

Marriage

1. Legal Effects of Valid Marriage

The legal effects flowing from a valid marriage are:

- 1- Sexual intercourse becomes lawful and the children born of the union are legitimate;
- 2- The wife becomes entitled to dower;
- 3- The wife becomes entitled to maintenance;
- 4- Mutual rights of inheritance are established;
- 5- The prohibition regarding marriage due to the rules of affinity comes into operation;
- 6- The wife is not entitled to remarry after the death of her husband or after the dissolution of her marriage, without observing *iddat*;
- 7- Where there is an agreement between the parties entered into either at the time of marriage or subsequent to it, its stipulations will be enforced, in so far as they are consistent with the provisions or the policy of the law;
- 8- The offspring born of a valid marriage are legitimate and as such they can inherit from both their parents;

2. Rights and Obligations

2.1. General Rights

- To be treated with honor, kindness, and patience.
- To enjoy intimate relations with each other.
- To keep one's legal and personal identity after marriage. Muslim women retain their own family names, inheritance rights, property, *mahr*, etc.

2.2. General Duties

- To be faithful to the marriage bond.
- To assist and support one another, and to resolve disputes amicably.

- To strive to be attractive to one's spouse (both men and women).
- To raise children, by God's will.
- To respect one's parents and relatives.

3. The wife's rights – the Husband's obligations.

1- Maintenance

The husband is responsible for the wife's maintenance. This right is established by authority of the Qur'an and the sunnah. It is inconsequential whether the wife is a Muslim, non-Muslim, rich, poor, healthy or sick. A component of his role as "qawam" (leader) is to bear the financial responsibility of the family in a generous way so that his wife may be assured security and thus perform her role devotedly.

The wife's maintenance entails her right to lodging, clothing, food and general care, like medication, hospital bills etc. He must lodge her where he resides himself according to his means. The wife's lodge must be adequate so as to ensure her privacy, comfort and independence.

2– Non-material rights.

A husband is commanded by the law of Allah to treat his wife with equity, respect her feelings and show kindness and consideration, especially if he has another wife. The prophet last sermon stresses kindness to women.

4. The wife's obligations – the Husband's rights.

One of the main duties of the wife is to contribute to the success and blissfulness of the marriage. She must be attentive to the comfort and wellbeing of her husband. The Qur'anic ayah which illustrates this point is:

"Our lord, grant us wives and offspring who will be the apples of our eyes and guide us to be models for the righteous"

The wife must be faithful, trustworthy and honest. She must not deceive her husband by deliberately avoiding contraception. She must not allow any other person to have

access to that which is exclusively the husband right i.e. sexual intimacy. She must not receive or entertain strange males in the house without his knowledge and consent. She should not be alone with a strange male. She should not accept gifts from other men without his approval. This is meant to avoid jealousy, suspicion and gossip. The husband possessions are her trust. She may not dispose of his belongings without his permission.

A wife should make herself sexually attractive to her husband and be responsive to his advances. The wife must not refuse her husband sexually as this can lead to marital problems and worse still – tempt the man to adultery. The husband of course should take into account the wife's health and general consideration should be given.

Obedience.

The purpose of obedience in the relationship is to keep the family unit running as smoothly as possible. The man has been given the right to be obeyed because he is the leader and not because he is superior. If a leader is not obeyed, his leadership will become invalid –Imagine a king or a teacher or a parent without the necessary authority which has been entrusted to them.

Obedience does not mean blind obedience. It is subject to conditions:

- (a) It is required only if what is asked from the wife is within the permissible categories of action.
- (b) It must be maintained only with regard to matters that fall under the husband rights.