trial, because she may either be the comfort of your eyes in this life and the hereafter, or she turn to a great source of regret and misery for you. One of the ways of thanking Allah for this favor is by fulfilling your obligations toward them through caring for them, educating them, teaching them good conducts and morals as well as giving them out in marriage in the way that Allah and his messenger ordain you. Therefore, a father must consider their daughter’s opinion and approval/acceptance before giving her out for marriage.

Servants of Allah! The rights of daughters/wards upon their guardians has been stressed by various Qur’anic verses and Hadiths. The messenger of Allah (Peace and blessings be upon him) was reported to have said:

“The one who is the most perfect in faith among the believers is he who has the best moral characters and he who is the kindest to his family.”

A wise man should follow the guidelines of the messenger of Allah embodied in the good treatment of woman, be she a wife, a mother, or a daughter. He should know that a wife has her right, a mother has her right, and a daughter has same. One of the rights of his daughter is that he must not marry her out to someone she dislikes or to someone who is not suitable.
It was reported in the Hadith that khansa’a Al-Ansary was married out by her father to someone against her will. Although she was virgin, she raised her complain to the messenger of Allah, and he revoked the marriage contract.

Ibn Abbas (May Allah be pleased with him) reported that a virgin maid once came to the messenger of Allah and mentioned that her father had given her in marriage without her consent. The Prophet (peace and blessings be upon him) then allowed her to make her choice.

Abdullahi bin Buraida also reported that a young girl came to the messenger of Allah and said my father has married me out to his nephew in other to raise his status thereby. The messenger of Allah then left the matter up to her. She then said: “I accept what my father did, but I wanted to know whether women have any say in the matter.”

O servants of Allah! Indeed the love, the compassion and mercy that Allah has put in the hearts of parents toward won’t allow them to give their daughters out against their will, because their hearts are naturally blend with their love, sympathy and mercy for their children. They have natural disposition to care for them and protect them.

It is only those who are striped from mercy and compassion would marry their daughters to a non-suitable partner or against their wishes, ignoring the daughter’s wellbeing. In addition to being an absolute wickedness and ruddiness, this ugly action may cause a very negative reaction from the girl, such as deviation, escape, and ending up in the swamp of ignorance and misery which was caused by her father or anyone who force her into that.

In our country nowadays, many people force women into marriage without having any right to do so. Guardians should fear Allah, and so should brothers, uncles, in some cases even sisters and grandmothers who have no right of guardianship would force a girl into a marriage for their own interest not hers.

O servants of Allah! The author of FiqhusSunnah, sayyid Sabiq wrote in his book, under the heading: “The necessity of consulting woman/bride before marriage”: 

50
“Although the juristic views on the issue of marriage guardianship are varied, they all agree that it is necessary to the guardian being the father or his representative to seek the consent of his maiden daughter before he gives her in marriage. The reason given for this is that if would place her and cultivate congeniality between the parties, as marriage is meant to be an everlasting companionship. Hence, Islam has disapproved the compulsion of women in marriage whether she is virgin or she was married before, and Islam has considered any contract that was concluded without her consent invalid, giving her the right to seek for its revocation, because of the autocratic behavior of the guardian. [Fiqhus Sunnah, vol:2 pages: 89–90].

O servants of Allah! The only person that can give a woman out without consulting her is the [Wali Mujbir] \(^3\) under some conditions. Even so; he mustn’t take her for granted. Whenever it appears that he is not acting to her interest or his choice is harmful to her, as If he gives her to an immoral person, or someone suffering from a severe illness such as leprosy, or to an insane or a castrate, then he loses his authority over her. A guardian is also not allowed to practice ‘Adul’, that is; to reject marriage offers made to his ward, for no genuine reason other than rigorism and suppression. Allah has prohibited that in the holy Qur’an where he said:

{Do not thwart them lest they should [re] marry their husbands} Qur'an 2: 232.

Whenever the guardian appears to be attempting to harm his ward, directly or indirectly, the Sharia will strip him of his title as [Wali Mujbir]. For example, if the girl is working somewhere and he is making use of her salary for his personal needs, or she is working for him and he attempted to reject the marriage because her marriage will stop all this benefits.

\(^3\)Wali Mujbir is the guardian that has the right to conclude marriage contract on behalf of his ward without the need to seek her consent. But it is only allowed under certain circumstances and with conditions. The circumstances are where the said girl is minor or insane or has a special condition under which is unlikely that she knows very well where her interest lies, or it was feared that might be taken for granted because of lack of experience etc., or the girl is proven to be unable to decide for herself — for one reason or another, or it is feared that the girl will be engaged in sexual misbehaviors, then the Wali Mujbir is the only one authorized to decide on her behalf. However, the conditions are mentioned with details in the Khutbah.
What is going on nowadays is this country where unqualified guardians would force girls into marriage is unacceptable and Muslims have to interfere to put an end to this practice. In fact even some women relatives may allow themselves to force a girl into marriage without her consent, claiming to be the girl’s mother, or the grandmother or senior sister etc. All these mal-practices are anti Sharia and therefore invalid, because only a father has the right – under certain circumstances – to marry his daughter out without her consent.

However, majority of the jurist; Imam malik, shafi’I and Ibn Hambal – are of the opinion that the approval of the guardian is essential in every marriage contract, with more stress on the virgin maiden. As for the woman with previous marriage experience, it is commendable that the father consults her too. Because she is responsible and have had experience on marriage life, therefore, her consent and that of the father must be obtained before the Marriage will be valid. The holy Qur’an said:

{Do not thwart them lest they should [re] marry their husbands, when they honorably reach mutual consent} Qur’an 2: 232.

It is reported in the Hadith that the Prophet (Peace and blessings be upon him) said: “A woman does not give away another woman, or herself, in marriage, for only the adulteress gives herself away in marriage.”

In another Hadith reported by Abu Musa, the messenger of Allah (Peace and blessings be upon him) said:

“No marriage is valid except with the participation of a guardian.”

O servants of Allah! Marriage guardianship is principally devised to protect the honor and pride of the woman. It is the legal authority invested in a person who is fully qualified and competent to safeguard the interest and right of the woman who is incapable of doing so independently because of immaturity, inexperience, or even the natural shyness in women that sometimes, prevent them from making the right choice.

A woman could be overwhelmed by a causal relationship when she wishes to get married. She can easily get attached to any young man that comes her way because of his appearance for example; she may fall in love and be driven by the
forces of ecstasy that she would not be able to see her real interest through his fake deceiving appearance.

A similar incident happened in Maiduguri where a girl got deceived by a young man whose appearance overwhelmed the poor girl. She defied her father’s choice of a righteous man who promised to allow her proceed with her education after marriage. All efforts made by her relatives to convince her were proven useless. They eventually succumbed to her stubbornness and agreed to marry her to the young man she had chosen. After she gave birth to their first child, he used that as an opportunity to stop her from advancing her studies, and stopped her from her work as a teacher. In addition to that, he kept accusing her of adultery.

After exhaustedly giving birth to 5 children in a life full of hardship, her father passed away, leaving her mother in bad health condition suffering from severe anemia. In the middle of this critical situation, he continues to accuse her. He even denied the 5 children to be his, while according to her; she said she had caught him several times with her neighbors in an incident that probably lead to their expulsion from the house where they used to occupy in the first place. When the woman requested him for divorce, he rushed to the court and ask for compensation from her. Later on, he came to her and suggested that since he is doubting the children to be from him, they should just get rid of them all, so that both of them could live in peace. She refused the idea of killing the children. And the angry husband attacked her and suffocated her trying to kill her – she managed to escape from him, as she narrated. After reporting the incident to her mother, the mother said there is nothing she can do to help her.

I say: these are the consequences of disobedience to parents. Allah the Most High said:

{We have enjoined man concerning his parents: his mother carried him through weakness upon weakness, and his weaning takes two years. Give thanks to Me and to your parents. To Me is the return. But if they urge you to ascribe to me as partner that of which you have no knowledge, then do not obey them. Keep their company honorably in this world and follow the way of him who turns to Me penitently. Then to Me will be your return, whereat I will inform you concerning what you use to do}. Qur’an 29: 8.
May Allah bless us all with the good understanding of the holy Qur’an, may He benefit us all with the signs and wisdoms therein, and may He accept us and our good deeds, for He is all hearing all Knowing.

SECOND KHUTBAH:

Praise be to Allah whose esteem is great, whose sovereignty is mighty and whose bounties are endless. He has ordained women to cover and adhere to the ethics in order to establish a descent and strong family. We bear witness that there is no deity but Allah, the One and Only, He has no partner. And we bear witness that Muhammad is his servant and messenger He said:

“From the Dinar (money) that you spent in the path of Allah, the Dinar that you spent in freeing a slave, the Dinar that you spent in charity to a needy person, and the dinar you spent on your family, the one that is greatest in reward is the one that you spent on your family.”

O servants of Allah! Those of you whom the Islamic Sharia has approved as [Wali Mujbir] and conferred on you the right to give out your daughters in marriage without their consent – do not turn that to be a pretext to harm them. This right remains as long as you do not use that to harm them, such as to marry them out to a lewd, insane or castrate person. This right also is stipulated with conditions:

First: that the father had not in any time, approved her ‘puberty’ that is to give her independence of choice. If he had done so, he can’t take it back.

Second: that she is a virgin and has not been married before, but if she have had a marriage experience before he can’t marry her without her consent.

Third: that the husband is a suitable mate to her. If the husband is not suitable, such as immoral, from a lower status etc. the father has no right to marry her without her consent.

Although the father as a [Wali Mujbir] enjoys this right, still he is ordained to seek her consent before giving her out in marriage because the prophet (Peace and blessings be upon him) said:
“A woman who has been previously married (thaiyib) has more right to (decide for) herself than her guardian. And virgin should also be consulted, and her silence implies her consent”.

The above Hadith shows clearly that the law for a virgin defers from that of a woman who has been previously married. While the sooner has the right to make her choice, the later has no such right, rather she should be consulted and her permission be sought in order to please her and show respect for her as a human, regardless of her age.

Allah the most high said:

{And of His signs is that He created for you mates from you own selves that you may take comfort in them, and He ordained affection and mercy between you. There are indeed signs in that for a people who reflect} Qur’an 30: 21.

O my brothers in faith! May you join me to supplicate, may Allah send peace and blessings to the spring of the Devine mercy, the conversant servant of Allah, who knows his Lord with the knowledge that is due to him, who fears Allah with all the reverence that is due to Him. Our master Muhammad, the prophet of mercy.

Allah the almighty has instructed you to do that when he said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

May You also be pleased with our masters, Abubakar, Umar, Usman and Ali, and the rest of them.

O Allah! We ask you not to leave any sin of ours except that you forgive it, or any distress but you relieve it, or any debt but you settle it, or any illness but you cure it, or any affliction but you lift it, or any difficulty but you ease it, or any need from the needs of this life and hereafter that is pleasing to you and there is good in it for us but you assist us in it being met, and that you make it easy by your mercy, O Lord of the universe!
O servants of Allah: {Indeed Allah enjoins you and kindness and generosity toward relatives, and he forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.} Qur’an 16: 90.
THE GRACE OF MARRIAGE

Praise be to Allah we praise him and ask for his help, his forgiveness and his pardon. We seek refuge in Allah from evil of ourselves and our bad deeds. Indeed him who Allah has guided no one can mislead him, and him who Allah has misled no one can guide him.

I bear witness that there is no deity but Allah, the One and Only, He has no partners. I also bear witness that Muhammad is his messenger. May peace and blessings of Allah be upon him, his family, companions and those who follow.

O people! Fear Allah and give thanks to him. He has “created for you mates from your own selves that you may take comfort in them, and He ordained affection and mercy between you. There are indeed signs in that for a people who reflect” Qur’an 30: 21.

Indeed marriage is one of the greatest bounties that Allah has bestowed upon his servants, both males and females. He has made that lawful for them. Rather he has commanded and encouraged them to it. The Almighty said:

{Then marry [other] women that you like, two, three or four. But if you fear that you may not treat them fairly, then [marry only] one, or [marry from among] your slave-women}. Qur'an 4: 3.

The messenger of Allah (Peace and blessings be upon him) said:

“O young men, who ever among you can afford it, let him get married, for it is affective in lowering the gaze and guarding chastity and whoever cannot then he should fast, for it will be a restraint for him”

Some of the companions of the prophet (Peace and blessings be upon him) came to him and asked. One of them said: I will pray all nights forever. The second one said: I will fast all days without break, and the third said: I will abstain from women and will never marry. The prophet (Peace and blessings be upon him) responded to them by saying: “Are you those who have said so and so? But I swear by Allah, I am the one who fear Allah the most among you, yet I do fast (some days) and break (for some days), and I do pray (for some hours of the night) and
sleep (for others), and I do marry women. So whoever dislike my tradition/teachings he is not (one of) my followers.”

However, marriage is not only the tradition of the Seal of the Prophets Muhammad (Peace and blessings be upon him), but is has been the tradition of all the previous prophets. Allah the Most High has said:

{Certainly we have sent apostles before you, and we appointed for them wives and descendants}. Qur'an 13: 38.

Marriage therefore, is the compliance with the laws of Allah, and whenever we comply with the laws of Allah and his Messenger, we receive mercy and prosperity in this life and the next.

Marriage also means following the tradition of the messengers of Allah, and whoever follows their tradition will be raised with him on the Day of Judgment.

Marriage also means to attain our desire and live in happiness.

Marriage also protects your chastity and dignity; it saves your gaze and prevents you from falling into trials.

Marriage also means the multiplication of the number of the Muslim Ummah, and when the numbers of Muslim Ummah increases, the Ummah grows stronger, faces her challenges and becomes self-reliant. But this can be achieved only when the Ummah is able to utilize her potentials in accordance with the teachings of Islam.

Marriage also means to fulfill the will of the Prophet (Peace and blessings be upon him) when he said:

“Marry and have children for I will be proud of your great number before the nations on the day of resurrection”.

Marriage also means to establish family, to bring people close to one another because after marriage your family has been extended to include your in-laws and so on. Allah the most high said:

{It is He who created the human being from water, then invested him with ties of blood and marriage, and your Lord is all powerful} Qur’an 25: 54.
Marriage also means having accumulating rewards, because, one gets rewarded as he provides for his family and carry out his duty towards his wife and children.

Marriage is the means of wealth and affluent; it is not as it was pictured by some materialist and unfaithful. Allah the most high said:

{Marry off those who are single among you and the upright among your male slaves and your female slaves. If they are poor, Allah will enrich them out of his grace, and Allah is all-bounteous, all-knowing}. Qur’an 24: 32.

The prophet (SAW) was reported to have said in a Hadith:

“Three categories of people are entitled to the support of Allah,” and then he mention among them: “he/she who married to protect his chastity”

Abubakar Siddiq (RA) said: “Obey Allah’s instructions and he will fulfill for you his promise of prosperity”.

Ibn Abbas (RA) has said: “Allah has encouraged them to get married, and promised them prosperity. He said:

{If they are poor, Allah will enrich them out of his grace} Qur’an 24: 32.”

Marriage therefore is a reform for the individual and the society, in life and hereafter, in the present and future. It is also a protection against several damages that may befall someone, and a good remedy for carelessness.

In fact it is important that we should conduct a research to highlight the obstacles that hinder some of our youth from marriage in order to avoid them, and to understand the bad consequences of staying without marriage. We can mention here three of the most common obstacles as follow:

1. The reluctance of majority of the youth both male and female toward marriage. Many of nowadays youth abstain from marriage because they think it will hinder them from pursuing their studies. This is a lame justification. Marriage does not in any way hinder from pursuing studies and succeeding in it. On the contrary, it may even be of help and support. When a righteous man mates the righteous woman the spirit of love prevails and they help one another on
their studies and in facing the challenges of life. Many marriages of such sort have succeeded, by the grace of Allah. There are many cases where the youth where blessed with a successful marriage and they lived in ease, tranquility and peace of mind. So, we advice our youth not to be deceived by such allegations. They should ask their colleagues who were married and find out for themselves.

Now, what will a female achieve after completing a study that she may not even need, while she has missed the happiness of her life, and lost her fertility. She will live an unhappy life, and she will have no one to remember her after her death.

2. The rejection of marriage proposal by some authoritarian guardians. Such unfaithful guardians neither do they have mercy on their daughters, nor do they care for them. They take them for granted and keep them as a source of income, which is Haram in Islam. When a righteous and suitable man proposes to their daughter, they would say: she is engaged, she is young, we have consulted her but she’s refused etc.

They fabricate lies to justify their refusal of that suitable man, either because of psychological complex, or because they are planning to make business using the authority of their guardianship or for some personal grudges between them and the man or his family. But guardianship is a responsibility entrusted on one by Allah to act on the interest of the ward, not his interest. However, the refusal of such a suitable man is a clear defiance of Allah’s orders and his prophet’s, breaching of Allah’s trust, and wasting the life of a woman that was entrusted on him. They will indeed be accounted for that {on the day when neither wealth nor children will avail. Except him who comes to Allah with a sound heart} Qur’an 26: 88 – 89.

Glorified and exalted be Allah! See what harm have these guardians caused to themselves. And what harm have they caused to their daughters. The people of knowledge have analyzed these people by saying:

“When a guardian refused to marry his ward to a suitable mate, the guardianship will be moved to the next closest man in the family. For example, when a father refused to marry out his daughter to a morally and religiously suitable proposer, who is also been approved by the daughter, his authority moves automatically to the next closest man in the family, such as her brother,
uncle, or their sons, etc., and the new guardian should conclude the contract. Unless otherwise if the proposed is not suitable morally or religiously, but still the girl likes him, and the father refused. In this case there is no blame on him because he is acting on her interest, and that is what is required of him as a father.

3. The rising cost of dowry and the unnecessary expenses of wedding have increasingly affected the youth and have turned marriage impossible for majority of them, and very difficult for the rest. Those who insisted on getting married nowadays end up carrying a huge debt over their shoulders. In order to tackle these problems and overcome this obstacle, guardians should reflect and understand the main purpose of marriage and the status of woman in Islam. Does marriage aim at making money? Are women considered as goods to be sold out to him who paid more? The answer to this is ‘No’. Money is not the target in marriage, but the means to it.

We pray to Almighty Allah to amend the conditions of Muslims everywhere and to grant them the best understanding of their religion, and to safeguard their faith for them, while they practice their duties in the best way – indeed he is All-generosity all-giving.

At the end this speech, I seek forgiveness, for me and you, from Allah The Great and the all-Forgiving.

SECOND KHUTBAH:

All praise belongs to Allah, the One, I bear witness that there is no deity but Allah, and that Muhammad is his servant and messenger may peace and blessings be upon him, his family and companions.

O servants of Allah!

Woman is not a commodity. She is more honorable in the sight of Allah. She is a trust in the hands of her husband, and has become part of his family. By knowing this we will understand that wealth cannot be compared with her. Therefore, the rising cost of dowry and marriage expenses is unjustifiable. We should go back to the tradition of the prophet (peace and blessings be upon him) and his companions. Umar bin khattab was reported to have said:
“You should not raise the cost of your daughter’s dowry, because had it been a noble quality in this life or a piety in the sight of Allah, the prophet (peace and blessings be upon him) would have preceded you to that. The Prophet (peace and blessings be upon him) has never paid a dowry to any of his wives, nor any of his daughters been dowered more than 12 ounce.”

The husband is often charged with a huge dowry to the extent that he feels grudges in his heart that he would say: “I have paid everything including the strip of my bag.”

If we go back to the tradition of our predecessors and minimize the dowry of our daughters, marriage affairs will be easy and the blessings will be great for both men and women.

The rising of the cost of marriage prevents many young men and women from marriage. Sometimes it encourages the young men to marry from another community, and this may cause him many difficulties in the future, besides the strange and negative cultures that he may import into his community, and render his culture, values and even religion vulnerable to changes or distortions.

O Muslim brothers!

Many guardians charge some amount of money in return for their approval of marriage. Should the amount be considered part of the dowry, then it belongs to the woman. Otherwise it will be eating others wealth in wrong way. And Allah has said:

{Give women their dowries as an obligation} Qur’an 4: 4.

The verse has clearly refers to the dowry as theirs. The prophet (SAW) was reported to have said in the Hadith that:

“A woman who marries on a dower or a reward or a promise before the solemnization of marriage is entitled to it; and whatever is fixed for her after the solemnization belongs to whom it is given to.”

O servants of Allah!
Fear Allah! Allow women have their dowries completely. Do not take any commission from it. You do not have the right to do that. Doing so will turn the role of a guardian to a mare player; ‘whoever pays more will get it’, Paying no attention to his ward’s interest. This is a breach of trust, and an act of betrayal. (So you should be trustful and loyal to your religion and to your roles as guardians).

“O you who have faith! Betray not the trust of Allah and the messenger, nor misappropriate knowingly things entrusted to you.”

At the end this speech, I seek forgiveness, for me and you, from Allah The Great and the all-Forgiving.
THE CHILD’S RIGHTS, THE PARENT’S OBLIGATIONS

Praise be to Allah who has favored his servants with wealth and children. He has made this favors a trial for them, in order to sheep out those who would maintain them and protect them properly from those who will neglect them and leave them to go astray in this life and the next life.

I bear witness that there is no deity but Allah, the One and Only. He has no partner. He is the king, the Generous, and the oft-Giving.

I bear witness that Muhammad is His servant and messenger who has invited mankind to guidance and prudence. May peace and blessings be upon him, his family, his companions and those who righteously followed their footsteps in their sayings, deeds and belief.

O my people! Fear Allah the Almighty and give thanks to him for He has favored you with children in order to test your faith. This favor may be the comfort of your eyes in this life and the hereafter, and it can also be a source regret, grief and misery.

However, it is part of thanking the favors of Allah that you carry out your duties towards them appropriately by caring for them, educating them about ethics and good conducts. The Almighty Allah said:

{O you who have faith! Save yourselves and your families from a fire whose fuel is people and stones, over which are [assigned] angels, severe and mighty, who do not disobey whatever Allah has commanded them, and carry out what they are commanded}. Qur’an 66: 06.

O my faithful brothers!

Guard your families against fire by opening the door of good deeds for them, by guiding them and encouraging them. You should show them the truth, explain its benefit to them, and then instruct them to follow it. Likewise, you should show them the falsehood, explain to them its detriments, and then warn them against following it.
You are their guardians, and every guardian will be asked about his wards. If he takes the good care of them, he will prosper, and if he neglects them, he will lose and perish.

You should teach them about the fundamentals of faith. That is to have faith in Allah, his angels, his books, his messengers, the Day of Judgment, and in the fate; whether good or bad. You should make them adhere to the pillars of Islam; that is, testifying that there is no deity but Allah and that Muhammad is his messenger, performing the five daily prayers, giving the Zakat, fasting the month of Ramadan, and performing of Hajj pilgrimage. You should instruct them to pray at the age of seven, and punish them for omitting it at the age of ten.

You should teach them how to purify themselves, how to pray, and what to recite during the prayer and what they must not do while in prayer. You should plant in their hearts the love of Allah and his reverence. Explain to them the favors of Allah, the open ones and the hidden ones, the general and the special, in order to strengthen their hearts on the love of Allah and reflecting over his signs and favors.

You should also plant in their hearts the love of the Messenger of Allah (Peace and blessings be upon him) explaining to them all the great achievements that this Ummah has attained by the virtue of his message. He is the obeyed leader whose love and orders come before everything.

You should educate them about the characters of the Messenger of Allah, his companions, and the great efforts they had to put in place before this great victory could be achieved in Islam. They are the great pioneers of this religion whose noble deeds and strong faith led this Ummah to the good of this life and hereafter.

When people saw the conducts and behaviors of the Messenger of Allah (Peace and blessings be upon him) and his companions, they knew that these people must be on the right path, the path that leads to the eternity, thus they peacefully joined Allah’s religion in throngs.

Teach your children to be honest in their words and deeds. You should not lie when you speak to them, and you should not break any promise that you made to them. The Prophet (Peace and blessings be upon him) was reported to have said:
“Whoever said to a child: ‘come and take’, and did not give him, then he is a liar”

Take note that, when your children see you lying, it becomes easy for them to lie. Similarly if they see you breaking your covenants, it becomes easy for them to do same.

You should accustom them to kindness and magnanimity to people, warn them against injustice and suppression. Educate them about loving the faithful as the Hadith says:

“A believer to another believer is like a wall of bricks supporting each other”

It is necessary for Muslim to be one nation living on the principles of love, unity and harmony.

O servants of Allah!

Fear Allah and strive to understand the laws of your religion and how to educate your children.

May Allah send peace and blessings to the best of all creations, the holder of the Status of Praise, and the Lake of Kauthar, Allah says:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33:56.

O Allah! May you send peace and blessings to our master Muhammad, his family and companions. May you also be pleased with our masters, Abubakar, Umar, Usman and Ali, and the remaining of them.

May You also be pleased with our masters, Abubakar, Umar, Usman and Ali, and the rest of them.

SECOND KHUTBAH:

Praise be to Allah the One and Only, Who has no partners. I bear witness that our master Muhammad is His servant and messenger, may peace and blessings be upon him and his family and companion.
Brothers in faith!

Those among your children, who can read, encourage them to read useful books, such as educating Tafseer books that are free from distortions and deviations, and authentic Hadith books such as books written by sheikh Abdul Rahman Sa’adi may Allah have mercy on their souls. Similarly in history, there are objective books that are free from selfishness, especially the history of Islamic call, because they enlighten the reader about the situation of the Prophet (peace and blessings of Allah be upon him) and his companions, how they loved him and stood by him, their sacrifices, their understanding of the religion and its laws and legislations.

Children should be enlightened about harmful books that teach poisonous ideologies, or distort the faith, or discourage worship. However, journals or magazines that contain doubtful ideologies, or those that misguide or mis-present Islam should be avoided, because they are capable of affecting the faith of a child or changing his way of thinking in a negative way. May Allah save our children and grant them knowledge, faith and the ability to differentiate between the right and the wrong, the useful and the harmful.

O my faithful brothers!

Our responsibility towards our children and family before Allah is big. We ask Allah who has tasks us with such a responsibility to help us, and support our efforts for reform, because if every the individual reforms himself and his family, the whole society will becomes reformed.

{O you who have faith! Fear of Allah, and speak upright words} Qur’an 34:70.

{Indeed Allah enjoins you and kindness and generosity toward relatives, and he forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.} Qur’an 16: 90.

Remember Allah, and He will remember you. Thank Him for His favors, He will increase you.

At the end this speech, I seek forgiveness, for me and you, from Allah The Great and the all-Forgiving.
KHUTBAH {11}

DIVORCE AND FAMILY DESTRUCTION

Praise be to Allah, we give thanks to him, we ask for His pardon, we seek refuge in Him from the evils of ourselves and our bad deeds. Indeed he who Allah Has guided no one can mislead him, and he who Allah has misled no one can guide him. I bear witness that there is no deity but Allah, the One and Only, and He has no partner. I also bear witness that Muhammad is His servant and messenger. He has conveyed the message of Allah, and has strived in his way to his Utmost. He has “left us on the clear bright path, whose night is like its day in terms of clarity, no one deviates from this path except is reined.”

May peace and blessings of Allah be upon him, his family, his companion, and those who have righteously followed them till the Day of Judgment.

O you who have faith! Fear Allah as He should be feared, grasp the most trustworthy handhold of Islam, and beware of sins, because you cannot bear the hellfire. You should know that the angel of death has skipped you today to pick another person, and one day he will skip another to come to you. You should take all your precautions.

The wise man is he who criticizes himself, and prepares good deeds for the next life. And a loser is he who follows his desire and builds his life on wishes and dreams.

O servants of Allah!

The reality of many people – nowadays – can picture for you stories of carelessness toward the value of word and the significance of speech and its consequences. A man would carelessly utter a phrase that could throw him away into the waves of loss and depravity. Some people underestimate the power of words and ignore the influence of speech out of ignorance. The Arab poet says:

*Fire is ignited with sticks*

*While war starts with words.*

O my people!
Would you be surprised if I tell you that a word; one word, can turn to be a destructive machine that will destroy families and ruin households? Would you be surprised if I tell you that a word, just one word, can change a man from the state of happiness and prosperity, to the state of tragedy and misery? Would you be surprised if I tell you that a word, one word, can have the power to move individuals and groups to intercede and put efforts to heal a deep rift between two parties? Do you know which word is it?

It is the word that causes many eyes to shed tears, and causes many hearts to grieve and fear. It is a short word, but with a long term consequences. A terrible and horrific word that turns happiness and joy into disaster, it is the word ‘Divorce’. So, what is Divorce?

Divorce is the farewell word used for separation after dispute and discontent. By Allah! How many Muslim families have been destroyed by this word? And how many relationships and have been terminated by the word?

It is indeed a terrible moment for a woman to receive this word, as she struggles to hold her tears back and leave her husband. It is a horrible hour when she stands at the door of her house taking her last looks, her farewell looks at the nest of marriage in which she spent the most beautiful days and memories of her life. It is indeed a very difficult moment and unfortunate, when you see happiness departing from the premises of such a blessed Muslim house.

O servants of Allah!

The marital companionship creates a special and unparallel love in the hearts of the couple, through which they leave, and interdependently cohabit to contribute in the production of the human race. The Most High said:

{Allah made for you mates from your own selves, and appointed for you from your mates, children and grandchildren} Qur’an 16:72.

When the companionship between the husband and his wife is shaken they split, and feud finds its way into their hearts. But if they had loved each other sincerely and had found rest in one another they would maintain that love and affection.
Once the couple loves each other, they will leave in happiness. Their happiness means the happiness of the family, and the happiness of their family means the happiness of the nation at large. This association is what constitutes the general mode of the nation. It determines when the general mode of the nation will be moderate or perfect. However, when the mode is bad and corrupt, then the nation will also suffer some setbacks. So, that is why, Islam made it clear that whoever is not kind to his family, no good will be expected from him in the community.

The prophet of Islam stressed this point when he said:

“The best among you is he who is the most kind to his family and I am the kindest among you to my family”.

O servants of Allah!

The prophet (may peace be upon him) has said:

“Go for the religious faithful one (woman) may god bless you”

Thus, Islam recommends the righteous woman and applauds her, while discouraging the non-religious one and warning against her. It is obvious however that it is only a religious man that would go for a religious woman, because his heart is attached to the religion and therefore clean and pure. This purity in the heart is what accommodates love, mercy, and other noble characters. On the contrary, when the heart is dark and dirty it can’t accommodate love, because it is full of hatred and other negative attributes.

The prophet (May peace and blessings be upon him) says:

“This life is a temporal convenience, and the best convenience of this life is the righteous woman”

However, no matter what happened between the husband and the wife, and no matter how complicated it is, if they are committed to the religion, Islam will surely find a solution for them, as prophet (SAW) has described the religion by saying:

“The religion (of Islam) is easy, and whoever makes the religion a rigout, it will overpower him. So, follow the middle course.”
So religion means ease and facilitation, mercy and pardon, covenant and fulfillment. It is a self uplifting process that will raise one’s characters and behaviors from a law level to the higher level.

No committed Muslim will disdain to follow the instructions of the prophet (SAW), who has made clear statements for both the husband and the wife regarding this issue. He said in respect of women:

“If I were to order someone to prostrate to someone, I would have ordered women to prostrate to their Husbands”

And for men he said:

“I ordained you to treat women kindly”

Saida Aisha, the wife of the prophet (SAW) has made a similar statement about how a woman should respect her husband. She said: (O fellow women! If you were to fulfill your obligations towards your Husbands, you would use your faces to clean dust off their feet”.

So you can imagine how foolish the man who maltreats his wife is, and how foolish is she who maltreats her husband.

O servants of Allah! Fear Allah and strive to learn the laws of your religion and how to treat your partners.

May peace and blessings be upon the best worshiper, the holder of the Position of Praise, and the owner of the Blessed Pond.

Allah has ordained the faithful to supplicate for him. He said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

May Allah be pleased with his rightly guided companions Abubakar, Umar, Usman and Ali and all.
SECOND KHUTBAH:

Praise be to Allah! The one and Only, I bear witness that there is no deity but Allah alone. He has no partner.

And I bear witness that our master Muhammad is his servant and messenger. May peace and blessings be upon him, his family and companions.

O people!

No one can say that Divorce is a complete futile practice. When life under the same roof becomes impossible for the couple, when the dispute between them reaches its zenith and the hope for reconciliation has vanished, Divorce becomes the final and distasted recourse. The couple should separate in kindness, just as they peacefully got united in the first place. Allah (SWT) said:

{But if they separate, Allah will suffice each of them out of his bounty, and Allah is all-bounteous, all-wise} Qur’an 4: 130.

Allah the Almighty has not created the husband and wife with same composition. So, those couples who think that they are created as one person, they are just deceiving themselves and are not living a practical life. How could one of them suppose that the other knows his mind? Or feels his pulse?

{The wives have rights similar to the obligations upon them, in accordance with honorable norms; and men have a degree above them.” Qur’an 2:228.

The reality of the matter is that: gentle breeze does not always blow into a house. Sometimes, the wind carries along some dust into the house, and sometimes you end up having tornados. Expecting a permanent conveniency is a sort of self-delusion. However, it is wise of you to adjust yourself to cope with some inconveniencies or shun some shortcomings without bad comments.

Allah said:

{And should you dislike them, may be you dislike something which Allah invest in with an abundant good} Qur’an 4: 19.

The messenger of Allah (May Allah be please with him) has said:
“A believer must not hate his wife; if he dislikes one of her characters he will be pleased with another.”

The ancient Arabian poem reads:

*He who pursues tirelessly the shortcomings of people,*

*He will end up with no single sincere friend in this life.*

Nowadays, many families have lost the spirit of religion in their homes. They breathe a polluted air of aggression and depression, which resulted to the cases mental, moral and social disorder. You can find a situation whereby the woman is divorced because of 1 KG of meat that she bought which triggered an argument, and then both of them over reacted, and exchanged foolish statements, and before you know, they have fallen into a sin and injustice.

O savants of Allah!

You should invoke peace and blessings for the best of the worshipers, the holder of the great position of praise, the owner of the blessed pond. Allah has ordained you do so in the holy Qur’an when he said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

O Allah! May you send peace and blessings to your servant and messenger Muhammad, and to his family and companions. May you be also pleased with his rightly guided caliphaties; Abubakar, Umar Usman and Ali, as well as the rest of his companions.
KHUTBAH {12}

FREQUENT DIVORCE DISINTEGRATES THE MARITAL LIFE.

Praise be to Allah who revives the heart of the faithful with the holy Qur’an and the Sunnah of his prophet. Indeed we thank our Lord and praise Him for this great favor. I bear witness that there is no deity but Allah, the One, with no partners or associates. The Strong and the Almighty. I also bear witness that our master Muhammad is his servant and messenger, the trustworthy and the trustful may peace and blessings be upon him, his family and companions.

Brothers and sisters in Islam!

Fear Allah the way he should be feared, and cling firmly to the guidance of his special messenger. You should know that the success of a Muslim, his good ending and his happiness in this life and the hereafter, lie in his accounting of himself, adhering to the laws that please Allah, and keeping away from what displeases Him. Allah the Most High said:

{O you who have faith! fear Allah, and let every soul consider what it sends ahead for tomorrow, and be wary of Allah. Allah is indeed well aware of what you do} Qur’an 59: 18.

The messenger of Allah (may peace and blessings be upon him has said:

“Of all the lawful acts, the most abominable to Allah is Divorce”

Divorce nowadays has become rampant in the society because men have lost their authorities as guardians. When most Muslim people turn away heedless of their source of spiritual elevation, that is; the holy Qur’an and the sunnah of the prophet (SAW), the ignoble people leaned to some evil sources and wreaked havoc with the concept of companionship in Islam and disintegrated the marital life – intentionally and unintentionally. The perpetrators of this mass misrepresentation of the Islamic marital life are, among others, the media people. The various machines of media tend to continuously portray bad image, misconceptions and misrepresented facts on marital companionship in Islam. This has made serious negative impacts on women.
These media machines, sometimes, present a program targeting housewives in which they would insert a misleading scene. (Whether in a form of drama series or enlightenment program) it usually finds its way to their imagination and it keep ringing in their minds, provoking their thoughts and therefore, stripping them of their ability to good decisions and solemnity. After repeating such programs again and again, the woman would try to implement it in her various affairs, in different ways. So it’s not surprising when you see a sudden change in woman’s behavior if she is taking her orientation from the media.

So, the role of media, as we see it today with regards to the discourse of women and family affairs, has turned to be injecting women with the serum of a deadly communicable disease, claiming that it will protect them and raise their immunity system.

The reality of the matter is that they have just complicated the issue and have only added insult to injury.

An Arabian poet was reported to have composed:

*She was my medicine and was the very ailment,*

*As a drunkard who treats his addiction with alcohol.*

Brothers and sisters in Islam!

The Muslim homes indeed get affected by the environment surrounding them. Whenever the wind of ignorance and deviation blows from outside, it certainly pollutes the atmosphere of the inner compound, except for those houses that Allah has protected.

Marriage is a social life, and for every social gathering there must be a head to whom members of such group would get back to whenever they disagree on something. Man is the most suitable to be that head because he is more capable of executing those duties and is more aware of the interest of the group.

Women happen to listen nowadays to noise here and there inciting them to rebel or compete with men on their roles as guardians. This is a clear deviation and delusion.
The guardianship of a man within his house does not in any way mean autocracy or subjection. Marriage contract is not a slavery contract, nor is it a leasing contract for the body of the women. Marriage is far higher than these.

Either of the couple is a complete human being. They both enjoy a brain which thinks and a heart which loves and hates. Therefore, women also enjoy rights in correspondent with the authority given to the man as a guardian.

{The wives have rights similar to the obligations upon them, in accordance with honorable norms} Qur’an 2: 228.

Also the guardianship of the man does not mean that he dispenses with the wife. Allah the most high has said:

{They are a garment for you, and you are a garment for them}. Qur’an 2: 187.

O servant of Allah!

Divorce has become rampant nowadays. And those men pronouncing the divorce are of two types:

1. Either a man who uses his authority and neglects his emotions and compassion. Such a man might have control of his house, but will never test the joy of love and happiness, nor will he enjoy tranquility and stability.
2. A man who follows his emotions and succumbs to it. He has neglected his authority and so, he lost it. Such a man will live in his house as a slave.

Another reason why divorce cases have increased nowadays is envy and slander. Those people who carry wrong information, report negative incidents, and give bad impressions about the husband and his wife. By so doing they turn their love and companionship to hate and separation.

On the other hand, parents of the couple may also play significant role in divorce. Some of their reactions and actions may result to disputes. The father may intervene, or the mother, or the sister. In this case the husband would get confused as to which of them to support, is he going to follow the will of his parents who raised him and brought him up? Or his wife who left her parents and her beloved ones to come and stay with him? These are indeed difficult choices, each of them is more difficult and bitter than the other.
Such kinds of intervention are very dangerous for the marital life. Many families have suffered from such practices where those people would follow the back door, invade the houses, penetrate its sanctity and destroy its unity, rendering its intimate members and lovely couple to enmity and feud.

Indeed the impact of these practices on the families, and on the society, and on the nation in general is very bad, and the evil of those people is a great one, because they incite a great deal of trouble and corruption on earth.

O servants of Allah!

The marital relationship in Islam is of deep roots and for long term. Allah will bless the man whose behavior is good, whose intention is kind who is easy and lenient, merciful and compassionate towards his family, who does not task his wife over her ability. Similarly, Allah will bless a woman who does not demand things above her husband’s capacity, who does not backbite her husband.

The messenger of Allah (SAW) has said:

“The most evil of the people in the sight of Allah on the day of resurrection will be the man who consorts to his wife and then publishes her secrets”.

He also said:

“If a woman performs her five daily prayers, guards her chastity and obeys her husband, she will enter any gate of paradise she wishes”

Men should understand that the best companion in this life is a righteous wife, who will support him on his duties, who will be kind with him in her transaction, who is straight morally, who will make him happy when he looks at her, who will obey him when he instructs her, who won’t disobey him in his decisions concerning herself or his wealth. Such a wife is the pillar of a happy house, and its mighty support.

The Most High said:

{So righteous women are obedient, care-taking in the absence (of their husbands) of what Allah has enjoined (them) to guard}. Qur’an 4: 34.

My brothers and sisters in Islam!
Sometimes we pass through a situation that makes us lose confidence in ourselves, but still we bear with it and we create excuses for ourselves. If that is the case with ourselves, why not do the same for our partners and create excuses for our associates. Believers do give one another excuses, while hypocrites don’t, rather they look for shortcomings. But in every successful relationship, there must be the overlooking of each other’s shortcomings.

The Arabian poet said:

*Who can claim to never have erred*

*Who can claim to have done only good*

No one can ease the burden of life and its troubles off the couple other than themselves. Nothing could console a man in his sad days better than his wife and the vice versa.

The mother of the believers, khadija (may Allah be please with her) who was the wife of the prophet (SAW), used to be of great help and support for him. It was reported that khadija (AS) has never said ‘No’ in his presence, except in the cause of her recitation of the Shahada. She has given him all kinds of support and compassion. She has used her wealth and her influence, as well as her words in consoling him in his tough days. She was reported in Bukhari to have said to him during his first experience of revelation when he came back home in fear: and told her everything that had happened to him, and she said: “Never! By Allah! Allah will never disgrace you. You keep good relations with your kith and kin, help the poor and the destitute, serve your guests generously and assist the deserving calamity – afflicted ones”.

May Allah bless us with the understanding of the Holy Qur’an, and may He benefits us with its wise and memorable verses.

O our Lord! Accept the repentance of the repentants, forgive the sin of the sinners, pay off the debts of the debtors, heal our patients and pardon all our shortcomings. O the lord of the universe!
SECOND KHUTBAH:

Praise be to Allah! To Him alone belongs all the manifold, kind and blessed Praises, as He wishes and pleases.

I bear witness that there is no deity but Allah, the One and Only, He has no partners. I also bear witness that Muhammad is his messenger and servant, his distinguished and beloved. May peace and blessings be upon him, his family, companions and those who righteously followed suit till the day of resurrection.

Anas bin malik has reported his mother Ummu sulaim (may Allah be please with them all) narrating: “When Abu Umair, who is my husband Abu Talha’s son, was ill and his father Abu Talha was absent in a journey, then the young boy passes away. When the father returned, she dressed up nicely and prepared his food and said to people: no one should tell Abu Talha about the death of his son. So when he came back from the mosque, he asked her how is my son doing now? She replied. “Better than before.” Then she served him his dinner with some of his friends. And so they spent their night wonderfully.

She waited until (when it was) the last hours of the night then she said: “O Abu Talha! Do you know that the family of so and so had borrowed something and made used of it, but when the owner asked for his thing back, they were reluctant to return it”, Abu Talha said: that wasn’t fair” she then said: “Ok your son was given to you by Allah as a borrowing, now He has taken him back” Abu Talha then calmed down and praised Allah. He said: by Allah I won’t allow you to surpass me in patience,” The next day early in the morning, when the messenger of Allah, saw him he said: “Allah has blessed you yester night”.

Allah is great! This is how marital companionship should be. This way life will be prosperous and happy. One can enjoy himself, children and wealth.

O servants of Allah!

You should know that both of the parties have rights and obligations. However it is an obligation on the husband to take the responsibility of his wife; he should pay the maintenance, he should not task her above her capacity, he should lodge her in an adequate accommodation, he should teach and educate her, he should be
a jealous and protective husband, he should overlook her shortcomings, and he should treat her kindly.

The messenger of Allah (may peace be upon him) said:

“I advise you to be kind to women”

And when asked: what are our obligations towards our wives? He answered: “To feed her when you eat, cloth her when you wear, and you mustn’t hit the face nor curse her, and do not leave the house even when you abstain from her……”

On the other hand, it is obligatory on the wife to obey her husband in all his lawful instructions, she should be his good companion, she shouldn’t observe a (Nafila) fasting without his permission, She shouldn’t allow anybody into his house without his permission, she shouldn’t go out without his permission, she should be grateful and thankful for his effort in maintaining the house, she should prepare the house and should ease the means of live in the house, and she should protect her faith and dignity.

The messenger of Allah (May peace be upon him) said:

“Any woman that died while her husband is pleased with her will enter paradise”

O servants of Allah! Invoke peace and blessings for the best of creation, the best of mankind, just as Allah has ordained us when he said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

O Allah! May you send peace and blessings upon our master Muhammad, his family and companions.
KHUTBAH {13}

FATHER AS A COMPELLING GUARDIAN OR ADVISING GUARDIAN

Praise be to Allah! We thank Him and seek His support, we ask for His pardon, and we seek his refuge in him from the evil of ourselves and our bad deeds. He whom Allah has guided, no one can mislead him, and he who is been not guided by Allah, no one can guide him.

We bear witness that there is no deity but Allah, the One and Only, He has no partners, and that Muhammad is his servant and messenger.

O servants of Allah! Fear Allah the way he should be feared and observe your relationship with Him openly and secretly.

My Muslim brothers! Allah has indeed honored the children of Adam, and has made provisions of good things for them, and has preferred them above many of those whom he created with a marked preferment\(^4\). From among them, Allah has distinguished those whom he gave prophet hood and message, and among them all, he has chosen our prophet Muhammad son of Abdullah to be the best of them all. He has revealed to him his book in which he said:

\[
\text{{And of His signs is that He created for you mates from your own selves that you may take comfort in them, and He ordained affection and mercy between you}. Qur'an 30: 21.}
\]

\[
\text{{O mankind! Fear your lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women. Fear Allah, in whose name you adjures one another, and the wombs (i.e. fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship). Indeed Allah is watchful over you.}} \text{ Qur'an 4: 1.}
\]

O servants of Allah!

Guardianship in Sharia means the authority bestowed on someone (guardian) to decide on behalf of the other (ward) with or without the others consent. So, the guardian is a person in charged with the authority and can take decisions

\(^4\) Qur'an 17: 70.
concerning the ward that can be bond on his ward. The Holy Qur’an highlights the role/ power of guardian as follows:

{But if the debtor be feeble-minded, or week, or incapable of dictating himself, then let his guardian dictate with honesty} Qur’an 2: 282.

Guardian is an essential condition for every valid marriage contract. A woman, therefore, is not allowed to marry herself out without a guardian, nor is she allowed to be of another woman, be she a virgin or an adult, a noble or from a low class, sane or insane, slave or free woman, and whether she has gotten permission from her guardian or not. And if such happens it should be nullified whether the consummation has taken place or not, even if it took long time and children were born. After the nullification, no punishment (hadd) should be charged, because of the complex nature of the case, children would bear their father’s identity, and the agreed dowry should be given to the wife, if they had agreed on any, if not an estimated dowry of her equal should be paid. Furthermore, all other laws and regulations attached to divorce from a valid marriage will be binding on her, such as: serving a waiting period, prohibition of marrying his sons or him marrying her daughters, and the status of their children being his legal sons. Also all jurists, except one, agreed that the children are entitled to inheritance, and their arguments are stronger.

Ibn Munzir said: “It was authentically reported that the messenger of Allah (May peace be upon him) has said: “There is no valid marriage without a guardian”. But jurist have different interpretation for this issue. Majority of them say: “No marriage without guardian”. This was reported to be the opinion of Umar bin khattab, Ali bin Abu talib, Abdullahi bin mas’uod, Ibn Abbas, Abu Huraira, may Allah be please with him all. That is also the opinion of Aisha (May Allah be please with her), Sa’id bin Musaiyib, Hassan Albasry, Umar bin Abdulaziz, Jabir bin Zaid, Sufyan Al Thaury, Ibn Abu Laila, Ibn Shibrima, Ibn Al Mubarak, Safi’i, Ubaidullah bin Hassan, Imam Ahmad, Is’haq, Abu Ubaida and the majority of scholars”. Ibn Munzir included that “.he does not know anyone of the companions of prophet (SAW) who opposed that”.

82
Another proof that supports this group is the hadith that was reported by Aisha (May Allah be please with her) in which the messenger of Allah (PBUH) said:

“Any woman who marries without the consent of her guardian, then her marriage is nullified, then her marriage is nullified, then her marriage is nullified, and if he has consummated the marriage then she must receive a dowry from him for what he has made lawful of her private parts, and if they fall into dispute then the ruler is the guardian for those who have no guardian.”

In another Hadith in ibn Maja and Dara Qutni reported by Abu Huraira, the messenger of Allah (PBUH) said:

“A woman does not give away another woman, or herself in marriage, for only the adulteress gives herself away in marriage”.

Ekrima bin Khalid reported that: a woman traveling in a caravan assigned one of the men in the caravan to be her guardian and conclude her marriage arrangement. He then agreed and gave her to another man in marriage. When the calipha Umar heard that he nullified the marriage, and ordered the guardian and the husband be whipped.

Imam Shafi’i was reported to have said: No one among the companions of the prophet (SAW) was stricter on the issue of marriage without guardian than Ali (May Allah be please with him) he used to flog the doer.

O servants of Allah!

There are certain criteria for any man who wants to be a guardian to fulfill. All jurists unanimously agreed on seven conditions that one must meet before he is qualified as a guardian in a marriage. These seven are: sanity, freedom, puberty, masculinity, Islam, not being in a state of Ihram for Hajj or Umra, not being forced or threatened to do so.

There are two other conditions that the jurists argued over them these are: justice and prudence. Some consider them as condition while others don’t. Therefore, the guardianship of an unjust person or corrupt person is not
recommended in the presence of a just person. But if he does that, the marriage is still valid.

Likewise, prudence is not a condition for guardianship. A silly man can also be a guardian and give out his ward in marriage without the permission of his own guardian, even though it is preferable for him to seek his permission, but not an obligation.

Silliness (Imprudence) is of two kinds:

a) A silly that has religious commitments, sanity and some insight. This is what they call a ‘silly with insight’. And there is no contradiction in him being silly and having insight, because having an insight doesn’t necessarily means making a good use of it.

b) A silly that has weakness in his thoughts and insight, and cannot distinguish right from wrong decisions.

The first type: a reasoning silly (silly with insight), as we have explained earlier, can be a guardian and any marriage agreement he made is considered valid. But still his guardian has right to look into the contract and approve, or otherwise disapprove it if he sees any harm for the ward. But if he didn’t interfere and the contract was concluded then it is valid.

However, for the insane silly (non-reasoning), he can’t be a guardian neither for his daughter nor any other woman. The decision should be in the hands of the next closest person to her in the family.

O servants of Allah!

A father can only become a guardian if he meets the conditions mentioned above. And when he becomes so, his guardianship is of two types:

1. A compelling guardian.
2. A permitting guardian.

The first type, that is compelling guardianship means, the Father has the authority to marry his daughter out without her consent. This authority he can exercise on three categories of daughters: i.e.: the insane daughter, the minor who was never married and the previously married minor daughter whom has not
attained puberty. He also has authority over three categories of his sons: the insane, the minor and the silly.

As for the three categories of daughters mentioned earlier, the father can give them out in marriage to whom he chooses without their consent except if he is giving her to someone with defects that is harmful to her, then in this case he would lose that authority. But he can marry her to a non equal man or a lower in status, or with a lesser dowry. And the details are as follows:

1. As for the insane daughter, if she is virgin (never married before), he can compel her to marry regardless of her age, and regardless of the level of her insanity and how frequent does she run mad and gets back to her sense. It is also not necessary for him to wait till when she gets better so as to take her permission. So is the case with a minor virgin daughter. However, if she has attained puberty and has previously experience marriage, but her madness is consistent, then he can compel her too, even if she is of age and has children, her son has no authority or any right over the father even if he is sane and prudent, because the authority of a father surpasses that of a son.
But on the other hand, if her madness is on – and – off and she is of age, the father have no authority to compel her, rather, he should wait for when she gets better and decide for herself. And for the insane woman who has neither father nor other relative as guardian the judge should be in charge of her affairs. So is the case of she whose father is insane.

2. The father can also give his virgin daughter without her consent, whether she is a minor or has attained puberty as long as she hasn’t got any marriage experience before, she is still considered virgin, no matter how long she stays in her father’s house. She is also called a ‘spinster’.
Even thought jurists hold different views on the issue, but majority of them are of the opinion that the father can compel his spinster daughter to marry against her will.

O servants of Allah! You should fear Allah and should learn the laws of our religion in order to prosper.
{The Gardens of Eden, which they will enter along with whoever is righteous from among their forebears, their spouses, and their descendents, and the angels will call on them from every door}. Qur'an 13: 23.

At the end this speech, I seek forgiveness for me and you, from Allah The Great and the all-Forgiving, the all-Merciful.

SECOND KHUTBAH:

Praise be to Allah who rules with truth, and judges with justice, and He is the Best of All judges, the all-Merciful. I bear witness that there is no deity but Allah, the One and Only, He has no partners, the Lord of the ancestors and the successors. And I bear witness that our master Muhammad is his servant and messenger. He has sent him with Divine guidance and the religion of truth that He may make it prevail over all religions. Muhammad (saw) is the best of His creations, may peace and blessings be upon him, his loyal companion, pure family, and those who followed them righteously till the day of resurrection.

O servants of Allah!

The authority of compulsion in marriage could be lifted off the virgin daughter in only two circumstances:

1. When the father acknowledges her prudence: that is; after observing her behaviors and examining her intelligence, he acknowledged her sense of responsibility and her prudence, and based on that lifted the barriers on her and pronounced her ‘a prudent girl’. Such a maid, the father cannot come back again and say he will force her to follow his choice in her marriage. He can only advice her and seek her permission, but the final say is hers. The father can only be her permitting guardian who will represent her marriage procedures. Nevertheless, he will still be responsible for all her expenses as a father even though he can’t compel her, until when she consummate with her husband.
2. As for the young previously married daughter, she has shares the same rule with the virgin maid. The father can compel her because of her age even though she isn’t virgin, but still not matured enough to take the right decisions. Whether she was disvirgined through marriage or otherwise, the rule still remains the same as far as she has not attained puberty.

But if she had married and was divorced as minor, then she attained puberty in her father’s house, before the second marriage, he can’t compel her. This is what majority of jurists said, except Sahnoon.

And for the grown-up girl who has attained puberty in her father’s house, if she lost her virginity by accident, through exercise, fight, fever, menses e.t.c. then she should be treated like the case of the young previously married.

But if she lost her virginity by illegal prohibited means such as fornication or rape, whether it happened once or more, then the father has the authority to compel her in marriage. Even if she has had a son through that fornication or rape, still the father can compel her, and he has power over that son. If she was disvirgined through a marriage and has attained puberty, whether the marriage is valid or not, whether the validity of the marriage is unanimous among the jurist or it was a complicated case, and therefore unpunishable, the father has no authority of compulsion on her.

And in a case where she marries a unanimously invalid marriage, but unpunishable because of the complication in the case, then she consummated with the husband, and letter on the marriage was nullified or she was divorced or widowed, in all these circumstances, the father can’t compel her again, because such a marriage has a similar ruling with a valid marriage in this regard, that is why she was waived from punishment, and she will serve her waiting period in the husband’s house regardless of her sanity or insanity.

Unlike the marriage that was unanimously considered invalid by all jurists and is punishable because of the clarity of its invalidity, here the father remains with his compelling authority over her, because this marriage is similar to the illegal means that was prohibited.

O servants of Allah!
Invoke peace and blessings upon the best of creatures, our master Muhammad, just as Allah has ordained us to do when He said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

O Allah! May you send peace and blessings upon him, his family and all his companions.

Servants of Allah!

{Indeed Allah enjoins you and kindness and generosity toward relatives, and he forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.} Qur’an 16: 90.

At the end my speech, I pray to Allah, the Almighty, to grant us forgiveness. Supplicate to Allah for forgiveness for he is the Most Forgiving and the Most Merciful.
KHUTBAH {14}

DISPUTE BETWEEN THE COUPLE AND THE ROLE OF ARBITERS

Praise be to Allah! We seek his support, we ask for his pardon and we seek refuge in Him from the evils of ourselves and our bad deeds. He who Allah guides no one can mislead him, and he who Allah has not guided, no one can guide him. I bear witness that there is no deity but Allah, the One and Only, and I bear witness that our master Muhammad is his messenger.

O servants of Allah!

Fear Allah the way he should be feared. You should know that whenever a dispute occurred between a husband and his wife, and the relationship between them worsened, the fault must have come either from the wife, the husband or both of them. Or the matter is complicated that we couldn’t understand who triggered the spark. So, below comes the rule of dispute of such nature:

When the fault comes from the wife, she is called ‘Nashiz’ that is defiant. The defiant woman is the one who refuses to obey her husband which is part of her religious obligations, or when she rejects one of the Divine duties.

Disobeying her husband includes denying him the satisfaction of his sexual desire, going out without his permission to places where he disapproved, closing him out, embezzling his wealth or using vulgar words to attack him.

She will also be considered defiant if she refuses one of her Divine duties such as purification, ablution, prayer, fasting, or disagrees with one of the duties that Allah has made obligatory on her.

The almighty Allah explaining the treatment of women’s defiance in the holy Qur’an where he says:

{As for those (wives) whose misconduct you fear (first) advises them, and (if ineffective) keep away from them in the bed, and (as the last resort) beat them. Then if they obey you, do not seek any course (of action) against them. Indeed Allah is all-exalted, all-great}. Qur’an 4: 34.
The treatment of women’s defiance as explain in the verse is to follow these three steps:

1. **Admonition**: to remind them of the rewards of marital life in the way that would soften their hearts, and remind them of the reward of obeying the husband, and the punishment of his defiance. This advice or preach should be done by the husband, for perhaps she may listen to him, if not then the leader or whoever represents him in that matter. If the advice didn’t work both from the husband and the leader, then the next step should be taken.

2. **Abstinence**: to abstain from intercourse with her, or to leave sharing bed with her. He can do that for up to a month or more, but it shouldn’t exceed 4 months. If this also didn’t work, then he should take the last step.

3. **A slight beating**: if the two measures fail, the husband may resort to the beating which is not harmful to the wife. A symbolic one that won’t break a born, nor distort the flesh. The husband is not allowed to beat his wife to the extent of injury even if he knows that he can make her stop her defiance that way. And if he beats her in that way, he will be considered an aggressor, and she can seek divorce and retribution. Therefore the beating that is allowed is the one that doesn’t harm while avoiding the face. He can only resort to that when he thinks that will help, otherwise he shouldn’t beat her if he knows that, that will not make her desist from her defiance. Because the means is followed only if it leads to the aim. But for the advice and abstinence he can do them even if he is not sure they can work out or not.
   
   Note: he shouldn’t move to the next step except when he thinks that the previous step won’t work out.

4. **Denial of maintenance**: if the husband is capable of stopping her defiance by one way or the other even if he has to involve the court but he didn’t do that, then he should be responsible for her maintenance. But if she overpowered him, and continued with her defiance and disobeyance, the husband should cut her maintenance fee. Because a Nashir woman is not entitled to any maintenance.
On the other hand, if the aggression came from the man, by beating her, abusing her, harming her, cursing her, abstaining from her, but the wife insisted to stay with him, and did not want a divorce, then she took him to the authorities and proved that he has harmed her, or he admitted that; in this case the judge should follow the following steps in deterring him.

1. Preach and advice him, warn him and stop him.
2. If the warning and preaching did not work, the judge should order her to abstain from him in bed.
3. If it didn’t work, the judge should warn him of beating or even imprisonment. Al-muwaq said: “in such a case, the man is sentenced to imprisonment, but we have never heard that a defiant woman is being jailed for that”.
4. If the warning didn’t work, the judge should order him to be whipped accordingly. But there are two conditions for that:
   a) If it was proven that he harmed her.
   b) If the judge thinks that the whipping will deter him, otherwise he should just advice and warn him.

However, if the husband refuses to allow her to go out for walking, entertainment, or he beats her slightly for not praying or marry another wife, these are not considered harmful for her.

But he cannot lock her inside the house. He cannot also stop her from trading provided that she won’t go out, she won’t be in privacy with aliens, and there is no fear that she might be corrupted.

It is not compulsory for the husband to divorce his indecent wife; he will not be compelled to separate from her, so is the case if she does not pray, fast, or purify herself. He can discipline her and retain her, or divorce her if he so wishes. It is also lawful for him to ask her to pay him compensation before he divorces her.

However, if the husband discovered that his wife has committed adultery, it is not lawful for him to harm her or hold her to ransom until she pays him something before he divorces her. But if she offers to pay him something in return in return for her divorce, without him demanding or forcing her to, there is nothing unlawful about that, he can accept it.
If all these four steps failed to deter him from his aggression, and she sought divorce, the judge should divorce her, or she should divorce herself in accordance with the conditions we mentioned in the khutbah of Idraar.

At the end my speech, I pray to Allah, the Almighty, to grant us forgiveness. Supplicate to Allah for forgiveness for he is the Most Forgiving and the Most Merciful.

SECOND KHUTBAH:

Praise be to Allah! We praise him with manifold praises that are full of blessings as He loves to be praised and be pleased with. I bear witness that there is no deity but Allah, the One and only, He has no partners, and I bear witness that our master Muhammad is his servant, messenger, his chosen one and his allied. May peace and blessings be upon him. His family, companions and those who follow righteously till the day of resurrection.

Servants of Allah!

When both of the couple are found faulty and they both insist to accuse each other of assault and aggression, in this situation two arbiters should be invited, one from each family.

When should be the arbiters invited?

✓ If both of them were proven to have wronged one another, the judge should advice them, if it didn’t work then warn them, and then ordained them whipped accordingly.
✓ If the wife complained about her husband’s assault, and sui him to the authority repeatedly but she failed to present a proof, or
✓ If they both accused each other of wrong repeatedly and have not provided any evidence. The judge should order her to be moved to stay for some time with a righteous family who were known to be kind and trustworthy. This people should report to the judge whatever information they gathered from her, concerning her dispute with husband, and they
should also report all their findings about her claims. If she calmed down and settled, no need to move her to another house in the neighborhood.

✓ The judge should also ask her neighbors about her, and should compare that with the information he gathered from those people she stayed with. He can also invite them to testify if the need arises. If it is proved that the husband was guilty, the above mentioned measures should be applied on him. If she chooses to stay with him the judge should warn him of attacking her again. But if she chooses to separate, the judge should divorce her following the procedures we mentioned earlier. Similarly, if all evidences showed that the wife was defiant and therefore guilty, the judge should follow the procedures mentioned above to discipline her.

✓ If the findings suggest that both of them were guilty, the judge should advice them, warn them, and even whip them subsequently and accordingly.

✓ If the complains persist, and the dispute continue, and the cause of the dispute remained unclear, the case became more complicated, then judge should invite an arbiter from each of them, to sit down and settle the matter.

Ibn Asim wrote in his poem called Tuhfah:

If evidence of harm was not provided,

By the wife and her complains persist.

The two arbiters should then be sent,

To settle the matter as recommended by the Qur’an.

Allah the Almighty has said:

{O you who have faith! Be wary of Allah, and let every soul consider what it sends ahead for tomorrow, and be wary of Allah. Allah is indeed well aware of what you do} Qur’an 59: 18.

May Allah bless us with the understanding of the holy Qur’an and may he benefit us from the wisdom and remembrance in its verses and chapters.
{Indeed Allah enjoins you and kindness and generosity toward relatives, and he forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.} Qur’an 16: 90.
KHUTBAH {15}

THE LEGAL GROUND FOR ARBITER’S INVITATION

Praise be to Allah! We give thanks to him, we seek his support we ask his pardon, we seek refuge in Allah from the evil of ourselves and our bad deeds. Whoever is guided by Allah no one can mislead him, and whoever He misled no one can guide him. I bear witness that there is no deity but Allah, the One and Only, He has no partners, and I bear witness that Muhammad is his servant and messenger. May peace and blessings be upon him, his companions and those who follow righteously till the Day of Judgment.

O servants of Allah!

Fear Allah the Almighty and give thanks to him. He has created for you from among yourselves mates that you find comfort in them and He made between you love and mercy. Indeed there are signs in this for people who think.

O servants of Allah!

The process of inviting two arbiters to settle between the couple was originated from the holy Qur’an where Allah the most high says:

{And if you fear a split between the two of them, then appoint an arbiter from his relatives and an arbiter from her relatives. If they desire reconcilement, Allah shall reconcile them. Indeed Allah is all-knowing, all-aware}. Qur’an 4: 35.

The above verse indicates that the arbiters should be two, should be from the families, their role is to reconcile, the speech there is directed to the authority, i.e; the leader or the judge, and they are invited when there is fear that the couple may separate.

✓ Usman bin Affan was reported to have sent Abdullahi bin Abbas and Mu’awiyah bin Abu Sufyan (may Allah be please with them all) in the case of Uqail bin Abu Talib and his wife Fatima bint Rabi’a. Ibn Abbas narrated:
   “Mu’awiyah and I were sent as arbiters and we were told: if you see any hope for reconciling, you should reconcile them, and if you see no hope, you should separate them”.
Abdul Razaq has reported Ubaidah Alsalmany saying: “I was present when a woman came with her husband to Ali bin Abu Talib, each of them was accompanied by a group of people. Each of the two groups then assigned one arbiter. Ali bin Abu Talib said to the two: “you know what you should do? If you see this thing can be fixed, then fix it, if not then separate them”, and he did not stipulate the acceptance of the couple. Al Qurtubi said, this Hadith is authentic and was narrated from various narrations attributing it to Ali, such as Ibn Sirin, and Abu Amr and Ubada. Imam Malik has also reported it in his book Muatta chapter of divorce.

Abdul Razzaq has also reported Abu Salma and Shi’ibi to have said: “if the two arbiters wish, they can separate them, and if they wish they can reconcile them.”

The conditions of the arbiters:

Those invited as arbiters must meet certain criteria before they will be considered arbiters. Those criteria are: Islam, freedom, puberty, masculinity, justice, prudence, knowledge and understanding of the procedure, and being from the family/relatives.

- A disbeliever, a slave or a minor cannot be, therefore, considered an arbiter.
- Masculinity is essential: women arbiters are not hereby accepted because an arbiter has a status of leader or Imam who is followed by his people.
- Justice is also a crucial factor; for this reason minor, insane and an indecent are not accepted.
- Prudence is also vital: silly persons or naives cannot be arbiters, because such person cannot be guardian for his people. And an arbiter must qualify to be a guardian. Also those people with mental defects need a guardian to oversee their affairs, except for those whose level of naivety is slight and will not affect their mental capacity and positive ability to decision making.
- To understand the procedure means; he should have knowledge and experience in solving such disputes between husband and wife. An ignorant person cannot be accepted, because the leader should know about his ward and his interest in order to defend them. How can he judge on something that he has no idea on? He must be well acquainted with all what hurts the
marital life and what strengthen it, and should also seek advice from those who know better.

- It is also stipulated that the arbiter be from the relatives of the party he is representing. It is very clear from the qur’anic text that both arbiters must be from the relatives of the couple, because they are in the best position to know the situation of the husband and his wife, they know their stories and their secrets, and they are more likely to act for their interest, than aliens, because relatives are known to advice their kinship and are compassionate toward them.

But if they have no relatives, they can send aliens, preferably friends or neighbors, because neighbors can know the situation of the couple and their story because of their proximity.

I pray to Allah, the Almighty, to grant us forgiveness. Supplicate to Allah for forgiveness for he is the most Forgiving and the most Merciful.

**SECOND KHUTBAH:**

Praise be to Allah, the One and Only. I bear witness that there is no deity but Alla and that Muhammad is his messenger and servant. May peace and blessings be upon him, his family and companions.

O people!

Those chosen as arbiters must do everything they can to reconcile between the couple. Allah the Almighty has said:

{If they desire reconcilement, Allah shall reconcile them}. Qur’an 4: 35.

That is; if the arbiters desire amendment, Allah will cause it among them. This is according to Ibn Abbas and Mujahid and others.

Amendment means what will serve the interest of the couple. It may not necessary be the opposite of separation. Sometimes the separation will be better for them all. While in some cases the reconciliation is better. It all depends. Therefore, the main role of the arbiters is to bring them together and closer, to bust the spirit
of companionship between them as much as they can. If they are able to know the wrong doer among them, they should hold him accountable and compensate the victim if there is any harm that was suffered, then they should preach and advice, warn and forbid him/her from so doing again. If they accept the advice and reconcile amicably, the arbiters here have successfully accomplished their mission, but if they found them difficult to reconcile, refusing to listen to advice, the rift between them is deepening, and all efforts to bring them together were proven aborted, including reminding them about Allah and the companionship binding them, they should then identify the aggressor among them and then separate them if they agree that such will be better for them.

However, the procedures should be as follows; every arbiter should meet with his ward in legality private way, and ask him; what do you detest about your partner? Feel free to tell me, if you still want him/her we can bring him/her back to you at your feet. Etc in order to investigate and have the best understanding of the situation;

✔ If they find out that the harm had come from the husband and he was the aggressor, and he is not willing to stay with her, they should divorce her if that is what she wants too. In fact, if she wants to separate even if he is not willing, they should separate her from him as far as the aggression had come from him.

✔ While, if they find out that the wrong had come from her side, and she was the aggressor, and he is willing to divorce her but he is demanding for compensation in return for divorce, (khul’u) because he is fed up with her, then they should allow the khul’u to take place with an amount that is higher than her dowry. But if he is not willing to divorce her, and showed interest in retaining her, they should entrust him with the safety and wellbeing of the wife and advice him to be patient. That’s all they can do here in this case. On the other hand, if the arbiters separate them after the wife was found guilty and the man refused the khul’u, that separation is void and the woman is still his wife, because that shows the arbiters don’t have the knowledge and understanding of the procedures and were not being just. Some jurists say its valid though, and that the husband should be forced to collect the compensation because that serves as a penalty for her aggression and misconduct.
If the arbiters were unable to find out who’s wrong and the un-clarity continues, then the case is a complex. Detailed Islamic jurisprudence books should be referred to.

If they find out through their investigation, that the aggression had come from both of them, i.e; they have both wronged one another, the majority of jurists say they should be separated without khul’u, if she is not willing to stay with him. That’s according to Dardir and Sawiy.

The status of the arbiters: The arbiters have the status of judges as stated in the holy Qur’an:

{Then appoint an arbiter from his relatives and an arbiter from her relatives}. Qur’an 4: 35.

Alqurtuby said: this is a declation from Allah (SWT) that the arbiters are Judges not mere representatives or witnesses.

Therefore, if they decide to dissolve the marriage, there decision is valid, whether the judge of that particular region agrees or not, even if they are appointed by that same judge, whether the couple have authorized them or not, and whether they have agreed with the outcome or not, because the above Qur’anic verse gave them this authority, and in lines with the Hadith reported by Ali, Ibn Abbas, Abu Salma and Shai’bi as was mentioned earlier.

It is important to mention here that these arbiters can rule in any case of marriage, whether a consummation has been made or not.

Whenever they dissolve the marriage, their divorce becomes valid whether khul’u is been agreed or not.

The Almighty has said:

{And if you fear a split between the two of them, then appoint an arbiter from his relatives and an arbiter from her relatives. If they desire reconcilement, Allah shall reconcile them. Indeed Allah is all-knowing, all-aware}. Qur’an 4: 35.

May Allah bless all with the understanding of the Holy Qur’an, and may He benefit us with its wise and memorable verses.
O our Lord! Accept the repentance of the repentants, forgive the sin of the sinners, pay off the debts of the debtors, heal our patients and pardon all our shortcomings. O the lord of the universe!
KHUTBAH {16}

INFLICTING HARM ON WOMEN AND MARRIAGE DISSOLUTION

Praise be to Allah and peace be upon his messenger. We praise Him and we ask for his forgiveness, and we seek refuge in Allah from the evil of ourselves and our bad deeds. Whoever Allah has guided no one can mislead him, and he who Allah has misled no one can guide him. I bear witness that there is no deity but Allah, the One and Only. He has no partners. And that Muhammad is his servant and messenger. He has conveyed the message, and has fulfilled the truth, and has struggled in the cause of Allah to the utmost.

May peace and blessings of Allah be upon him, his family, companions and those who followed righteously till the Day of Justice.

O servants of Allah! Fear Allah and obey him, fear a day when Allah will reward everybody for his deed, no soul will be treated unjustly on that day. And if there is even the weight of a grain of a mustard seed, Allah will bring it.

{No bearer shall bear another’s burden, and should one heavily burdened call [another] to carry it, nothing of it will be carried, even if he were a near relative}. Qur’an 35: 18.

{O mankind! Fear your lord, who created you from a single soul and created its mate from it, and, from the two of them, scattered numerous men and women. Fear Allah in whose name you adjure one another, and the wombs}. (i.e. ‘Fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship’). Indeed Allah is watchful over you}. Quran 04:01

O servants of Allah!

Allah the almighty has forbidden men from harming their wives. The messenger of Allah was reported to have said:

“The one who is the most perfect in faith among the believers is he who has the best moral character and he who is the kindest to his family”. Narrated by Tirmiziy.

He (PBUH) has also said:
“The best men of my Ummah are those who do not oppress their families, who have mercy on them and do not suppress them. And whosoever has a woman in his house and did not clothe her or feed her adequately, the Imam (leader) has the obligation to separate between them”

O my people! Harming wife could be physically or financially. The physical harm could either be minor harm or a severe one; in both cases it may happen only once or can be repeatedly happening. Also the wife could possibly have stipulated in the marriage contract that the husband mustn’t harm her physically, - and maybe not. She might also have linked that condition with Divorce or an oath. So, when does divorce become valid for harming wives?

The answer to this question is to go back to the conditions of divorce in case of harm inflicting. For such case of divorce, the main condition is; if the wife demands to be separated, because she is the one suffered the affliction. And therefore the option for staying or separating is hers. She can choose to stay even if he continues harming her. Whether she is naïve or foolish, she should be given the right to choose whether to stay or separate. But if she is a minor, her guardian should have a say in the matter.

**The first case: harming wife financially**

If a man embezzled his wife’s wealth, and she have not had any conditions with him before the marriage, the judge must deter him and stop him, and he should pay back what he has taken. If he does it again, the judge should punish him. But he should not separate them because of that. As for naive woman or a foolish one, the say is not hers in this case; rather her guardian should intervene, contrary to the case of physical harming, where the guardian has no say, except what she decides.

**The second case: the considerable harm in sharia:**

The wife is entitled to seek separation from her husband only when he does what is prohibited in Sharia, such as; abstaining from her without any legal justification, refusing to talk to her, avoiding her in bed, abusing and cursing her, or abusing her father in wards such as; calling her daughter of a dog, a daughter of an outcast, or a daughter of an infidel. Such a husband should be separated based
on these statements and in accordance with the judge’s assessment of the matter. 
He should also be disciplined. So is the man whose wife reports him of forcing her 
into anal intercourse. We must stress here that for any marriage to be dissolved in 
such a way a prove of harm or damage must be presented.

**The third case: how to prove harm/damage:**

Any harm afflicted between husband and wife should be proven either by 
evidence, or by mass report of the news, or by admitting that he/she has done that.

1. The evidence: and before any evidence is accepted, it must fulfill the 
   following conditions:
   ✓ Having two witnesses or more. These two must be men and trustworthy. So 
a man and 2 women cannot work here, neither can a man with an oath.
   ✓ They must testify to have seen the harm either by the virtue of their 
   proximity to the couple or relationship or any other similar reason.
   ✓ Witnesses must testify that: he beat her or harmed her without any sin/wrong 
   committed by her that deserve that.
   ✓ Their testimony must contain that the aggressor has not desist from his 
   aggression – to the best of their knowledge. Otherwise, the judge should not 
use their testimony for divorce. On the other hand, if the husband claimed to 
have intercourse with her – with her consent – after she had suit him for 
separation and she admitted to that, then she has lost her suit. It doesn’t 
matter whether she does that knowingly or ignorantly. If she claims to be 
ignorant, her excuse will not be accepted. Likewise, if she admitted being 
with him in private, but denied to have had intercourse with him, his claim 
will also be prevail.

2. The mass report of the incidents by neighbors, women and servants etc 
that the husband has beaten his wife or has abused her for no genuine 
justification, or has denied her feeding, or abstain from her in bed, or by 
doing anything that is harmful to her.

If two trustworthy men testified that there was a mass report of harm by a 
group of people and neighbors, that will be enough, but the more the 
witnesses, the better, this is the ruling and prevailing practice in our 
mazhab.
However, testimonies of women alone is not sufficient to establish the case of a mass reporting of harm. Because divorce – like Hudud – cannot be proved through women alone. Therefore, in such a case we must have the testimonies of neighbors, servants together with theirs in other to consider the case.

The forth case: the slight harm vs. the severe harm:

Imam Malik (May Allah be pleased with him) has said: “We do not have anything as criteria to measure slight or severe harm” seemingly, he has left the matter to the judge to determine or for the custom of the couple and their traditions.

According to our mazhab; the level of harm is measured in accordance with the custom and culture of the couple, and the judge will be the one to measure that. He should not rule according to custom of his own region, nor the region where the judgment is taking place.

The fifth case: must the harm occur repeatedly?

Jurists have differentiated between a slight harm and a severe one in this case. They have unanimously agreed that the wife has the right to seek divorce if the husband harms her a severe harm even if it’s only once, as far as she is able to prove it.

But if the harm is a slight one, it has to be repeated, and she should have reported him repeatedly to the judge, and the judge had advised him, warned and threatens to punish him, but all these have not deterred him from continuing his aggression. In this case if she seeks divorce, the judge must accord it.

The suit case: how to prove the harm to the authority:

A woman who is in a marriage bond with her husband is of either of these two situations;

1. She had already made it a condition upon marriage that if he beats her, she will be on her own (she will be in charge of her own affairs).
2. She had not had stipulated that.
In both cases if the wife wants to be divorced from her husband because of the harm he inflicted on her, she must take the issue to the court, and prove her claim through the ways we mentioned earlier. Otherwise she is not allowed to divorce herself without having reporting the issue to the court and providing evidence, and the court having served a warning to the husband, so that he won’t have another excuse after that.

When such a divorce is affected after proving that the husband has inflicted physical harm on his wife, the divorce will be count as a single divorce, but an irrevocable one. Whether she divorced herself or she was divorced by the judge, she is only considered for one single divorce, even if she pronounces more than one (double or triple).

The jurist say: “when a woman is forcefully divorced from her husband, it is considered a single divorce, but though it’s single it’s irrevocable because of the harm that came from the husband’s side.”

O servants of Allah!

Invoke peace and blessings to our master and beloved prophet Muhammad, just as Allah has enjoined us to do when he said in the holy Qur’an:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

I pray to Allah, the Almighty, to grant us forgiveness. Supplicate to Allah for forgiveness for He is the most-Forgiving and the most-Merciful.

SECOND KHUTBAH:

Praise be Allah who knows what is concealed in the hearts, and what is hidden in the concise. I praise Him the most-Exalted and I give thanks to Him for all his favors and countless bounties. I bear witness that there is no deity but Allah, the One and Only. He is the First and the Last, the Manifest and the Hidden. And I bear witness that Muhammad, our master, is his servant and messenger, the pure and purifier, the noble of the best character. May peace and blessings from Allah
be upon him, his family and companions, those with best characters and norms, and those who followed their footsteps till the day of resurrection.

O servants of Allah!

Mercy is neither compassion without reasoning, nor is it an emotion that neglects justice and order. Rather it is a character that considers the right of all. For this reason, when a dispute occurs between the couple, the matter must be reported to the court to settle between them in accordance with the laws of Allah.

The most high has said:

{But if they separate, Allah will suffice each of them out of his bounty, and Allah is all-bounteous, all0-wise} Qur’an 4: 130.

May Allah bless us all with the good understanding of the holy Qur’an, may He benefit us all with the signs and wisdoms therein, and may He accept us and our good deeds, for He is all hearing all Knowing.

O our Lord! Accept the repentance of the repentants, forgive the sin of the sinners, pay off the debts of the debtors, heal our patients and pardon all our shortcomings. O the Lord of the universe!
Praise be to Allah. We seek his support, and we ask for his forgiveness. We seek refuge in Him from the evil of ourselves and our bad deeds. He whom Allah has guided no one can mislead him and whoever Allah misled no one can guide him. I bear witness that there is no deity but Allah, the One with no partners. I also bear witness that our master and prophet Muhammad is his servant and messenger. May peace and blessings be upon him, his family and companions.

O servants of Allah!

Fear Allah the way He should be feared, and observe his duties openly and secretly. Allah the most high has said:

{O mankind! Fear your lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women. Fear Allah, in whose name you adjures one another, and the wombs (i.e. fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship). Indeed Allah is watchful over you.} Qur’an 4: 1.

He also said:

{If you fear that you may not deal justly with the orphans, then marry [other] women that you like, two, three or four. But if you fear that you may not treat them fairly, then [marry only] one, or [marry from among] your slave-women that makes it likelier that you will not be unfair}. Qur’an 4: 3.

He also said:

{You will not be able to be fair between wives, even if you are eager to do so. Yet do not turn away from one altogether, leaving her as if in a suspense. But if you are conciliatory and God wary, Allah is indeed all-forgiving, all-merciful}. Qur’an 4: 129.

The messenger of Allah, may peace and blessings be upon him was reported to have said:
“He who has two wives of whom he is inclined to one (more than the other), he will come on the Day of Judgment, with one of his sides fallen or inclined”.

O Muslim brothers!

Whoever marries more than a wife, he must treat them equally. Equity between women is an obligation ordained by all schools of law.

Allah the most high has said:

{But if you fear that you may not treat them fairly, then [marry only] one, or [marry from among] your slave-women}. Qur'an 4: 3.

The messenger of Allah (PBUH) has said:

“He who has two wives of whom he is inclined to one (more than the other), he will come on the Day of Judgment, with one of his sides fallen or inclined”.

Anas was reported to have said:

“The prophet – may peace and blessings be upon him – had nine wives. He used to share the nights between them; each one of them receive him in her room after nine days”

All the muslim ummah have unanimously agreed that it is obligatory to treat with equity and justice all wives. He who refuses to treat his wives equitably and justly he has disobeyed Allah the most-High and his messenger (may peace be upon him). Such a man is not qualified to lead a prayer, nor is his testimony accepted. However if someone defies the fact that doing justice is an obligation in Islam, he must be asked to repent in three days, if he refuses to repent in three days, he should be executed for defying and changing the law of Allah. See Kifayat et Talib Vol: 3 P: 135.

O savants of Allah!

The obligatory justice required hare is to share the nights among the wives equally and justly. Equality is not just therefore required in love, sexual intercourse etc. Allah the most high said:
{You will not be able to be fair between wives, even if you are eager to do so. Yet do not turn away from one altogether, leaving her as if in a suspense. But if you are conciliatory and God wary, Allah is indeed all-forgiving, all-merciful}. Qur’an 4: 129.

The jurist say: the unattainable justice referred to above is the absolute equity, which demands the husband to have the same undiscriminating feelings towards his co-wives. It is this kind of absolute equity which is impossible to achieve, therefore not required from the husband by the Sharia, such as equity in love, sentimental sympathy or sexual intercourse.

The prophet (SAW) referred to this kind of absolute equity and emotional inclinations towards some wives.

“O Allah! This is my ruling in what t can control, do not blame me for what I cannot control”

Among the attainable justice is to share the nights between them equitably. If he can’t do this, polygamy is prohibited for him.

Allah has said:

{But if you fear that you may not treat them fairly, then [marry only] one, or [marry from among] your slave-women}. Qur’an 4: 3.

If the Qur’an stated that man will not be able to achieve equity, and then urged him to treat his co-wives equitably, then you should understand that there are two types of equity; the attainable one, and the one that is unattainable by human beings; that is the absolute justice. Only Allah can do that. Human may emotionally somewhat incline to one of the wives. The complete/total inclination is however prohibited, as stated in the verse. What is required of the husband is to share the nights among them equitably – if he sleeps a night here, he should sleep the same there. As for sexual intercourse, he should leave that to his natural desire with sincerity, but he is not allowed to intentionally cheat one of them, by saving his energy on one’s night, in order to perform excellently on the other’s night, because he favors her. Such is unfairness and therefore forbidden.
The husband that is required to do justice in the issue of sharing the nights between his co-wives has to meet certain conditions:

He must have attain puberty, must be of full sense, present not away in travels, it doesn’t matter whether he is a free man or a slave, whether he is in good health or sick as far as his health condition will not prevent him from moving from the place of one wife to another.

On the other hand, there are only two conditions for the wife to qualify to take share:

1. The marriage must have been consummated; otherwise she isn’t entitled to a night.
2. She must be physically ready for sexual intercourse. If she is a minor, even if the consummation has taken place, she is not entitled for a night.

If he has consummated with her, and find out that she is physically fit for the intercourse, then he must make a night for her. Likewise, if the sexual intercourse is impossible for religious, traditional or natural excuses, she must have her night. Such as; in monthly menses period, in the post natal period, during the state of Ihram for Hajj or Umrah, in the waiting period of Ila’a or zihar, those with physical or mental disability; all these are entitled to their nights.

Whether the wife is a Muslim or from the people of the book, whether she is a free woman or slave, healthy or sick, even if the sickness can prevent sexual intercourse, for all these categories the nights must be shared between them equitably.

As for the limit of the shift for each; it should be the whole night and the day after, because the messenger of Allah (may peace be upon him) used to follow this method of sharing as was largely reported.

Although the whole day is hers, the night period is the obligatory part; it is highly recommended that the period starts from the night, then the following day, because night is the time of rest. Except if he is arriving from a journey and it happened that he arrived early during the day, then they decide who’s night should it be.
The husband has no right to decrease or increase the period from the stated “night plus a day”, except with their consent, because that is their right and whatever they agreed upon, he must do. All these is when the wives are staying in the same city or thereabout, but if they live in separate regions, the sharing method can be weekly (Fridays) or monthly, or as possible as far as there is no cheating or injustice during the period of one of the wives.

It is prohibited for the husband to enter into the co-wives room/abode except for something other than sexual desire. But he can greet, or asks about them by the door, without entering.

If one of the wives misses her night for one reason or the other, she cannot make up for it, she should just wait for another circle/turn. Whether she missed it for a legitimate excuse or not, even if he cheated her and spent two night with his second wife, or in the mosque for example.

From his side, there are some things the husband is not permitted to do except with the wives consents, such things are;

- He can’t decrease of increase the period from the original “day and night”, except with their consent.
- He can’t lodge them in a house where they have to share facilities, such as toilets, kitchen bathrooms, except if they agree. However, if they had agreed in the first place to stay together, then later on one of them, either of them demanded to be independent, she should not be considered, unless if something serious have happened that lead to that. But if he gathers them in one house, and provided each of them with her separate room, bathroom, kitchen on her own, then its permissible, because he has given each her right to independence.
- The person can summon the wives to his room each on her day – that is if they agree, otherwise he can’t force them to come to his place, rather, he is the one who should visit each one of them in her own room on her day, as the prophet (SAW) used to do.
- The husband can also spend two or more days with one of his wives, if the others agree. That is called (Al Athrah).
The husband can also have an intercourse with the second if the other agrees. But he cannot do that in the presence of the other even if they both agree and accept. He cannot also be with both of them on the same bed or in same bathroom, even without sex and even if they both agree, because that may intrigue jealousy and envy sooner or later, and lead to bad consequences.

If the wife who is serving her day/night shut her door off the husband and denied him access to her room, she is considered a defiant wife. The husband can therefore sleep in the other wife’s room that particular night.

The rights of newly married woman to polygamous husband:

O savants of Allah

Whoever marries a virgin girl and he is already married to another woman/s, he should stay with the new bride for 7 days, or three days in case of a matron bride; then they should continue with the sharing method they chose to follow, and he doesn’t have to make up for them.

The prophet (SAW) has said: “Eleven days for the virgin and three for the matron”.

In other narration he said:

“If you wish, she stays for seven days in your place, and if you wish three”.

He (SAW) made it clear that the three days of the matron are not payable. That is simply because the new wife needs companionship more in order to assimilate and cope with the new environment. And that may take some time more especially for the virgin, that’s why her days were multiplied.

This period is the wife’s right by the virtue of the provision of the Hadith. The husband cannot abandon it or decrease except with her consent.

O servants of Allah!

Marriage is one of the beautiful norms of this life created by almighty Allah, through which human desire is legitimately satisfied, progeny is maintained and
the human specie is saved from extinction so that this world would be developed. It is through marriage that family will grow, kinship be strengthen and cooperation or righteous things continue.

Allah the most high has said:

{Then marry [other] women that you like, two, three or four}. Qur’an 4: 3.

The messenger of Allah (SAW) has said:

“Whoever can afford to get married but refused to, he is not from (my true followers)”.

Servants of Allah!

You should invoke peace and blessings for the best of creatures the prophet of mercy, as Allah has ordained us to do when he said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

May peace and blessings be upon him, his family and companions.

SECOND KHUTBAH:

Praise be to Allah the One! I bear witness that there is no deity but Allah Alone. He has no partners. I also bear witness that our master Muhammad is his servant and messenger. May peace and blessings be upon him, his family and companions.

O brothers and sisters in Islam!

If the husband wants to travel, and he finds some of the wives not fit to travel, while one of them is more lenient and obedient to him, this can be a good reason for him to carry her along with him, and it is a proper warning for the other. But if they all share the same characters or are of closer characters, and it happened to be a pilgrimage journey or a war, he should then make Qur’a among them, whoever wins, should follow him. In this case he doesn’t have to make up for the others after his return, rather they should continue their sharing method as before.
However, if it is a business trip, the jurists hold two different opinions;

1. Qur’a.
2. To chose as he wishes.

Those who say Qur’a should hold, depend on the Hadith which was narrated by Aisha (may Allah be pleased with her): that the prophet (saw) used to make Qur’a between his wives when he intends to go on a journey. Whoever wins he carried her along with him”

Another reason given for prophet’s action is that because he considers all of them equal. And the reason behind specifying hajj journey or war is because it is act of obligatory worship and because the prophet (SAW) has never make the Qur’a for them except in these occasions.

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.
KHUTBAH {18}

CAN A WOMAN GRANT OR SELL HER NIGHT TO A FELLOW WIFE?

Praise be to Allah! We praise him, we ask his forgiveness. We seek refuge in Allah from the evil of ourselves and our bad deeds. He whom Allah has guided no one can mislead him and he whom Allah has misled no one can guide him. I bear witness that there is no deity but Allah, the One with no partners and that Muhammad is his messenger and servant, who has delivered his message, fulfilled the trust, advised the Ummah and struggled in the way of Allah until he left us on a clear white plain, whose day is like its night. Anyone who deviates from it is ruined.

May peace and blessings of Allah be upon him, his family, companion and those who follow them righteously till the Day of Judgment.

O my people!

I advise myself and you to fear Allah and be kind. May Allah have mercy on us all. Exalted be He. He is always with those who are pious and those who are kind.

Brothers and sisters in Islam!

The respect for justice is a custom inherited by the respected nations through the history. Guarantees have been set, and foundations have been laid to build and erect the basis of justice.

We should make this clear to the far and near, to the strong and weak, to the rich and poor, to the civilized and uncivilized, to the wives and children, to the servants and others; ‘the importance of justice and its beauty.’ Justice should be rooted deep in our nature, because every clean soul that is not overcome with its desire and fancy must be delighted and cheerful with the manifestation of justice.

O savants of Allah!
It is the spirit of justice to pay for your wife’s shift if she is willing to sell it, which she is permitted to do, or to give it for free to one of her fellow wives in the polygamy family.

The permissibility of giving it voluntary or in return of some benefits was derived from the hadith of Aisha (R.A) which states that:

“Sauda bint Zam’a gave her shift to Aisha (RA) both co-wives of the messenger of Allah, and the prophet (SAW) used to add it to Aisha’s shift, so Aisha gets another shift in addition to her previous one”.

In another hadith also reported by her in regards with the verse which says:

{If a woman fears from her husband misconduct or desertion} Qur’an 4: 128.

She said: this verse refers to a case where the husband thinks that all possible hopes for reconciliation are exhausted and wants to divorce his wife and replace her with another wife. Then the wife would say: don’t divorce me, keep me. Marry another woman and I have freed you from my right to maintenance and my shift.

That’s why the verse continues as follows:

{There is no sin upon the couple if they reach a reconcilement between themselves; and reconcilement is better} Qur’an 4: 128.

According to another narration, she said:

“… In a case where the husband is unpleasant with some behaviors he sees from her such as arrogance, and he wanted to separate from her, then she would say, keep me as your wife and I am okay with any share you give me as my shift. So once they agree between them, that is permissible.

In this sense the wife can also donate her shift to her fellow wife or to the husband. If she donated it to her the husband, he can either accept it or return it to the donor if he so desires. But the wife to whom the donation was made cannot return it if the husband has accepted the deal. However, whenever she grants her shift to the husband, then he has the right to give it to whomever he wishes among
the co-wives, and the shift continues as usual, only that the husband would decide whom to credit with the donated shift.

Fortunately for the donor, Islam has allowed her to withdraw her donation at any time she wishes, because Islam understands the psychology of women and the difficulty of fulfilling commitments of this nature by them. Whether the donation was bound with time frame or not, she can withdraw it. The same rule applies to the wife who sells her shift, she can withdraw it for the future, but she can’t claim anything for the past.

The husband can also buy that from her in exchange of material, or value or any benefit, it could be a certain period of time, like a day or more, and it could be continues. He can credit any of his wives. A co-wife can also buy that from her fellow and add it to her shift.

On the other hand, a wife can pay her distressed husband in order to allow her remain in his wedlock, that is to avoid divorce from her husband, whether she is the only wife with him or not. A third party can also give the husband something in return for his acceptance to keep the wife, not divorce her. This is permissible and it does not fall in the category of “consuming the wealth of people in invalid wrongful ways”. But if he ask for her permission to give her shift or part of it to a second wife and she refused, then he threaten her to chose between either divorce or to accept, the jurist have two different opinions. The majority permit it based on the above hadith of sauda bint zam’a (R.A)

Likewise, the husband can pay his wife some amount in order to convince her stay with him and/or treat her kindly – and the vise versa.

O Allah may you send peace and blessings to your servants and messenger, our prophet Muhammad, his family and companions. May you be pleased with his rightly guided caliphs; Abubakar, Umar, Usman, Ali and the rest of them.

SECOND KHUTBAH:

Praise be to Allah the One! I bear witness that there is no deity but Allah. He has no partners. I also bear witness that Muhammad is his servant and messenger may peace and blessings be upon him, his family and companion.
O servants of Allah!

“Darrah” is the Arabic word for co-wife” in a polygamous family, which is the distress of many women.

Indeed women have been tried with two distresses in this regard;

1. The distress of jealousy: (Allah the most high predestined women to jealousy).
2. The distress of polygamy: {Then marry [other] women that you like, two, three or four}. Qur’an 4: 3.

And any woman that was tried with jealousy and co-wife, and she perseveres her reward will be equal to that of a martyr. Because if she did not persevere she may be at the risk of deviating or defecting from the way of Allah. And how many a woman who lost her faith in a broad daylight because of that, not knowing that her rebellion is against Allah who has permitted the practice, and against his messenger who himself has practiced it. In fact, the opposition always comes from those who were blessed with a marriage, then got offended by their husbands. While for a spinster or a bachelor, she would sing:

*A man made of woods
Is better than remaining bored
Even if he may marry you,
On another ten bosomy of his*

Those who opposed the permissibility of polygamy seem to have forgotten that the One who legislated that law is He who created both the male and the female. They have legalized homosexuality instead, and have legalized taking mistress, that is why they were tried with deadly sexually transmitted diseases, so that they may take heed.

O servants of Allah! Fear Allah from the bottom of your hearts, and act in accordance with the law of Allah. Let cooperation, understanding and love prevail among you, because such are the teachings of Islam, and Muslims should be the embodiment of such.
O Allah! Raise the standing of Islam and the Muslims, and degrade the standing of (atheism and the atheist) polytheism and the polytheists. O Allah! Grant victory to your (monotheist) faithful servants.

O Allah! Make safe our countries, and mend the characters of our men, our women and the characters of Muslim leaders, indeed You are able to do all things.

Our Lord! Forgive us, and our brothers who came before us into the faith, and leave not, in our hearts, rancor (or sense of injury) against those who have believed. Our Lord! You are indeed Full of kindness, Most Merciful.

Our Lord! Grant us good in this world and good in the hereafter, and save us from the chastisement of the fire.

{Indeed Allah enjoins you and kindness and generosity toward relatives, and he forbids indecency, wrong, and aggression. He advises you, so that you may take admonition.} Qur’an 16: 90.

May Allah bless us all with the good understanding of the holy Qur’an, may He benefit us all with the signs and wisdoms therein, and may He accept us and our good deeds, for He is all hearing all Knowing.

May Allah pardon us all. He is the all-Forgiving, the all-Merciful.
KHUTBAH {19}

FILIAL DEVOTION

Praise be to Allah! We give thanks to Him, we seek his help and forgiveness, and we seek refuge in him from the evil of ourselves and our bad deeds. Whoever Allah has guided, none can mislead him, and whoever He misled no one can guide him – I bear witness that there is no deity but Allah, the One with no partner, and that Muhammad is his servant and messenger, may peace and blessings of Allah be upon him, his family, companions and those who follow them righteously till the day of resurrection.

O servants of Allah!

Fear Allah and carry out your duties towards Him and towards his servants just as He ordained you. The greatest obligation towards his servants is being dutiful to your parents. Allah has placed this obligation towards parents in the rank that follows immediately the obligation towards Him and his messenger. He said:

{Worship Allah and do not ascribe any partners to him, and be good to parents the relatives}. Qur'an 4: 36.

He also says:

{We have enjoined man to be good to his parents}. Qur'an 29: 8.

Allah then explained the motive behind that in order to encourage the children to achieve this quality, He says:

{His mother carries him through weakness upon weakness} Qur'an 31: 14.

That is; weakness upon weakness and stress upon stress both during her pregnancy and at birth, then during his nursing period before he is been weaned.

Allah says:

{And his weaning takes two years. Give thanks to me and to your parents. To me is the return} Qur’an 31: 14.

The prophet (SAW) has placed “filial Devotion” on top of the list of righteousness even above jihad in the way of Allah.
It was reported in Bukhari and Muslim by Ibn Mas’ud (may Allah be pleased with him) who said: I ask the prophet (SAW). Which of the acts of worship pleases Allah the most? He (may peace be upon him) said: “performing the prayer in its time” I said: then which? He said: “Filial Devotion” I said: then which? He said: “Jihad in the cause of Allah”.

It was also reported in Sahih Muslim that a man came to the messenger of Allah and said: I pledge allegiance to you, I will migrate with you and fight in the way of Allah and for the sake of Allah. The prophet (SAW) asked him: “Is any of your parents alive? He said: yes, both of them, the prophet said: “Are you doing that because you are expecting reward from Allah?” he said: yes. The prophet then said: “Go back to your parents and be a good companion to them”.

In another authentic Hadith, it was reported that a man said to the prophet (SAW): O messenger of Allah I wish to go for jihad, but I am not capable of that. The prophet said: “Is either of your parents alive?” he said yes my mother is. The prophet (SAW) then said: “If you encounter Allah after being dutiful to them, you will have the status of a person who has performed Hajj, Umrah and Jihad.”

The Almighty Allah has advised us to keep their company and treat them kindly in this live even if they are unbelievers. Even if they ordered him to disbelieve in Allah, he should just disobey that particular order of disbelieve.

Allah the Most Exalted says:

{But if they urge you to ascribe to Me a partner that of which you have no knowledge, then do not obey them. Keep their company honorably in this world and follow the way of him who turns to me penitently}. Qur’an 31: 15.

It was reported in Bukhari and Muslim that Asma’u bint Abubakar has said: “My mother used to come to me and she is a disbeliever. My father Abubakr had divorced her during the Jahiliya period. She came to Madina after Hudaibiya treaty and visited her daughter Asma’u. I ask the messenger of Allah (SAW): “My mother have arrived Madian and wishes to keep in touch with me. Should I keep in touch with her O messenger of Allah?” He said: “Yes, keep in touch with your mother”

Brothers and sisters in Islam!
Filial Devotion is achieved by treating the parents considerably and being kind to them in words and deeds. In words by talking to them nicely, politely and gently, while using all the forms of respect and kindness.

While in deeds is by serving them physically as much as you can, help with their needs, assist in their affairs, facilitate their things, and obey them except in what will harm your life or religion. You should remember that Allah knows best what will or won’t harm you. So do not disobey them claiming that there is harm if you know deep in your heart that such a thing is not harmful to you.

Being kind financially is by spending out of your wealth for their needs willingly, without bragging or reminding them with that favor. You should do that with joy and be thankful to them for accepting your services.

Filial Devotion may be during the lives of the parents and afterwards. A man from Bani Salma came to the prophet (SAW) and said: “O messenger of Allah! Is there anything I can do as a devotion to my parents after their death? He said: “Yes. To supplicate for them, to seek forgiveness for them, to fulfill their wills, to keep in touch with their relatives and to be kind to their friends”.

Allah is great! See how the prophet of Islam made great the reward of Devotion to parents. And he tailed it to includes even kindness to their friends.

It was reported by Abdullahi bin Umar (RA) in Sahih Muslim that he was riding a donkey in a street in makkah when a Bedouin passed by him and asked him are you so and so person? The man said: yes. Then he gave him the donkey and said: you can ride on this. And gave him his turban too and said: cover your head with this. When asked he said: “This man was a good friend of my father, and I heard the messenger of Allah saying: “Among the highest level of filial Devotion, is to keep in touch with your father’s friends”

O brothers and sisters in Islam!

These are some clarification concerning the status of parents in Islam and the virtue of being dutiful to them. However this great obligation has a tremendous reward in the hereafter, in addition to its benefits and blessings in this life. Whoever treats his parents kindly, will definitely be treated the same way by his children, and it is a source of relief from all distress.
It was reported in Bukhari and Muslim by Ibn Umar, who narrated the story of the three people who got trapped in a cave, after they took refuge and passed the night inside, a huge rock blocked the entrance, so they decided the intercede to Almighty Allah with their righteous deeds to deliver them from this calamity. One of them said: O Allah! I had parents who were very old, I never compromise their pleasure with wealth or family. One day I left to fetch wood in a far distance, and before I returned they had slept. After preparing their milk I found them sleeping, I waited holding the bowl in my hands till they woke up at down and took their meal. O Allah if I had done that for your sake, deliver us from the calamity of this rock”, then the rock moved away a little bit, each of his two friends too supplicated and interceded, and the rock moved completely”. That’s how they came out.

Kindness to parents also increases you in wealth and prolong your life and brings good ending. Ali bin Abu talib was reported to have said; the prophet (SAW) has said:

“whoever wish to live long and acquire a blessed wealth and avoid bad ending he should fear Allah and keep in touch with his kinship”.

And your parents are your closest kin to you.

O our Lord! Accept the repentance of the repentants forgive the sins of sinners, pay off the debts of the debtors, heal our patients and pardon all our shortcomings. O the lord of the universe!

SECOND KHUTBAH:

Praise be to Allah the One! I bear witness that there is no deity but Allah, and that Muhammad is his servant and messenger. May peace and blessings of Allah be upon him, his family and companions.

Brothers and sisters in Islam:

It won’t be proper for any faithful who is in his full sense, who knows all the bounties and virtues and the tremendous rewards of devotion to parents in this life and the hereafter, then he would turn away from it by disobeying his parents or distressing them or inflicting harm on them with words or deed because Allah the Most High has forbidden that in the holy Qur’an when he said:
{Your lord has decreed that you not worship anyone except Him, and [He has enjoined] kindness to parents. Should they reach old age at your sided – one of them or both – do not say them, ‘Fie!’ and do not chide them, but speak to them noble words. Lower the wing of humility to them, out of mercy, and say, ‘My lord! Have mercy on them, just as they reared me when I was [a] small [child]!’} Qur’an 17: 23 – 24.

As parent grows older, they will be suffering from physical and mental weakness. They may reach “the most delicate age”. And because they may be boring and bothering at this stage, Allah has forbidden the child to utter any displeasing word, and enjoined him to say kind words, to “Lower the wing of humility to them} Qur’an 17: 24.

He should humble himself to them, offer his services to them, treat them as he is treating his master, and keep praying for them that Allah should have mercy on them just as they showed mercy to him as a child.

A faithful believer should be dutiful to his parents and remember always their kindness to him when he was a little boy, when he can’t help himself with nothing, when his mother used to burn the midnight oil for his well being, when his father works up and down to secure a livelihood that will sustain him. Both of them deserve devotion for what they did.

Abu Huraira (RA) was reported in Bukhari and Muslim to have said: A man asked: O messenger of Allah! Who is the person that deserves the most, a good companionship from me? The prophet (SAW) said “your mother” He said: then who? He said: “your mother” he asked again: then who? He replied: “your mother” He asked: then who? He replied: “your father”.

May Allah grant us success in carrying out our obligations toward our parents, and may he grant us sincerity and good intention and prosperity. He is all Generous all Giver.

O our lord! Accept the repentance of the repentant forgive the sinners, pay off the debts of the debtors, heal our patients and pardon all our sins. O the lord of the universe!
KHUTBAH {20}

THE STATUS OF WOMAN IN ISLAM AND HER ROLE

Praise be to Allah the lord of the words! Indeed the good ending is for the pious ones, and the evil ending for the aggressions. I bear witness that there is no deity but Allah, the guardian of the righteous ones, I also bear witness that Muhammad is his servant and messenger. He is the seal of the prophets, and the Imam of the messengers, and the leader of the brightening believer. May peace and blessings be upon him, his family, companions and those who followed till the day of judgment.

{O you who have faith! Be wary of Allah with the wariness due to him and do not die except as Muslims} Qur’an 3: 102.

{O mankind! Fear your lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women. Fear Allah, in whose name you adjures one another, and the wombs (i.e. fear Allah and observe the rights of the blood relations and beware of breaking the ties of kinship). Indeed Allah is watchful over you.} Qur’an 4: 1.

The almighty Allah said:

{Allah enjoins you concerning your children: for the male shall be the like of the share of two females, and if there be [two or] more than two females, then for them shall be two-thirds of what he leaves, but if she be alone, then for her shall be a half; and for each of his parents a sixth of he leaves, if he has children, and if his parents are his [sole] heirs, then it shall be a third for his mother; but if he has brothers, then a sixth for his mother, after [paying off] any bequest he may have made or any debt [he may have incurred]. Your parents and your children – you do not know which of them is likelier to be beneficial to you. This is an ordinance from Allah. Indeed Allah is all-knowing, all-wise}. Qur'an 4: 11

O servants of Allah!

Allah to whom be ascribed all perfection and majesty has revealed in his book a chapter which he named “the women” this chapter is the third longest chapter in the whole book of Qur’an. Qur’an placed woman in the forefront, at the
time when there is no single surah named after “men”. No surah was named after Adam (peace be upon him), but there is a chapter named “maryam”, and a chapter named “the family of Imran”, and “mujadalah” and “Mumtahanah” all these are chapters mainly concentrated on the issues of women. Does this not signify the importance of women, her high status, and the sublime prestige she has in the sight of Islam!

Allah has mentioned women in the very first verse of the chapter of women then he closed the chapter by mentioning her again in the last verse. He said:

{O mankind! Fear your lord who created you from a single soul, and created its mate from it, and, from the two of them, scattered numerous men and women} Qur’an 4: 1.

Then He says in the last verse of the same chapter (chapter 4 v: 176):

{… But if there be [several] brothers and sisters…} Qur’an 4: 176.

In the first verse he has explained the origin of the mankind both female and male. The Hadith said:

O mankind! Your origin is one, all of you are from Adam, and Adam was created from clay”.

In the last verse, he has mentioned her right to own her own share of inheritance, and her entitlement for financial independence. While in the chapter of “Mujadalah” He mentioned her right to raise a complain, and that her complain must be heard.

The Most High said:

{Allah has certainly heard the speech of her who pleads with you about her husband and complaining to Allah} Qur’an 58: 1.

The woman was khaulah bint Sa’alabah. It was reported that Umar bin khattab during his tenure as kahlifa, was once passing by on a donkey, when she stopped him for a long time preaching and admonishing him. Part of what she said: “O Umar! Your name used to be Umair (the small Umar), then they started calling you Umar, then the leader of the believers. So fear Allah. He who is certain of his
death, should fear lapses, and he who is certain of their accounting, should fear the punishment” and Umar was attentively listening to her. The people that were accompanying him then asked him: O leader of the believers! Did you just stop all this while for this old lady? Umar said: By Allah! Had she withheld me for the whole day, I wouldn’t have moved except for the obligatory prayers. Behold, do you know who this woman is? She is khualah bint Sa’alabah, the woman that Allah heard her voice from the seventh heaven. If the lord of the worlds should listen to her, why shouldn’t Umar?!” Tafseer Tabary 17:269.

Islam has acknowledged the right of woman to claim her rights whenever she is been wronged, and against whoever she wishes, as it was clearly in the jurist books, such as “Al-Qada” and Al-Da’wah”. However, Allah has abolished the forms of Zihar and Li’an that were being performed in Jahilia (pre-Islamic era of ignorance) because of her complain to the prophet (SAW) and her discussion with him in that regard.

Both Zihar and Li’an used to be considered valid forms of divorce during the pre-Islamic era of Ignorance (Jahilia), but Islam came to give penance for Zihar as well explained in the Islamic jurisprudence books. By doing the penance, his wife becomes legal for him again. In the same chapter of “Mumtahanah”, Allah gave woman equal rights with men with regards to pledging allegiance to Islam, and gave women the right to immigrate from the place of trouble if she has embraced Islam. She could also leave her disbelieving husband if he hasn’t.

O servants of Allah!

A complete chapter was also revealed named Talaq “Divorce” in which all laws guiding divorce, and the waiting period were comprehensively explained in order to guard her dignity and honor and that of her offspring.

See how the religion of Islam gives attention and concern to women. How many laws were legislated for her? How many verses were revealed in her favor? How many times she was mentioned? How many chapters were named after her? How many commandments were issued to save her integrity, necessitate her respect, and guard her right, be she a mother, a daughter, a sister, a wife, a relative or otherwise. Despite all these facts you will still find a woman that is protesting against this great religion, claiming that: she has not been considered equal to man.
Only if she recites the qur’an where almighty Allah warned Adam against the devil saying:

{This is indeed an enemy of yours and your mate’s. so do not let him expel you from paradise, or you will be miserable} Qur’an 20: 117.

Women should have understood how Almighty Allah has referred to Adam in the word “Shaqawa” to him alone excluding her, as he didn’t say “Tashqaya” both of you. But still some women insist that she wishes to be like him.

O servants of Allah!

Divorce is naturally hated by women, more especially if they have had understanding with the husband. Allah detests divorce too. So does his messenger (SAW) and his angels (may peace be upon them) and whatever Allah detests, the angels detest it as well. And when Allah loves someone he would call upon the angels: “I love so and so person, you should love him”, and to whom he dislike, “I detest so and so person, you should detest him”.

On the other hand, Satan loves divorce and he rewards for it. And so do the devils of mankind and of demons, more especially when the couple are righteous, happy, loving and religious.

Brothers and sisters in Islam!

After knowing this at the back of your minds, how would a believer allow himself to fall into the trap of Satan by pronouncing divorce? More especially if there is a way to mend it, no matter how small, as far as there is a little tinge love.

The prophet (SAW) has said:

“A believer must not hate a believing woman (i.e. his wife): if he dislikes one of her characteristics, he will be pleased with another.”

However, if all efforts to reconcile have failed, and hopes for being together have become impossible, and the wife wanted to be the one to divorce not the divorcee, she wanted to be the one to make the move, the one to leave the other, not the one to be left, because she sees her divorce humiliating and degrading. So
she would like to be on the higher side, in the higher position, she would love to be the one to utter the pronunciation of the divorce.

O servants of Allah!

Whenever a divorce occurs, it is always followed by regret. You can seldom find a divorce where both parties will be happy, except in cases of capital crimes, or huge indecencies, or when life between them turns impossible. For such reasons divorce was legislated.

Divorce always come before a regret. The husband would say: “How I wish I wasn’t born”, and the wife would also say to herself: ‘Ah! I wish I had died before this and become a forgotten thing, beyond recall.’

The reason behind this regret is that when divorce occurred you can’t undo it, and when it reaches three (irrevocable) it has no penance as it is in the case of oath. If the penance for oath is feeding 10 poor people, divorce has no penance other than separation.

{That is because of what your hands have sent ahead, and because Allah is not tyrannical to the servants}. Qur’an 3: 182.

The worst part of it is that; after the divorce and the regret, the couple may resort to meeting each other in secret, or fabricate stories for the judge trying to manipulate the process, thinking that they can hide their crimes from the all-knower.

{He indeed knows the secret and what is still more hidden}. Qur’an 20: 7.

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

May peace and blessings be upon him, his family and companions.
SECOND KHUTBAH:

Praise be to Allah who created the male and the female, the Originator and the Restorer, whose punishment is severe, who does whatever he wants. I praise Him and give thanks to Him because being grateful and thankful keeps favors in continuation. I bear witness that there is no deity but Allah alone, He has no partner. I also bear witness that Muhammad (SAW) is his servant and messenger. May peace and blessings be upon him, his family and companions.

Beloved brothers and sisters!

Fear Allah and speak words strait to the point, He will adjust your works for you and will forgive you your sins. Whoever obeys Allah and his messenger, he verily has gained a signal victory.

Allah the most high has said:

{Men are the managers of women, because of the advantage Allah has granted some of them over others and by virtue of their spending out of their wealth. So righteous women are obedient, care-taking in the absence (of their husbands) of what Allah has enjoined (them) to guard}. Qur’an 4: 34.

O servants of Allah!

Why do women want to be above the men after Allah has created the men to be above them; Literally, if you say in Arabic language so and so woman is under so so man, it means she is his wife, in this context the Qur’an said:

{Allah has drawn an example for the faithless: the wife of Noah and the wife of lt. they were under two of our righteous servants, yet they betrayed them}. Qur’an 66: 10.

Therefore man is above woman in the context that will make him qualified to carry out his duties that he was created for. And women are distinguished with qualities that qualify them to carry out their duties too in the society.

Thus the man is made above her in ‘degree’: Allah says:

{And men have a degree above them}. Qur’an 2:228.
Above her in excellence:

{Men are the managers of women, because of the advantage Allah has granted some of them over others}. Qur’an 4: 34.

{And by virtue of their spending out of their wealth}. Qur’an 4: 34.

Above her in testimony:

{Then a man and two women – from those whom you approve as witness}. Qur’an 2: 282.

Above her in religion:

{He is glorified therein, morning and evening by men….} Qur'an 24: 36.

O servants of Allah!

Invoke peace and blessings for the gift of mercy, the favor for mankind, our prophet Muhammad (May peace be upon him). Allah has ordain you to do so when he said:

{Indeed Allah and His angels bless the prophet; O you who have faith! Invoke blessings on him and invoke peace upon him in a worthy manner}. Qur’an 33: 56.

May peace and blessings be upon him, his family and companions. May Allah also be pleased with our masters, Abubakar, Umar, Usman and Ali, and the remaining of them.

Be reminded that, Allah enjoins justice and kindness, and generosity towards relatives, and He forbids indecency, wrong and aggression, He advices you so that you may take admonition.

Remember Allah, and He will remember you. Thank Him for His favors, He will increase you.

May Allah bless us all with the good understanding of the holy Qur’an, may He benefits us all with the signs and wisdoms therein, and may He accept us and our good deeds, for He is all hearing all Knowing.