

# **Marriage in Sunni and Shi'i School of laws**

**By.**

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## **INTRODUCTION**

Islam is a complete code of life. It has a distinct out look on life. It aims at producing a unique personality in the individual and a distinct culture for the community based on Islamic ideas and values. Family is a basic unit of society, which builds on the basis of institution of marriage. And this institution of marriage occupies very important position in scheme of life. In Islam, marriage is a most sacred institution and makes it incumbent on every Muslim man and woman. The human race is a product of this institution and not the other way round. The Qur'an says:

﴿ يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِّنْ نَفْسٍ وَاحِدَةٍ  
وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ  
الَّذِي تَسْأَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴾ (1)

[“O mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women. Be careful of your duty toward Allah in Whom ye laim (your rights) of one another, and toward the wombs (that bare you). Lo! Allah hath been a watcher over you”.<sup>1</sup>]

This means that the marriage is a social contract, a noble and sacred contract, but a contract nonetheless. In Pakistani society, like so many other sects, Sunni and Shi'i among them also exists but in majority form. Both sects differ from each other on the principles of fiqh and jurisprudence. So marriage is considered an important and sacred institution in both sects. But their juristic views regarding law of

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<sup>1</sup> - Al-Qur'ân 4:1.

marriage differ from each other. For example according to Shi'i only the father and grand-father are guardians for marriage; others are regarded as unauthorized persons and consequently marriages contracted by the latter have no legal affect, unless ratified by the party concerned on attaining puberty. The Sunnis recognize a long list of other guardians for marriage besides the father and the grandfather. Also at the time of marriage, the presence of two witnesses are necessary in Sunni school of law, but not compulsory in Shi'i school of law.

## **1: -Definition of Nikah**

### **1.1: - Literal Meaning of Nikah**

Nikah is the relationship on the basis of which sexual relations are valid between husband and wife. And the children born after this sexual relation are considered legitimate offspring, having confirmed lineage.

Nikah is derived from Arabic word **ن-ك-ح** (Nikah). In linguistic it means sexual intercourse. One

meaning of nikah is to meet. So when the branches of trees meet with each other then it is said that تناكحت الأشجار (means trees are together or they are mix-up with each other) so as Majazi mursāl it means that it is also applied in Aqd (nikah) that is base for the sexual relationship between husband and wife.<sup>1</sup>

Imam Al-Sarakhsī has defined literal meaning of Nikah as:

بأن النكاح في اللغة عبارة عن الوطء تقول العرب تناكحت العربي أي تناكحت، ويقول إنكحنا العربي فسنرى الأمر يجتمعون عليه، وينظرون ماذا يتولد منه، وحقيقة المعنى فيه هو الضم، ومنه يقال إنكح الظر ولدها، أي الزمه، ويقال إنكح الصبر والزمه، وقال القائل إن القبور تنكح الأيامي والنسوة الأرامل اليتامي، أي تضمهن إلى نفسها، واحد الواطين ينضم إلى صاحبه في تلك الحالة، وسمى فعلهما نكاحا<sup>2</sup>.

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<sup>1</sup>-Al-Jaizairi Abdur-Rehman, *Kitab-al-Fiqh*, translated by Manzoor Ahsan Abbasi, Lahore: Shuba Matbuatt Mahkma Awaqf Punjab, 1977, Vol 4, p.1

<sup>2</sup>-Al-Sarakhsī, Shams al-Din, "Al-Mabsut", Bairute: Darr al-Marfah, Vol: 6, p. 192

So from the definition it is clear that one of the nikah meanings are of sexual intercourse.

In Shia school of thought according to Islam marriage is not restricted to a spiritual relationship between husband and wife, nor it is only for reproduction. The Islamic term for marriage, "Nikah" literally means sexual intercourse. Because Islam has fully understood that sexual instincts cannot and must not be repressed. They can only be regulated for the well being of human beings in this life and for their success in the hereafter.<sup>1</sup>

### **1.2:- Legal meaning of nikah**

There are three meanings of nikah according to Sunni and Shia scholars.

**(1)** Literal meaning of nikah is sexual intercourse.

Where as its technical meaning is of Aqd (contract). As it is said in the Quran:

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<sup>1</sup>- Wasa'il, vol. 14, p. 3,

﴿وَلَا تُنْكِحُوا مَا نَكَحَ أَبَاؤُكُمْ مِّنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ﴾<sup>1</sup>

"And marry not women whom your fathers married except what has already passed."

In this verse nikah means sexual intercourse because Aqd (contract) is not something that is forbidden that is why Hanafis take the Nikah's meaning as sexual intercourse from this verse.<sup>2</sup>

In another verse the word Aqd is also used in meaning of nikah so in the Quran:

﴿هَتَّىٰ تُنكِحَ زَوْجًا غَيْرَهُ﴾<sup>3</sup>

"Until she has married another husband"

About this verse Hanafi say that nikah meaning is of contract not of sexual intercourse. Because in this verse the word زوجا is used as subject which means only contract and if this word was used for

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<sup>1</sup> -Al-Qur'an, 4:22

<sup>2</sup>- Al-Jaizairi Abdur-rehman, op cit, Vol 4,pp, 1-4

<sup>3</sup>- Al-Qur'an, 2:230

man, then it would be for sexual intercourse because sexual intercourse is act which is from man not from woman, but the meaning of the verse shows that Aqd (contract) is enough for the woman to get marry with another man or it is enough for Halala. But this is not the case. One of the hadith in which the word عَسِيلَةٌ " عَسِيلَةٌ" is used, is argument for this because when one woman came to Prophet ﷺ and said that I wanted to go back to my first husband whereas she got married with second one, but the Prophet said حَتَّىٰ تَذَوَّقِي عَسِيلَتَهُ (means its not possible) till **he does not** divorce u after having sexual intercourse with you, then u will be able to reconstruct with first husband.<sup>1</sup>

**(2)** Secondly it is said that instead of taking its literal meaning its technical meaning are of Aqd and argument or proof for this is that in Qur'an and Hadith this word nikah is used more in the sense of Aqd. Allah said in Quran " حَتَّىٰ شَكَحَ زَوْجًا غَيْرَهُ "

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<sup>1</sup>- Al-Jaizairi Abdur-rehman, op cit, Vol 4,pp, 2-4

Here it also implies the same meaning.

According to Imam Shafi and Maliki same meaning are the preferable.<sup>1</sup>

Shia school of thought also implies the same meaning.

### **1.3: - Juristic meaning of Nikah**

According to jurists nikah is عقد يفيد ملك المتعة [a contract which is productive of an exclusive right of enjoyment **i.e.** this enjoyment is validate only for those women by a men who are legally not prohibited for marriage].<sup>2</sup>

### **1.4:- Technical meaning of Nikah**

In technical sense nikah means the agreement of woman in presence of two witnesses by having the procedure of acceptance and proposal. Whereas

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<sup>1</sup>-Ibid., pp.2-4

<sup>2</sup>-Haskafi, Muhammad Ala-Ud-Din, The Durr-ul-Mukhtar, Lahore: Law publication company Katchery Road (nd), pp., 1-2., Minai ,Maulana Minhaj-ud-din, Islami Fiqh ,p.,288

in Shias two witnesses are not necessary but they have also proposal and acceptance for contracting.

## **2: -Legal status of Nikah**

Shariah has declared nikah as desirable act. Allah ordains in the Qur'an

<sup>1</sup> ﴿فَإِنْكُحُوا مَا طَابَ لَكُمْ﴾

“Marry with whom you like”

Prophet ﷺ said:

يا معشر الشباب من استطاع منكم الباءة فليتزوج فإنه أغض للبصر  
<sup>2</sup> وأحسن للفرج

“O young men, those among you who can support a wife should marry, for it restrains eyes from casting, and preserves one from immorality”

Holy Prophet has forbidden that one should not stop him from nikah out of love for worship. Hazrat Anas has narrated that once a companion asked the

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<sup>1</sup>- Al-Qur'an, 4:3

<sup>2</sup>-Imam Bukhari, Kitab-u-Nikah, Imam Muslim, Kitab-un-Nikah, Hadith 1400

Holy Prophet that I will not marry, another companion said I will offer prayer all the night I will not sleep, and one of them said I will observe fasts all the year but will not get marry. When Holy Prophet heard all this then He said:

”ما بال قوم قالوا كذا و كذا“

”What has happened to these people that they say so and so.“

لکنی اصوم و افطر و اصلی و ائم و اتزوج النساء فمن رغب عن سنتی  
فليس مني

”Whereas I pray and sleep too; I fast and suspend observing them; I marry women also? And he who turns away from my Sunnah, has no relation with me“.<sup>1</sup>

According to jurists nikah is obligatory, recommended and imperative duty and all jurists agree on it.<sup>2</sup>

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<sup>1</sup>-Imam Bukhari, Kitab-un-Nikah, Imam Muslim, Kitab-un-nikah, Hadith 1401

<sup>2</sup>-Dr.Mustafa Saeed -al-Khun, Qawa'id-e-Usulia main Fuqaha ka Ikhtilaf aur Faqhi Masail par us kaa Athar,

According to Shias the Holy Imams (عليهم السلام) also encouraged their followers to marry and to fulfill their sexual urges in lawful ways as can be seen. Marriage even elevates the value of prayers. The Prophet said, "Two rak 'ats (cycles) prayed by a married person is better than the night-vigil and the fast of a single person." Ibn Fuzzal quotes Imam Ja'far as-Sadiq saying that, "Two rak'ats prayed by a married person is better than seventy rak'ats prayed by a single person."<sup>1</sup>

## **2.1: - Nikah is Obligatory**

According to Hanafi Maliki and Shias there are some conditions in which marriage is obligatory, firstly when there is uncontrollable sexual desire and person cannot stop himself from adultery then it is obligatory to get marry. Secondly if he thinks that he

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translated by Hafiz Habib-ur-Rehman, Islamabad, Shariah Academy Islamic International University, 2002,p., 560

<sup>1</sup> - <http://www.al-shia.com/html/eng/books/temperory-of-marrige/5.htm>

is unable to observe a large number of fasts and he can indulge in illegal relations than it is obligatory on him to get married. According to Hanafis the condition for marriage is that he has the ability to pay the dower and to provide food but with legal means, and if he is unable to pay the dower or food on legal means than marriage is not obligatory for him, it does not mean that if he is unable to provide food through legal means he is not legible for marriage and start indulging himself in adultery, it actually means that he must stop himself from Haram and should not make anybody's life problematic, he must act on Allah's word that:

﴿وَلَيْسَتْعِفَ الَّذِينَ لَا يَحْدُوْنَ نَكَاحاً حَتَّىٰ يُعْنِيْهُمُ اللَّهُ﴾

1- من فضله ﴿﴾

"And let those who find not the financial means for marriage keep themselves chaste, until Allah

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<sup>1</sup>- Al-Qur'an, 24:33

enriches them of his Bounty."

However it is possible for anybody to borrow money from any one for giving dower and providing food because of the fear that he can indulge in unlawful relations then nikah becomes obligatory on him.

Imam Shafi says that nikah becomes obligatory when one wants to save himself or herself from unlawful relations. Whereas according to Hanbali school of thought nikah becomes obligatory when one person even imagines that he can indulge in unlawful relations, whether she is woman or man both are equal in this regard. And Hanbali also says that whether a man is able to bear the responsibilities of food or not he should marry and later should try to find the ways, which can be helpful for his marital life with the blessings of Allah.<sup>1</sup>

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<sup>1</sup>-Al-Jaizairi Abdur-rehman, Kitab-al-Fiqh, translated by Manzoor Ahsan Abbasi, Lahore: Shuba Matbuatt Mahkma Awaqf Punjab, 1977, Vol 4, p.8-13

## **2.2: - Nikah is Imperative**

Nikah becomes imperative duty when any body wants to have nikah but without having strong desire for it. On the other hand, without nikah he may indulge in unlawful relations, then remaining, as bachelor is sin. Most important is that he should be able to maintain his family through lawful means and must have the capacity to fulfill the duties of marital life. If anyone of these conditions is missing then nikah neither obligatory nor imperative duty.<sup>1</sup>

But nikah is forbidden (Haram) for a person whose financial status neither stable nor he is capable of fulfilling the sexual need of wife, nor he can maintain his family through lawful means. But if woman agrees after knowing the deficiencies of man and still wants to live with him then nikah is not

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<sup>1</sup>-Ibn Abidin, Radhal Mukhtar Alid –ur-al-Mukhtar, Vol 2,p.,258

forbidden but woman should not compromise on living with him through unlawful means but should try to live life according to Islamic teachings.<sup>1</sup>

### **2.3: - Nikah is Recommended**

According four schools of though Nikah is recommended when any person does not want to marry but wants to have children, same is for woman who does not want to marry but have children .Now condition for both of them are that they must fulfill the rights and duties of husband and wife. Man should be capable of sexual relations; to earn food for wife other wise nikkah will be forbidden for him. Both must have the intention that nikah is Sunnah.Nikah will be disapproved when both man and woman do not take the marriage as Sunnah<sup>2</sup>.

According to Shia school marriage is a highly recommended deed. Allah says,

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<sup>1</sup>-Al-Jaizairi Abdur-Rehman, *Kitab-al-Fiqh*, op cit, pp,. 4-9

<sup>2</sup>- Ibid, pp,. 9-10

وَأَنْكِحُوا الْأَيَامَى مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ

يَكُونُوا فُقَرَاءٌ يُعْنِيهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلَيْهِمْ<sup>1</sup>

"And marry those among you who are single and the Sâlihûn of your slaves and maid-servants. If they be poor, Allah will enrich them out of His bounty. And Allah is All-Sufficient for His creatures and All-Knowing."

The first word of this verse begins with "ankihu" (Marry!), which is an imperative form of the word nikah. According to the principles of Islamic jurisprudence, any communication in imperative form from God can have two levels of meaning: either it is an obligatory command or a very high recommendation. And therefore we see that in Islam celibacy is not considered as a virtue. Based on this verse we find the Prophet saying that, "Whoever refrains from marriage because of fear of poverty, he has indeed thought badly of God."<sup>2</sup>

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<sup>1</sup> -Al-Qur'an, 24:32

<sup>2</sup>- Wasa'ilu 'sh-Shi'ah, vol. 14, p. 24

### **3: - Importance of Nikah**

#### **3.1: - Necessity of Nikah**

Allah has created man and woman to live together by accompanying each other and to keep them away from living lonely lives. The demands of Islamic teachings are that woman live with her husband in ups and downs of life and helps her husband to run affairs of life. They both are complementary to each other as both of them play vital role in each other's life.<sup>1</sup>

Since the time of Adam family life is based and developed on nikah . It is the nikah, which builds relationships and make families. Relationships build on nikah are forever .The importance of nikah is clear from Islamic teachings that nikah is something which builds strong relations and which is the fulfillment for the rights and duties, has given more value rather than Nafl Ibadat.<sup>2</sup>

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<sup>1</sup>-Nadvi, Maulana Shahab-ud-din, Islam ka Qanoon-e-Talaq, Muqaddama, p., 12

<sup>2</sup> - Minai, Maulana Minhaj-ud-din, Islami Fiqh, p., 285

According to Imams The Prophet (ﷺ) said, "Two rak 'ats (cycles) prayed by a married person are better than the night-vigil and the fast of a single person." A woman came to the Prophet (ﷺ) and said that she had tried everything to attract her husband but in vain; he does not leave his meditation to pay any attention to her. The Prophet (ﷺ) told her to inform her husband about the reward of sexual intercourse, which he described as follows: "When a man approaches his wife, he is guarded by two angels and [at that moment in Allah's views] he is like a warrior fighting for the cause of Allah. When he has intercourse with her, his sins fall like the leaves of the tree [in fall season]. When he performs the major ablution, he is cleansed from sins."<sup>1</sup>

In رد المختار it is said

"إن الانشغال به أفضل من التخلي لنوافل العبادات" <sup>2</sup>

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<sup>1</sup>- Wasa'il, XIV, 436, hadith 2; 440, hadith 20 and 25.

<sup>2</sup> - Ibn Abidin, op.cit, Vol 2,p., 258

“To busy in it is valuable than to busy in Nafl Ibadats”

در المختار كتاب در المختار كتاب  
In Durrul Mukhtar's Kitab-un-Nikah one of the saying of the scholar is that

ليس لنا عبادة شرعت من عهد آدم إلى الآن ثم تستمر في الجنة إلا

النکاح والإیمان<sup>1</sup>

“There is no act of devotion that has remained prescribed for us, since the time of Adam, upon him be peace. Up to this moment, and which is to be continued in paradise, except nikah and Iman.”

Due to blessings of nikah, it gives rise to diverse relationship of man i-e husband, father, son, the paternal grandfather, paternal grandson, maternal uncle, paternal uncle, and then brother. And because of the nikah woman attains sacred relationships i-e wife, mother, paternal grandmother, and maternal grandmother, paternal or maternal aunts. Thus Nikah

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<sup>1</sup>- Al-Tahtavy, Hashia Al-Tahtavy aal-Darrul Mukhtar, Vol 2,p,. 2

is sole source for the emergence of these relations. It is the nikah through which one unknown person becomes known. It is this relation when a person learns to respect elders, to love children, to adopt modesty etc.<sup>1</sup>

### **3.2: - Nikah's significance in the Qur'an**

Nikah is a social need. But Qur'an has also given it the status of moral and religious need and focused on its establishment forcefully. Qur'an has considered nikah as Prophet's Sunnah.<sup>2</sup>

In Qur'an

وَأَنكِحُوا الْأَيَامَى مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ  
يَكُونُوا فُقَرَاءً يُعْنِيهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلَيْهِمْ<sup>3</sup>

"And marry those among you who are single and the Sâlihûn of your slaves and maid-servants. If they be poor, Allah will enrich them out of His bounty.

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<sup>1</sup>- Minai, Maulana Minhaj-ud-din, *Islami Fiqh*, p.,286

<sup>2</sup>- Khalid Alvi, *Islam ka Muashrati Nizam*,p.,139

<sup>3</sup> -Al-Qur'an, 24:32

And Allah is All-Sufficient for His creatures and All-Knowing."

Qur'an mentions man and woman's relation of *nikah* as comfort, peace and blessing of Allah. Allah says in the Qur'an:

﴿ وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ١﴾

"And among His signs is this, that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy."

It means it is from the signs of Allah that he made your wives from your gender.

As in the Qur'an:

﴿ وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَيْنَ وَحْدَةً ٢﴾

<sup>1</sup> -Al-Qur'an, 30:21

<sup>2</sup> - Al-Qur'an, 16:72

"And Allah has made for you Azwâj of your own kind, and has made for you, from your wives sons and grandsons."

Another place in the Qur'an:

١ ﴿فَإِنْكُحُوا مَا طَابَ لَكُمْ﴾

"And marry to those women to whom you like."

In this Surah Allah further says

﴿فَإِنْكُحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَأَتُوهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ﴾  
٢٣ ﴿مُحْصَنَاتٍ غَيْرَ مُسَافَحَاتٍ وَلَا مُتَّخِذَاتٍ أَخْدَانٍ﴾

"Mary them with the permission of their own folk and give them their Mahr according to what is reasonable; they should be chaste, neither committing illegal sex nor opting illegal relations"

In Surah Baqara Allah says:

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<sup>1</sup> -Al-Qur'an, 4:3

﴿فَلَا تَعْضُلُوهُنَّ أَنْ يَنكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَاضُوا بَيْنَهُمْ  
بِالْمَعْرُوفِ﴾<sup>1</sup>

“Do not prevent them from marrying their husbands, if they mutually agree on reasonable basis.”

All these verses itself shows the importance of Nikah.

### **3.2: -Nikah's importance in the Ahadith**

According to Sunnis Holy Prophet has given clear injunctions about the importance of nikah through his sayings.

Prophet Said

”النِّكَاحُ مِنْ سُنْتِي“<sup>2</sup>

“Nikah is my Sunnah”

Holy Prophet said those who will act upon this he will rewarded.

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<sup>1</sup>- Al-Qur'an, 2:232

<sup>2</sup>-Sunan ibn Maja, Kitab-un-Nikah, Chapter MA Ja Fi Fazl-I-Nikah: Hadith, 1832.

ياً معاشر الشباب من استطاع منكم الباءة فليتزوج فإنه أغض للبصر<sup>1</sup>  
وأحسن للفرج، ومن لم يستطع فعليه بالصوم فإنه له وجاء".

"O young men, those among you who can support a wife should marry, for it restrains eyes from casting, and preserves one from immorality; But those who cannot, should devote themselves to fasting for it is a means of controlling sexual desire".

Holy Prophet has given the importance of nikah in different occasions.

"عن أنس رضي الله عنه قال: قال رسول الله ﷺ من أراد أن يلقى الله طاهراً مطهراً فليتزوج الحرائر" <sup>2</sup>.

"Hazrat Anas narrated that Prophet ﷺ said those who want to meet Allah in good condition then He should marry free women".

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<sup>1</sup>-Bukhari Al-Jamiah Al-Sahih, Kitab-un-Nikah, chapter Man Iam Al-Sahih, Kitab-un-Nikah, chapter Man Iam yastatih Al ba'at Falhim, Hadith 4678, Sahih Muslim,,Kitab-al-Nikah Hadith 1400.

<sup>2</sup>-Sunan ibn Maja, Kitab-un-Nikah, chapter Tazweej-ul-Harair, Hadith 1852

عن عبد الله بن عمر قال: قال رسول الله ﷺ الدنيا كلها متعة وخير  
متاعها المرأة الصالحة<sup>١</sup>

"Abdullah b.'Amr reported what Allah's Messenger had said: The whole world is a provision, and the best wares of the world is the pious woman."

By prescribing the nikah Islam has forbidden unlawful ways, Islam has given the proper way to save oneself from adultery, fornication, and all other unnatural ways. In one of the Hadith that Hazrat Uthman bin Matuan asked the permission of Prophet about not having sexual organs or to abolish sexual organs, Prophet replied:

"أَمَا وَاللَّهُ أَنِي لَاخْشَاكُمْ لَهُ وَأَنْقَاكُمْ لَهُ لَكُنِي أَصُومُ وَأَفْطَرُ وَأَصْلِيُّ، وَأَرْقُدُ،  
وَأَتَزُوْجُ النِّسَاءَ فَمَنْ رَغَبَ عَنْ سُنْتِي فَلَيْسَ مَنِي"

"By Allah I am afraid from Allah more than you and takes care whatever I do. But I observe fasts and leave it, I offer prayer, I sleep and I become

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<sup>1</sup>-Sahih Muslim, Kitab-ul-Razah, chapter Khair Matah Al-Dunya Al-Maraat Al-Salihat, Hadith 1467.

marry .so those who does not follow my Sunnah he is not from me”

In Bukhari's Kitab-un-Nikah three persons are discussed who decided to observe fasts, to offer prayers all the night, and not to marry when they listened Prophet's way of worshipping. But Prophet has forbidden them and told them about himself which is same like the previous Ahadith.

Last words are as follows

وأنزوج فمن رغب عن سنتي فليس مني ”

“I get marry and those who deny my Sunnah is not from me.”

In Maskat's Kitab-un-Nikah Prophet saying is that:

عن انس رضي الله عنه أنه قال: قال رسول الله صلوات الله عليه وآله وسلامه إذا تزوج العبد فقد استكمل نصف الدين ”.

“Anas has reported that one who marries, has already guarded half of his religion”

According to *Shias* the Prophet and the Imams of Ahlu'l Bayt also encouraged their followers to

marry and to fulfill their sexual urges in lawful ways as can be seen from the following:

- i. The Prophet said, "No house has been built in Islam more beloved in the sight of Allah than through marriage."
- ii. The Prophet said, "O you young men! I recommend marriage to you."
- iii. Imam 'Ali said, "Marry, because marriage is the tradition of the Prophet"<sup>1</sup>
- iv. The Prophet said, 'whosoever likes to follow my tradition, then he should know that marriage is from my tradition.'
- v. Imam Riza said, "Three things are from the traditions of the messengers of God: using

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<sup>1</sup>-Sayyid Muhammad Rizvi, *Marriage and Morals in Islam*, Islamic Education & Information Center, Scarborough, Ontario, Canada.

<sup>2</sup>- *Wasa'il 'sh-Shi'ah*, Vol. 14, p.1-3

perfume, removing the [excessive] hair and frequently visiting one's wife."<sup>1</sup>

- vi. Ishaq bin 'Ammar quotes Imam Ja'far as-Sadiq as follows: "Loving women is among the traditions of the prophets."<sup>2</sup>
- vii. Jamil bin Darraj quotes Imam Ja'far as-Sadiq saying, "Mankind has not enjoyed [anything] in this world and the hereafter more than the desire for women."<sup>3</sup>
- viii. 'Abdus Samad bin Bashir quotes that a woman came to Imam Ja'far as-Sadiq and said, "May God bless you; I am an ascetic woman."

The Imam: "What does asceticism mean to you?"

The woman: "*It means that I will never marry.*"

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<sup>1</sup>-Ibid, p,4

<sup>2</sup>-Ibid,p.,9

<sup>3</sup>-Usul al-Kafi, Kitab-ul-Nikah, Hadith 2358

The Imam: "Why?"

The woman: "By practicing asceticism, I want to acquire favor (of God)."

The Imam: "Go away! If asceticism was a means of acquiring favor (of God), then Fatimah would have been more entitled to it than you because none can gain more favor [in the eyes of Allah] than her."<sup>1</sup>

ix:- The Prophet said, "The most low [in status] among your dead are the singles."<sup>2</sup>

x:-Imam Ja'far as-Sadiq says that a person came to my father. My father asked him, "Do you have a wife? " He said, "No. " My father said, "I would not prefer to have the world with all its riches while I sleep at night without a wife."<sup>3</sup>

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<sup>1</sup>- Usul al-Kafi, Kitab-ul-Nikah, Hadith 144

<sup>2</sup>- Wasa'il, Vol. 14, p. 7

<sup>3</sup>-Wasa'il, Vol. 14, p.17

#### **4:-Comparison between Sunni and Shi'i schools of thought**

In Sunni and Shia the institution of marriage is that both man and woman provide company to each other, love to one another, have children and live in peace and harmony in accordance with the commandments of Allah. Marriage is a means to emotional and sexual satisfaction and is also a highly recommended treatment for tension lessening. It is also a form of Ibadah because it is obeying Allah and His Messenger - i.e. Marriage is seen as the only possible way for the sexes to come together. One could choose to live in sin, but by getting married an individual displays obedience to Allah.

Four Sunni schools view is that they have given different ways that in what condition person has to marry and what are the situations in which it is recommended to marry and some people are not allow to marry because they know that they cannot take care of their families or cannot maintain their

families with legal means. But at the same time if some people are unable to control their sexual desires then it is better to get marry. Whereas in Shi'i school it is highly recommended to be married and if person is poor he should not be afraid of marriage and still should marry because it is liked in Qur'an and then highly recommended by Imams as well.

In both of schools family has great importance because it gives satisfaction to a person and builds relationship through which husband and wife secure comfortable atmosphere. The quotations from Qur'an and the sayings of the Prophet and the Imams of Ahlu'l-bayt show that the Islamic view on sex and marriage is in complete harmony with human nature. So it can be concluded that in the Islam sexual morality marriage and sex is highly recommended and it should not be associated with evil or sin, whereas to remain unmarried in the whole life is strictly forbidden. The marriage institution also prevents Muslims from getting into sins and gives marriage a value of worship.

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