

FATAWA MARRIAGE AND DIVORCE 2007

Marriage Contract

Subjegy: Marriage question

From: Mana

Sent: Saturday, July 28, 2007 8:44 AM

Question

Dear Dr. Kahf,

My fiance and I would like to have a Muslim marriage, before an American one. I have spent a lot of time on the internet to find out how we can go about doing that. But believe it or not, there is no such information. Unfortunately neither one of us belongs to a mosque. I live in NJ. Could you please give me some advice as to what I need to do and/or where to look? Thank you for your time in advance.

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. MANA

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

My advice is to make them both at the same time and with one procedure. That is you take a marriage license from the county clerk, read on my website, www.kahf.net, the form of pre-nuptial agreement, ask me after reading for a word copy and sign it and notarize it, then go to any nearby mosque (you don't have to be a member in it to have marriage officiated by its Imam) and get your marriage officiated. The Imam will then give you a copy and send the original to the county clerk. This way the rights of both of you will be reserved. The Islamic marriage is no more than what I described.

Wa Allahu A'alam

Wa Alhamdu Lillahi Rab al Alamin

Wassalam

Prof. Dr. Monzer Kahf

Wife's Sharing Household Expenses

Subject: Wife's Work and Sharing in the House Expenditures

From: Faiza through Islam on line

Sent: Tuesday, June 12, 2007 1:56 AM

Question

Dear Dr. Monzer, Assalamu Alaykum wa Rahmatullahi wa Barakatuh,
Can you please answer my question that is: I have studied up to postgraduate degree. my husband asking me to share in half the bill payment, the mortgage the food spending ...etc - I mean all spending my husband asking me to pay in half - I have 2 children with him or if I don't to pay - he is threatening to stop me from work. What is the shariah advise on this matter. Jazakum Allahu Khairan for your constant help

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Faiza

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I want you first to distinguish between a Shari'ah legal advice (because the Shari'ah is simply a law) and the social advice to preserve a marriage and safeguard it.

Legally (from Shari'ah point of view) you have the full right to save all your income and he is required to spend on you, the household and the children including the very personal things of your in the literal meaning of the word (I hope you understand me with using an explicit word!). You are not responsible, according to Shari'ah, to spend any single penny on the household, the family, children and the mortgage. (In mortgage there may be a technical matter you need to know: Properties of husband and wife are independent from each other according to Shari'ah so if the house is on both names you are technically required to pay for your share of the mortgage from now on, what is past is considered a gift between husband and wife unless specified, by who of you makes the payment, otherwise BEFORE PAYING IT. on the other hand, he is required to provide you and your children with residence, not necessarily purchased, that is suitable to his income and wealth and the size and living standard of the family).

Additionally, since it is apparent that from the beginning of your marriage he consented to your study and later work, he has no right to present you from doing so now.

From social and family relation between you and your husband I advise you to seek Muslim family counseling and do what preserves and saves your marriage even if that may involve some sacrifice on your part. You may also have your husband contact me so I can explain to him that he has no right to force you to quit your job and has no right on your income too.

Wa Allahu A'alam

Wa Alhamdu Lillahi Rab al Alamin

Wassalam

Prof. Dr. Monzer Kahf
