

بسم الله الرحمن الرحيم

الحمد لله الذي هدانا للتفقه في الدين، وشرح صدورنا لاقتفاء سلف المؤمنين، وشرع لنا الشرائع والأحكام، لنميز بها
الحلال من الحرام، وصلى الله وسلم على خير الأنام، وعلى آله وصحبه الكرام، أما بعد:

This is an excerpt from my unpublished explanation of “Zād al-Mustaqni” by Musā b. Ahmad al-Hajjāwī (968h) رحمه الله in Hanbali Fiqh. I was requested to share advices related to marriage and provide solutions for those who are currently facing marital issues. So I decided to pre-release this portion of the explanation - which is still incomplete - hoping that it will assist any Muslim out there who is currently tested by Allah in this aspect of their life. May Allah accept this effort and place Barakah (increased consistent blessings) in our marriages and in all that we do.

جزى الله خيرا من تأمل شرحتي ... وقابل ما فيها من السهو بالعفو
وأصلح ما أخطأت فيها بفضلته ... وفطنته أستغفر الله من سهوي

إِنْ أُرِيدُ إِلَّا الْإِصْلَاحَ مَا اسْتَطَعْتُ وَمَا تَوْفِيقِي إِلَّا بِاللَّهِ عَلَيْهِ تَوَكَّلْتُ وَإِلَيْهِ أُنِيبُ

Written by the poor servant of Allah,

Abu Awzaa'ee Abdus-Salām al-Makki al-Hanbali

3rd of Rabi' al-Awwal, 1442h (10/20/20)

Chapter: The Husband-Wife Relationship

The Fuqahā's **الله** **رحمهم** primary focus in their works is to clarify and expound on verdicts related to the actions of the servant (i.e., whether an action is obligatory or prohibited, valid or not, etc.) However, whenever the need arises, you will find them diverging from this approach in order to expound on different aspects related to the topic. This is one of those instances. The chapter “The Husband-Wife Relationship” is carefully placed between the topics of the wedding night and rulings related to separation. Why is that? Well, as the famous saying goes: الوقاية أولى من العلاج “Prevention is better than the cure”; the Fuqahā with their insight use this opportunity to highlight the means of protection against the chapters that follow identified with marital dissension and discord.

One of the five essential objectives of the legislation (Maqāsid as-Shari’ah) is to preserve and protect the progeny (نسل).¹ Imam al-Shātibī stated that these affairs were individual necessities (ضرورية عينية). In order to ensure that this obligation is upheld, one must ensure to safeguard the marriage against all conflict...

Ibn al-Uthaymeen **الله **رحمه** stated in “al-Mumti”²:**

“The reality is that this is an immense chapter that requires much concern and attention due to its implementation being from Islamic character. Its application allows for love to persevere between the spouses³, provides a jolly life, and is a reason for more children. If the relationship between the spouses is perfected, their love for each other increases which then leads to increase intimacy and offsprings. Therefore, this is a magnificent affair.

¹ The other four being preservation of one’s: religion, human life, material wealth, and human reason. See al-Muwāfaqāt: 2/478.

² (12/380).

³ Shaykh Abdul-Muhsin al-Qāsim **الله** **حفظه** mentioned that living with one’s spouse in a goodly matter assists in obtaining happiness in this life, rectification of one’s Deen, protection of the private parts, and lowering of the gaze. The basis of marriage is built on comfort, compassion, love and mercy. (Allah said,

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely in this are signs for people who reflect.” [30:21])

If the relationship is established on these attributes then it will rectify and fortify their Deen. (Sharh Zād al-Mustaḥṣin)

Perhaps this is a reason why the Prophet **صلى الله عليه وسلم** said, “If the servant marries then certainly half of the Deen has been completed, so let him observe Taqwa of Allah in the other half.” (“Shu’ab al-Imān” by al-Bayhaqi (5486), graded acceptable via other routes by al-Albānī **الله** **رحمه**)

Know that your interactions with your wife should be valued just as if someone is married to your daughter. How would (you like for someone to) interact with (your daughter)? Would you be pleased if he treated her harshly and cruelly? The answer (is obviously) no. So do not be pleased with treating someone's daughter (i.e. your wife) in the same manner you dislike your daughter to be treated.

Imam Ahmad رحمه الله related in his Musnad that a man asked the Prophet ﷺ about Zinā (fornication). The Prophet ﷺ said to him: 'Would you like for someone to commit Zinā with your sister, daughter, or mother?' He replied: 'No'...The Prophet ﷺ said to him: 'Then hate what Allah has hated, and love for your brother what you love for yourself.'

This (hadith provides) an extremely clear intellectual gauge. Just as a person is displeased with their daughter being with someone who is deficient in fulfilling her rights, disgraces her, and makes her like a servant by beating her like a slave, then it is obligatory to (hate that for their own wife and to) behave with his spouse in the same manner (they desire for their daughter) without arrogance nor usage of anything outside of the norm.

The wife is also obliged to interact with her husband in a goodly manner better than he treats her⁴, because Allah تعالى said in His Book:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ

‘Women have rights similar to those of men equitably, although men have a degree ‘of responsibility’ above them.’ (2:228)

Additionally, Allah referred to the husband as being a “master/lord سَيِّدٌ”:

وَأَسْتَبَقَا الْبَابَ وَقَدَّتْ قَمِيصَهُ مِنْ دُبُرٍ وَأَلْفَيَا سَيِّدَهَا لَدَى الْبَابِ

‘So they raced with one another to the door, and she tore his shirt from the back. They both found her lord (i.e. her husband) at the door....’ (12:25)

⁴ Shaykh Abdus-Salām ash-Shuway'ir حفظه الله said that is because the husband is commanded to treat his wife with goodness/perfection الإحسان بالمعروف and the wife is commanded with obedience طاعة, and obedience is more emphasized action than good treatment with perfection. This shows that the husband's rights are greater. The Prophet ﷺ said, “If a woman prays her five prayers, fasts her month of Ramadan, guards her chastity, **and obeys her husband**, she will enter Paradise from any gate she wishes.” (Sahih ibn Hibbān 4252, graded authentic by al-Albānī رحمه الله) (Sharh Dalil at-Tālib)

Also, the Prophet ﷺ referred to the wife as being captives (in the sense that they are under the protection of their husband):

اسْتَوْصُوا بِالنِّسَاءِ خَيْرًا فَإِنَّمَا هُنَّ عِنْدَكُمْ عَوَانٌ

‘Treat women kindly, they are like captives in your hands...’ (Tirmidhi)

And the word عَوَان is plural for عَانِيَة which is a captive أُسِيرَة. At any rate, if man yearns to live a happy, tranquil, peaceful life then they must treat their spouse with goodness. The same goes for the wife with her husband. If not, everything will be wasted away and life will become miserable. Also, it will affect the children as when they see problems between their mother and father they will suffer and be disturbed. However, if they see affection (between the parents) then they will be jubilated. So you must, O my brother, live with your spouse in goodness...

A person is required to live with his spouse in goodness not simply because he wants a happy life, ease, and enjoyment. Rather, he should also intend to draw closer to Allah through this action by doing that which Allah has made obligatory. Many of us are unmindful of this. Many people, when they intend to live in a goodly manner with their families, their intentions are to sustain their relationship with their spouse in the best manner, (but) they forget to do so with the intent of drawing closer to Allah, the Most High. Many people forget this, they're caused to forget this by the devils. For this reason, it is necessary to have the intention that you are carrying out a command of Allah:

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ

‘...And live with them honorably...’ (4:19)

If you make this intention then everything else will follow. The same goes for the wife.”

Ibn an-Najjār al-Futūhi al-Hanbali رحمه الله (695h) said in “al-Ma’ūnah”⁵:

“The husband-wife relationship refers to the relationship between the married partners based on affinity for one another and unity. Once that is recognized, it is essential for both husband and wife to live with the other in an honorable fashion.

⁵ معونة أولي النهي شرح المنتهى: 9 / 275-277

The spouse does not delay in nor have aversion to fulfilling the other partner's rights⁶.

The basis of that is the statement of Allah⁷ سبحانه وتعالى:

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ

‘...And live with them honorably...’ (4:19)

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ

‘Women have rights similar to those of men equitably, although men have a degree ‘of responsibility’ above them. And Allah is Almighty, All-Wise.’ (2:228)

Abu Zayd⁸ said: ‘Have Taqwa of Allah in relation to (your wives’ rights) just as (women) should have Taqwa of Allah in regards to (their husbands’ rights).’

Ibn Abbās رضي الله عنهما said: ‘I certainly love to beautify myself for my spouse just as I love for her to do the same for me because Allah said,

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ

“Women have rights similar to those of men equitably...”

ad-Dahhāk said about its interpretation, ‘If they (i.e., women) have obeyed Allah and obeyed their spouses, then it is upon the (husband) to perfect their companionship/bond, refrain all harm, and spend on them based on his capacity.’

Some of the people of knowledge stated, ‘The equitably (mentioned) in this verse for each spouse to fulfill the rights of the other in a goodly manner, and to not procrastinate nor express any displeasure in doing so. Rather their rights are carried out with delight. They do not follow their charity with reminders of their generosity

⁶ Shaykh Sāmi as-Suqayr حفظه الله mentioned three things that must be avoided when fulfilling the spouse's rights:

1. Delay and procrastination المماطلة: This is before the action.
2. Expressing dislike in the midst of performing their rights التكره لبذله: This is during the action. The Shaykh said that this is worse than the first.
3. Following the action up with reminders of your generosity and/or insult اتباعه بالأذى والمن: This is after the action was completed (Sharh ar-Rawdh al-Murbi). Perhaps this third type is the worst of them all. However, if both parties make a conscious effort to strive in removing these barriers - one of the main causes for dissension and animosity between spouses - love will blossom and the marriage will flourish بإذن الله.

⁷ al-Futūhi goes on to indirectly quote Ibn Qudāmah (620h) in ‘al-Mughni’: 7/147.

⁸ Perhaps the correct name is Abdur-Rahman b. Zayd b. Aslam as mentioned by at-Tabary in his Tafsir #4767.

nor hurtful words because this is the goodly deed in which Allah has commanded to fulfill.⁹

It is recommended for each spouse to perfect their manners with the other, be gentle, and tolerate the harm caused by the other due to the statement of Allah سبحانه وتعالى:

وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ - إِلَى قَوْلِهِ - وَالصَّاحِبِ بِالْجَنْبِ

‘...And be kind to parents, relatives ... *and to the companion by your side*...’ (4:36)

It is said that (the ‘companion by your side’ refers to) both spouses.

The Prophet ﷺ said,

اسْتَوْصُوا بِالنِّسَاءِ خَيْرًا فَإِنَّمَا هُنَّ عِنْدَكُمْ عَوَانٍ

‘Treat women kindly, they are like captives in your hands...’ (Tirmidhi)

فَاتَّقُوا اللَّهَ فِي النِّسَاءِ فَإِنَّكُمْ أَخَذْتُمُوهُنَّ بِأَمَانَةٍ اللَّهِ وَاسْتَخْلَلْتُمْ فُرُوجَهُنَّ بِكَلِمَةِ اللَّهِ

‘Fear Allah with regard to women, for you have taken them as a trust from Allah, and intimacy with them has become permissible to you through Allah’s Word.’ (Muslim)

The Messenger of Allah ﷺ said,

إِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلَعٍ لَنْ تَسْتَقِيمَ لَكَ عَلَى طَرِيقَةٍ فَإِنْ اسْتَمْتَعْتَ بِهَا اسْتَمْتَعْتَ بِهَا وَبِهَا عَوَجٌ وَإِنْ ذَهَبَتْ تَقِيمُهَا كَسَرْتَهَا وَكَسَرُهَا طَلَاقُهَا

‘Act kindly towards woman, for woman is created from a rib, and the most crooked part of the rib is its top. If you attempt to straighten it, you will break it, and if you leave it, its crookedness will remain there. So act kindly towards women.)’ (Agreed on)

أَكْمَلُ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا وَخَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِمْ خُلُقًا

⁹ Shaykh Sāmi as-Suqayr رحمه الله mentioned that the “goodly deed مَعْرُوفٌ” is what has been defined and affirmed in the Texts. It also includes that which is known by the people of that particular culture as per the Fiqh Maxim: “The Custom is the Judge العادة محكمة” (provided that it does not contradict what has been mentioned in the Texts). (Examples of customary practices: buying gifts for one another and assisting each other in daily affairs. (Sharh ar-Rawdh al-Murbi’)

‘The most complete of the believers in faith, is the one with the best character among them. And the best of you are those who are best to your women.’ (Tirmidhi)

The husband’s rights are greater than the wife’s. Allah سبحانه وتعالى said,

وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ

‘...although men have a degree ‘of responsibility’ above them...’ (2:228)

The Prophet ﷺ said,

لَوْ كُنْتُ أَمِيرًا أَحَدًا أَنْ يَسْجُدَ لِأَحَدٍ لِأَمَرْتُ النِّسَاءَ أَنْ يَسْجُدْنَ لِأَزْوَاجِهِنَّ لِمَا جَعَلَ اللَّهُ لَهُمْ عَلَيْهِنَّ مِنَ الْحَقِّ

‘If I were to command anyone to make prostration before another, I would command women to prostrate themselves before their husbands, because of the special right over them given to husbands by Allah.’ (Abu Dawud)

إِذَا بَاتَتِ الْمَرْأَةُ مُهَاجِرَةً فِرَاشَ زَوْجِهَا لَعَنَتْهَا الْمَلَائِكَةُ حَتَّى تَرْجِعَ

‘If a woman spends the night deserting her husband's bed (does not sleep with him), then the angels send their curses on her till she comes back (to her husband).’ (Agreed on)

لَا يَحِلُّ لِلْمَرْأَةِ أَنْ تَصُومَ وَزَوْجُهَا شَاهِدٌ إِلَّا بِإِذْنِهِ وَلَا تَأْذَنَ فِي بَيْتِهِ إِلَّا بِإِذْنِهِ

‘It is not allowable for a woman to fast when her husband is present without his permission, and she may not allow anyone to enter his house without his permission.’ (Agreed on)¹⁰

al-Futūhi رحمه الله adds:

“The husband should keep the bond of the marriage even if he dislikes his wife due to Allah’s statement سبحانه وتعالى:

فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

¹⁰ End of quote from “al-Mughni”.

‘...If you happen to dislike them, you may hate something which Allah turns into a great blessing.’ (4:19)

Ibn al-Jawzi and others said, ‘Ibn Abbas رضي الله عنهما said: “Perhaps Allah will provide a child from her and thus it becomes a great blessing.”’

(Ibn al-Jawzi) said, “The verse encourages to embrace one’s wife despite any dislike. The verse also points to two meanings:

1. Man does not know (where) rectification (could arise from). Perhaps something disliked can become commendable and perhaps something commendable can become disliked.¹¹
2. It is nearly impossible to find something beloved that has (absolutely) nothing disliked therein. Therefore be patient¹² with what is hated/disliked for that which is beloved.’

(Ibn al-Jawzi) said in his book ‘as-Sirr al-Masūn’: ‘Living with the wife with kindness while preserving his (the husband’s) prestige/dignity.”’

Imam Muhammad b. Ali ash-Shawkāni said in “Nayl al-Awtār”¹³:

“In the Prophet’s ﷺ statement, *‘The most complete of the believers in faith, is the one with the best character among them.’* is evidence to show that if the distinguishing quality of good character is affirmed for an individual, then he/she is from those of complete Imān. If they are the best in character then they are most complete in Imān...The Prophet’s ﷺ statement, *‘And the best of you are those who*

¹¹ Perhaps that which a person dislikes is in reality something good as Allah said,

وَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ وَعَسَىٰ أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَّكُمْ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ

“...and it may be that you dislike something which is good for you and like something which is bad for you. Allah knows and you do not know.” (2:216)

Therefore exert beautiful patience and always look for the good in your spouse. The Messenger of Allah ﷺ said, “A believer must not hate (his wife) believing woman; if he dislikes one of her characteristics he will be pleased with another” (Muslim)

¹² Allah said,

وَلَا تَسْتَوِي الْحَسَنَةُ وَلَا السَّيِّئَةُ ادْفَعْ بِالَّتِي هِيَ أَحْسَنُ فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِيٌّ حَمِيمٌ (34) وَمَا يُلْقَاها إِلَّا الَّذِينَ صَبَرُوا وَمَا يُلْقَاها إِلَّا ذُو حَظٍّ عَظِيمٍ (35)

“Good and evil cannot be equal. Respond ‘to evil’ with what is best, then the one you are in a feud with will be like a close friend. But this cannot be attained except by those who are patient and who are truly fortunate.” (41:34-35)

¹³ 12/331.

are best to his women' and similarly his statement in another Hadith, *'The best of you are those who are best to his family'* alerts that those of highest status in goodness and most deserving of that description are those who are best to their families. For certainly the family is (closest to an individual and) most deserving of good character, kindness, contributing benefit to and removing harm from. If a person does this, then he is the best of people.

However, if he behaves in the opposite manner then he is on the other side of evil, and many fall into this plight. You will see whenever a person meets his family that he is the worst of people in manners, boldest of souls, and least in goodness. However, whenever he meets those other than his family, he softens his disposition and personality, his manners now expand and outstretch (to welcome the stranger), his soul is generous, and his goodness is abundant. There is no doubt that whoever is like that, then they are bereft of success and have deviated from the right path - we ask Allah for protection."

- **How to maintain your marriage and nurture love between you and your spouse?**

Shaykh Abdul-Muhsin al-Qāsim حفظه الله said¹⁴ having a good relationship with your spouse is a means of obtaining love, however it is only Allah who can actualize that feeling between both parties. Allah said in the Quran:

وَأَلَّفَ بَيْنَ قُلُوبِهِمْ ۚ لَوْ أَنفَقْتَ مَا فِي الْأَرْضِ جَمِيعًا مَّا أَلَّفْتَ بَيْنَ قُلُوبِهِمْ وَلَكِنَّ اللَّهَ أَلَّفَ بَيْنَهُمْ ۚ إِنَّهُ عَزِيزٌ حَكِيمٌ

"He (Allah) brought their hearts together. Had you spent all the riches in the earth, you could not have united their hearts. But Allah has united them.

Indeed, He is Almighty, All-Wise." (8:63)

At the same time, a person must take the proper measures in developing love and among the greatest of them are:

1- Supplication: invoke Allah for a righteous practicing companion who possesses desirable coveted characteristics.

¹⁴ Sharh Zād al-Mustaqni'.

2- Selection of a spouse that he/she believes will be a means of assisting their own connection to the Deen and their future offsprings.

At the same time, when considering marriage, one should not only suffice with investigating one aspect of that person. Instead, all elements should be under scrutiny. There is nothing wrong with searching for beauty or intellect in a spouse (as it will assist in lowering the gaze and protecting the private parts) provided that his/her Deen is there. In fact, this has a basis in our legislation. The Prophet ﷺ would select the best and most honorable of women for marriage (e.g. 'Aisha, Safiyyah, Zaynab bint Jahsh, Juwariyah رضي الله عنهن, etc.).

3- Fulfill the obligatory spending.

4- Complement each other often, even if it isn't true.

Umm Kulthum رضي الله عنها stated that "I have never heard (the Prophet ﷺ) give permission of lying in anything except in three things: war, conciliating between people and the conversation of man with his wife and the conversation of a woman with her husband." (Muslim)

5- Give gifts, even if it is inexpensive (if you do not have funds you should still inform your spouse that you wanted to buy it for them because as they say, "it's the thought that counts").

6- Have conversations and expressing feelings to each other.

'Aisha رضي الله عنها said, "O my nephew, Allah's Messenger (ﷺ) would not prefer some of us over others regarding the division of the time he would spend with us. It was very rare that he would not visit us all, and come near each of his wives without having intercourse with her, till he reached the one whose day it was, and spent the night with her." (Abu Dawud)

Also, when the Prophet (ﷺ) saw Angel Jibril عليه السلام for the first time, he went to his wife Khadijah رضي الله عنها for comfort. When you express your thoughts and feelings to your spouse, that reveals that you have care and concern for them and that will heighten one's endearment for the other.

7. Commending and complimenting the spouse's family members.

If you honor those close and beloved to your spouse, they will reciprocate that behavior back towards you¹⁵...

¹⁵ الجزء من جنس العمل