



Marriage in Islam

المنكاح في الإسلام

The Arabic word for marriage is **نكاح** - pronounced *'nikāh.*' Another word for marriage is **زواج** - pronounced *'zawāj.'*

The original lexical meaning of the former (**نكاح**) is - **الوطء** - (wat') *'sexual intercourse.'* It is this meaning that is intended in the following verse of the Holy Qur'an when Allah says of the woman who has been repudiated by her husband three times *"And she is not lawful for him until she marries a husband other than him"* [Baqara: 230]. That is, she is unlawful until she has intercourse with a husband other than him after a valid contract has been affirmed.

Figuratively it is used to refer to - **العقد** - ('aqd) *'the marriage contract made between the two spouses.'* The contract is composed of the two parties of the marriage – i.e. the bride and groom – or their respective representatives, a dower, witnesses, and the expression indicating the consent of the two parties.

So if the word *'nikāh'* is literally a reference to *'sexual intercourse'* and figuratively a reference to *'the marriage contract'* according to Arabic linguists, then the opposite is true as relates to its use in the sacred law amongst Muslim scholars.

In other words, *nikāh* is used literally to refer to *'the marriage contract'* and figuratively it refers to *'sexual intercourse.'*

What this means is that whenever the word *'nikāh'* appears in the Qur'an and hadith of the Prophet – peace be upon him – it is taken to mean the *'marriage contract'* until there's some other signification that it means *'sexual intercourse.'*

However, in other Arabic literary works it is taken to mean *'sexual intercourse'* at first glance until there's some indication that it means *'the marriage contract.'*

This also means that the two spouses of a marriage are considered legal spouses by the mere *contraction* of the marriage even if *'intimacy'* never occurs. Were intimacy to occur without the contract, the marriage would be Islamically invalid.

As for the word *'zawāj'*, it literally means *'pairing'*. And since a husband and wife are a pair, they are each respectively referred to one another as *'zawj'* - زوج.

The Chief Elements of a Marriage (أركان النكاح)

The chief elements of a marriage are four in number. Without these four things a marriage is rendered invalid. They are:

1. The Guardian (الولي)
2. The dowry (الصداق)
3. Two Veracious Witnesses (شاهدا عدل)
4. Consent of both of guardian and husband (للصيغة)

Some of these elements are essential for the *validity of the contract*, while others are essential to confirm a *valid consummation* of the marriage.

The *guardian* and the *expression indicating mutual consent* are essential in determining the soundness of the contract.

As for the *dower* and the *two veracious witnesses*, they are essential in confirming that the consummation of the marriage occurred according to its proper conditions to the point that were two people to be married without witnesses the marriage would be invalid. And according to some, they would be lashed for fornication even if they were unaware of the ruling.¹

The Conditions of the Four Essential Elements of Marriage (شروط أركان النكاح)

¹ The other view is that ignorance of the ruling deters the *hadd* punishment regarding this subject. And it is the stronger view according to many *Malikis*.

I. Conditions of the Guardian (شروط الولي)

The guardian is an essential element in establishing the soundness of the marriage contract. But not any one can be the guardian of a woman. The most basic and fundamental conditions that must be fulfilled in a guardian are the following:

- Islam (الإسلام): That is, that he be a Muslim
- Maturity (البلوغ): That he at least reach the age of puberty
- Sanity (العقل): That he be sane
- Masculinity (الذكورية): That he be a male

The following two conditions are also considered desirable in a guardian:

- Uprightness (العدالة)
- Full Maturity (الرشد)²

The Prophet – may Allah bless and grant him peace – said,

“The woman is not to execute the marriage of another woman, nor is the woman to [marry off] herself. For verily the fornicator is she who marries off herself.”³

The guardian should be a male member of the woman’s family. The right to guardianship follows the following sequence:

1. The woman’s son
2. The woman’s father (or his testamentary guardian)⁴
3. The woman’s brother⁵
4. The brother’s son

² The age of full maturity is 20 lunar years of age.

³ Imam Ad-Daraqutni reported it and said it *hasan sahih*.

⁴ The father’s executor – even if he or she is a non-family member – takes precedence over all other family members if the father has written a testamentary stating that such a person has this right.

⁵ That is, precedence is given to her brother from the same mother and father or from the same father but different mother. The brother from the same mother but different father has no fundamental right in guardianship over the woman, just as the sibling (from the same mother and father) take precedence to the brother from the same father but different mother. However, if there are no other male relatives on the father’s side like an uncle or grandfather, the woman’s brother from the same mother but different father gain precedence over all other marriageable non-family members as the guardian after the woman’s caretaker and the Islamic judge.

5. The grandfather
6. The paternal uncle
7. The paternal first cousin
8. The father's paternal uncle
9. The father's paternal cousin
10. The grandfather's paternal uncle
11. The next in kin on the father's side
12. The woman's caretaker
13. The Islamic judge
14. A man from the broader Muslim community⁶

II. Conditions of the Dower (شروط المصداق)

Here we'll just mention a few of the major conditions of the woman's dower:

- That it is something of use
- That it is permissible to own
- That it be possible to appraise
- That it is at least one quarter of a *dinar*⁷
- That it be possible to submit it if it has been deferred
- That it be determined and agreed upon before consummation occurs

III. Conditions of the Witnesses (شروط الشهاداء)

The Prophet – may Allah bless and grant him peace – said,

“There is no marriage without a guardian and two witness of uprightness.”

The following conditions are necessary for those who stand as witnesses to a marriage:

- Duality (التثنية): That is, that they be two in number

⁶ As stated before, the brother from the same mother but different father take precedence to men from the broader Muslim community even though he is considered from the broader Muslim populace.

⁷ A standard *dinar* (gold coin) equals 4.233 grams of gold. One quarter of that is 1.05825 grams of gold. So the dower of woman cannot be less than the value of 1.05825 grams of gold according to the standard view in the *Maalikee* School. And there is no maximum limit for a woman's dower.

- Uprightness (**العدالة**): That they be of impeccable character. An upright person is one who isn't known to commit major sins. And if he happens to commit minor sins, he doesn't persist in doing it.

If the potential spouses cannot find two upright witnesses, they should be sure that they summon the attendance of about 30 to 40 people at least to ensure that the news of the union is broadcast to avoid the accusation of fornication.

IV. Conditions of the Expression of Consent (**شروط الصيغة**)

The Expression of Approval is of two parts. One part is issued by the guardian, which is known as *the offer* (**الإيجاب**). And the second part is issued from the groom or his trustee (**وكيل**), known as *the acceptance* (**القبول**).

As for the guardian's offer, it must be characterized by words clearly indicating that he passes permanent charge of this woman on to the groom, like '*I give you my daughter*,' or '*I marry to you my daughter*.'

As for the acceptance, it must be done with words that clearly indicate the groom's acceptance of the offer, like '*And I accept*.'

The sequence is considered part of the perfection of the expression of approval. However, the expression would be still valid were the groom to accept first, and the guardian passes on the charge from his side thereafter.

The Rights of Marriage

الحقوق الزوجية

The rights of marriage are of three divisions:

- 1- The rights shared between the two spouses
- 2- The rights of the wife
- 3- The rights of the husband

The Shared Rights Between Spouses (**الحقوق المتبادلة**)

The following are the rights shared between both the husband and wife in a marriage:

- 1- *The right to the same living quarters*: This means that it is an obligation upon the husband to provide adequate shelter for his family. And from the woman's side it means the obligation of her transferring her person and property to the family habitat upon marriage even if it is beyond the required distance of travel before one can shorten ones prayer. If it happens to be more than the distance of travel required before one can shorten ones prayer, the woman is only obliged to relocate with her husband when the following three conditions are fulfilled:
 - The path taken to arrive at the new home is secure. That is, there is no immediate or known threat to the loss of ones life or property.
 - That the residence is secure. That is, it falls within the guidelines stipulated by the religion in that it is furnished with all the necessities of life, and is not in the land of those who Muslims are engaged in war with and the like.
 - It isn't feared that the husband is combative or one who will bring undue harm upon the woman or her life. When these conditions exist, the woman must relocate with her husband regardless of where the place may be.

- 2- *The right to good companionship*, which includes the right to intimacy, mutual respect and compassion, and the preservation of the family's well being. As far as the right of intimacy, it is the obligation of the husband to grant his wife her right to intimacy at least every four days. As for the wife, she is required to allow her husband to be intimate with her anytime he has the desire as long as it isn't during her menstrual cycle, the period of prenatal bleeding, and the like.

- 3- *The right to inherit from one another*. A husband has the right to $\frac{1}{2}$ of his wife's inheritance when she dies if she doesn't have children. But if she has children, he has a right to $\frac{1}{4}$ of it. As for the wife, her right to her husband's inheritance is $\frac{1}{4}$ if he doesn't have any children he left behind. But if he does, she has a right to $\frac{1}{8}$ of it. But this doesn't apply if the wife is one of the People of the Book due to the Prophet's saying, "The Believer does not inherit from the unbeliever, nor does the unbeliever [inherit] from the Believer."⁸

- 4- *The rights of family*, which include the right to maintaining ones own lineage as well as the lineage of ones children, just as it includes keeping the boundaries set by Allah regarding the impermissibility of marrying the sons, daughters, fathers, and mothers of ones spouse. The child follows his father's religion by birth by the consensus of the scholars. He also follows his lineage when born from a valid marriage.

⁸ Muslim.

Rights of the Wife (حقوق الزوجة)

The rights of the wife in a marriage are the following:

1- *Maintenance*: That is, it is a fundamental right of the wife to be provided with food, clothing, and shelter by her husband from the time the marriage is consummated or from the time she or her guardian invites her husband to consummate the marriage when the following conditions are fulfilled:

- Neither of them is on his/her deathbed
- The husband is at least pubescent
- The wife is physically developed enough to withstand the sexual thrust of a man

** Maintenance during the waiting period ('idda)*

- If a woman is mourning the death of her husband, the only maintenance she has a right to during her waiting period is the right to shelter.
- If she is in her waiting period from an irrevocable divorce, she also only has a right to shelter.
- If she is in her waiting period from a revocable divorce, she has the right to full maintenance (food, clothing, and shelter) until her waiting period is over.
- A pregnant woman who is in her waiting period from either a divorce – whether revocable or irrevocable – or is in a period of mourning from her husband's death has the right to full maintenance until she gives birth.

***Maintenance of the discordant woman (nashiz)*

The discordant woman is the one who refuses to accompany and to be intimate with her husband. Such a woman isn't owed any form of maintenance according to the overwhelming majority of scholars.

Additional Notes:

The price for nursing and medical treatment is also considered by many scholars to be included as part of the woman's maintenance, since the objective from maintenance is merely to guarantee the woman's safety

and survival. So, medical treatment should also be included. However, the standard view of the 4 Schools is that medical coverage is not included as part of a man's obligation of the maintenance of his wife.

Another special feature of the *Maliki School* is that it is considered the duty of the husband if he is well to do to furnish his wife with a maid to maintain the home if his wife has come from a situation within which she was not required to perform such tasks due to her status and affluence. As for when the husband isn't well to do, it becomes a duty of the wife to maintain the home.

Lastly, a wedding reception is also a right of the woman's toward her husband. And the price for the reception is considered a part of the maintenance.

- 2- *Equity Between Wives*: If the man is married to more than one woman, he is required to maintain equity and fairness between his wives. In particular he is required to divide the days equally between them. Imam Malik's view is that the husband is obliged to give each wife one day each alternately unless they all agree to some other arrangement. As for Shaafi'i, he considers it permissible for the man to give each one, two days at a time, or three days at a time equally.
- 3- *The right to visit one's family and to allow their visit*: It is also a right of the woman to be allowed to visit her family as long as it doesn't happen too often. Although this is a right of hers, she still requires her husband's approval. She also has the right to allow the members of her family to visit her. If she has young children from another marriage who don't reside with her and her new husband, she is allowed to have them visit her once a day. Her parents have the right to visit upon her request once per week. As for other relatives like uncles and aunts, an arrangement must also be made to allow them to visit.
- 4- *The right to manage and dispense with her own wealth as she pleases*: A woman has the right to manage and dispense of her wealth as she sees fit without interference from her husband as long as she takes a monetary substitute for it. However, if it happens that she gives a part of her wealth in charity or gives it away as a gift, her husband has the right to prevent her from disposing of it in this fashion if it exceeds one third of her wealth according to the view taken by Imam Malik and Imam Ahmad. As for Shaafi'i and Abu Hanifa, they hold the view that a woman's husband has no right to prevent her from spending her wealth or giving any of it away when she wants to.

The Husband's Rights (حقوق الزوج)

The husband's rights in a marriage are the following:

- 1- The right that his wife upkeep herself and guard her chastity
- 2- The right of obedience within the bounds of the Shariah
- 3- The right that she nurse his children when they are born until a year expires
- 4- The right over her that she supervise and organize the affairs of the home
- 5- Showing respect to the parents of the husband and his relatives with fairness

The Dissolution of the Marriage Relationship

الانفصال الزوجي

There are many ways to dissolve the marriage relationship:

1. *Talāq* (الطلاق): The divorce initiated by the husband.
2. *Khul'* (الخلع): The divorce resulting from the wife's request and the husband's consent usually with some form of monetary substitute.
3. *Faskh* (الفسخ): A judge's annulment of a marriage due to it being invalid for lacking one or more of its essential elements or another matter such as the two spouses being unmarriageable.
4. *Tatlīq* (التطليق): The divorce initiated by the Islamic judge usually due to some infraction committed by one of the spouses (usually the husband) that leads to undue hardship brought upon the other.
5. *Zihār* (الظهار): The divorce that results from a man declaring his wife to be similar to a woman who is prohibited to him in marriage.
6. *Īlā* (الإيلاء): The oath taken by a man to avoid intimacy with his wife for 4 months or more.
7. *Li'aān* (اللعان): The sworn accusation of adultery made by a man against his wife.

The Divorce initiated by the husband (الطلاق)

The word 'الطلاق' literally means 'to set something or someone free' (الإرسال). Every divorce initiated by the husband requires an intention and an utterance that indicates the husband's intention to end the marriage relationship either explicitly or implicitly.

But due to the seriousness that Islam places on the marriage relationship and the dissolution of it, it has judged that the utterance that unambiguously indicates a man's intention to divorce his wife is considered a divorce even if he says it in jest. The Prophet – peace be upon him said,

“Three things: The seriousness of them is serious. And their jest is serious: Marriage, divorce, and the repudiation (of a divorce).”

قال صلى الله عليه وسلم ثلاث جدهن جد و هزلهن جد النكاح و المطلاق و الرجعة

The utterance that is an indirection expression (كناية) is of two types:

- The utterance whose *apparent* meaning indicates that the husband's intention is to divorce his wife.
- The utterance whose appearance could be taken to mean that his intention is to divorce his wife but equally can be construed to mean something else.

As for the first type of indirect expression, it takes the same ruling of the explicit utterance in that divorce is imminent even if it is said in jest.

And as for the second type of indirect expression, like 'get away from me' or 'leave me alone', it only produces a divorce if the husband's intention while making such pronouncements is to divorce his wife. Otherwise, the relationship isn't dissolved because of it.

As a result of the husband's pronouncement of divorce on his wife, she is obliged to begin a waiting period known as the 'idda (العدة), which is for three periods that come between regular menstrual cycles. The Qur'an says,

“And divorced women are to wait by themselves for three periods.”

⁹((و المطلقات يتربصن بأنفسهن ثلاثة قروء))

⁹ Baqarah:

This means that once the woman enters her third menstrual cycle, she is considered to be divorced from her husband.

This applies to women who have regular menstrual cycles. However, this may differ depending on the physical status of the woman as well as the type of *'idda* she is waiting from. So in the following section we will deal with the various types of women with relation to their respective waiting periods.

The Waiting Periods of Woman (العدة)

The waiting period for a woman results either from a divorce or from the death of her husband. The following outlines the waiting periods of women from a divorce.

<u>Type of Woman</u>	<u>Waiting Period</u>
Menstruating Woman	3 periods
Pregnant Woman ¹⁰	Until Birth
No Longer Menstruating	3 Lunar Months
Non-Menstruating woman ¹¹	3 Lunar Months
The Menorrhagic woman ¹²	1 Year

As for the woman who has been recently widowed, her waiting period before she can remarry is 4 months and 10 days from the date of her husband's death. She must also avoid any kind of cosmetics or other forms of beautification until the end of this period.

¹⁰ Divorce can be pronounced on a pregnant woman at any time of the pregnancy. And the husband can revoke it at any time during the pregnancy as long as he hasn't divorced her three times.

¹¹ The woman who has exceeded menopause and no longer menstruates can be divorced or returned to her husband's custody at any time. The same applies for the young girl who hasn't begun to menstruate. Islam allows a young woman to marry at any age with the consent of her father as long as she can withstand the sexual thrust of a man. It is not a condition that she be menstruating.

¹² This is the woman whose menstrual cycle is of an abnormal number of days, like 15 or more. If such a woman is still bleeding beyond 15 days, she is required to return to her regular worship activities and her husband may have intercourse with her even though she still may see blood.

The Divorce of Sunnah and the Divorce of Bid'ah

When we look at divorce with regard to whether or not it is done in accordance with the Shariah, we find that it can be divided into what is known as '*The Divorce of Sunnah*' and '*The Divorce of Bid'ah*.'

1 – The Divorce of Sunnah (للطلاق السني): A divorce is said to be in accord with the Sunnah when the following conditions exist:

- The pronouncement of divorce is made between two menstrual cycles (i.e. not while a woman is menstruating).
- The pronouncement is made during a period within which the husband hasn't approached his wife intimately.
- The pronouncement of divorce is made only once for the duration of the woman's waiting period.
- Three pronouncements of divorce in one sitting aren't made (i.e. *I divorce you, I divorce you, I divorce you*).

2 - The Divorce of Bid'ah (للطلاق البدعي): Anytime a divorce is pronounced while violating any of the aforementioned conditions, it is called a divorce of bid'ah (i.e. innovation). The result is that the man is considered sinful, although the divorce is counted against him. So if a man,

- Pronounces divorce on his wife during her menstrual cycle¹³,
- Pronounces divorce after he has had intercourse with his wife before her next menstrual cycle begins,
- Pronounces divorce more than one time during the remainder of her waiting period, or
- Pronounces three consecutive divorces in one sitting,

¹³ Pronouncing divorce on a woman during her menstrual cycle is forbidden. But the divorce is still held against the man who pronounces it. In addition to that, he can be ordered by the judge to take his wife back. If he refuses, the judge has the authority to threaten him with prison or bodily harm. Ibn 'Umar – may Allah be pleased with him – once divorced his wife during her menstrual cycle. So his father, 'Umar asked the Messenger of Allah about that. So he said,

“Order him to return her. Then let him hold on to her until she becomes clean [of menstruation], then menstruates, and becomes clean. Then if he pleases, he can hold on afterwards. And if he pleases, he can divorce before he touches [her]. That is the waiting period by which Allah has ordered that he divorce women.”

The same ruling applies to divorcing a woman while she is still recovering from post-natal bleeding. It is forbidden to do so as in the case of divorcing women during their menses.

He has committed a grave sin, and will have to answer to Allah for his infraction. Add to that, if he pronounces three consecutive divorces in one sitting, they count as three divorces. Consequently, his wife will be separated from him, and he won't be allowed to take her back until she marries another man, consummates the marriage, and is divorced by the new husband.¹⁴

Imam Al-Nasa'i relates that the Messenger of Allah – may Allah bless and grant him peace – was informed of a man who divorced his wife with three pronouncements consecutively in one sitting. He then stood up out of anger and said,

“Do you play with the Book of Allah while I am in your midst.”

أ تلعبون بكتاب الله و أنا بين أظهركم

The Revocable and Irrevocable Divorce

Divorce with respect to the husband's right to revoke it and take his wife back is classified into two categories: The revocable divorce and the irrevocable divorce.

1 – The Revocable Divorce (للطلاق الرجعي): A divorce is revocable anytime a man has pronounced divorce on his wife, and she hasn't entered into her third menstruation. But once her third menstruation begins, the man no longer has the right to take his wife back unless he remarries her with all the conditions of marriage already mentioned.

2 – The Irrevocable Divorce (للطلاق البائن): A divorce is irrevocable when a man pronounces the third divorce on his wife. This means that, he has no right to return her to his self during her waiting period until it is over and she has remarried and has been divorced by her new husband. A divorce is also said to be irrevocable if the husband has pronounced divorce on his wife one or two times and waits until her waiting period has ended.

Non-Consensual Marriage (الإجبار)

The scholars of Islam unanimously agree that it is permitted for a *father* to marry off his virgin daughter who hasn't reached the age of full maturity - which is 20 years of age - without her consent as long as such a marriage doesn't bring any undue hardship upon her.

¹⁴ That is, as long as the first and second husband haven't agreed that the second husband will only marry the wife to make her permissible for the first.

As for Maliki's this authority extends to every daughter of the father regardless of her age. It also applies to even his non-virgin daughters who lost their virginity through illegitimate means – like fornication – as long as the girl hasn't repeated the sin so many times so as to remove herself all sense of shame and shyness. In this case, her permission must be sought before giving her hand in marriage to another.

The testamentary guardian – like the father – also has the authority of the father as mentioned before with two conditions:

- 1 – That the father orders the testimonial guardian in his will to marry off his daughter before she reaches the age of full maturity.
- 2 – That the father specifies the particular spouse who he desires to give his daughter to in marriage.

As for the non-virgin woman who lost her virginity in a valid marriage, her consent must always be sought before being married off under all circumstances.

As for guardians other than the father and his testamentary guardian, they are required under all circumstances to seek the permission of both the virgin and non-virgin woman to marry her off.

A virgin woman's consent is indicated by her silence when her guardian says to her that he intends to marry her off.

As for the woman who has been married before, she is to verbally express her consent with what her guardian intends to do. The Prophet said – may Allah bless and grant him peace,

“The previously married woman has more right to herself than her guardian does. And the virgin is sought out for permission. And her permission is her silence.”

الأيم أحق بنفسها من وليها والبكر تستأذن و إذنها صماتها

The Impediments to Marriage (موانع الزواج)

The impediments to marriage are of two types:

- 1 – Permanent impediments that make it impossible for people to ever marry
- 2 – Temporary impediments that inhibit marriage between two people unless they are removed
 - A. Permanent Impediments (الموانع للمؤبدة)

The permanent impediments are five:

- 1- *Kinship*: That is, it is impermissible for a man to marry his mother, sister, or daughter, just as it is impermissible for a woman to marry her father, brother, or son. Fathers and mothers include grandparents. Sons and daughters include grandsons and granddaughters. And brothers and sisters include siblings and non-siblings.
- 2- *Relationship by marriage*: That is, men cannot marry the mothers of their wives or the wives of their fathers and wives of their sons by the mere contraction of the marriage regardless of consummation. In addition to that they cannot marry the daughters of their wives with the condition that they have consummated the marriage with their wives.
- 3- *Relationship established through nursing*: That is, it is impermissible for men to marry women who nursed them or to marry their daughters. And women cannot marry the husbands of the women who nursed them or the sons of such women equally if they are the sons of their wet-nurses or the sons of the husband of the wet-nurse.
- 4- *Intercourse with a woman during her waiting period*: If a man has intercourse or contracts a marriage with a woman during her waiting period (*'idda*) from an irrevocable¹⁵ divorce or husband's death, it is impermissible for him to marry her ever in life thereafter after the marriage is annulled. For Malikis, kissing and other forms of foreplay take the same ruling as intercourse.
- 5- *The sworn allegation of adultery (اللعلن)*: When a husband accuses his wife of adultery, Islam stipulates that they must conduct a sworn allegation of adultery, which has the effect of an irrevocable divorce and makes it impermissible for the two people to ever be remarried again. This also removes from the accused the legal penalty for adultery, just as it removes from the accuser the legal penalty for slander. Allah says in Surat al-Nur: 6 *“And those who accuse their wives while not having any witnesses except for themselves, then the testimony of one of them is four oaths by Allah that he is indeed amongst the truthful and the fifth should be that the curse of Allah is upon if he is amongst the liars. And it will ward off from her the penalty that she testifies four oaths by Allah that he is amongst the liars and the fifth will be that the wrath Allah is upon her if he is amongst the truthful.”*

B. Temporary Impediments (الموانع المؤقتة)

¹⁵ If the divorce is revocable and a man marries or becomes intimate in any way with the woman during her waiting period, the marriage is also to be annulled. But it is merely considered illegal intercourse, which demands the Islamic determined legal penalty. Consequently, such a man isn't prevented from marrying such a woman after her waiting period has ended.

As for the temporary impediments from marriage, they are mainly related to the attachment of another's right to a woman as a result of him being married to her or because she is still in her waiting period from a divorce or the death of her husband.

Marriage to Non-Muslims

It is not permitted for a Muslim woman to marry or to remain married to a non-Muslim. Allah says, "*O Prophet! If believing women come to you as emigrants, then test them. Allah knows best their faith. So if you find them to be believing women, then do not return them to the unbelievers. They (women) are not permissible for them (men), nor are they (men) permissible for them (women).*" {Al-Mumtahana: 10}

As for a Muslim man, he can only be married to a Muslim woman, a Christian woman, or a Jewish woman. Allah says, "*Today I have made permissible for you all good things. And the food of the People of the Book is permissible for you, just as your food is permissible for them. As well as the chaste women amongst the believers, and the chaste women from those who have been given the Book before you [are all permissible in marriage]...*" {Al-Ma'ida: 5}

He also says, "*And do not marry the [women of the] Polytheists until they believe. And a believing slave woman is better than a polytheist even if she attracts you.*" {Al-Baqara: 221}

The Effects of Apostasy in Marriage

If two Muslim spouses apostatize from Islam, their marriage is annulled in the form of an irrevocable divorce. But if they return to Islam before the waiting period is complete, they don't have to remarry.

If one of them apostatizes, the marriage is also annulled in the same way and according to rules just mentioned.

The Islam of Two Polytheists

If spouses who are neither Muslims nor People of the Book adopt Islam, they are not obliged to remarry even if their previous marriage lacked some of the essential elements required in an Islamic marriage.

If it happens that only one of them accepts Islam, the marriage is annulled.

The Islam of Two People of the Book

If Jewish or Christian spouses accept Islam, the marriage is considered valid. If the husband accepts Islam only, the marriage is still considered valid, since Islam allows Muslim men to marry women from the People of the Book. But if the wife accepts Islam, the marriage is immediately annulled with no divorce unless the husband also accepts Islam within two months of his wife's acceptance. In this case they would not have to be remarried. But if he accepts Islam after two months of his wife's acceptance of Islam, they must be remarried according to the rules of Islam.

A Christian or Jewish Husband and Polytheist Wife

If a Christian or Jewish man married to a wife who is neither Christian nor Jewish accepts Islam, his marriage to her must be annulled unless she accepts Islam along with him immediately or within the 2 month period following his acceptance of it.

The same also applies were she to accept Islam, since Islam doesn't allow a Muslim woman to be married to a non-Muslim man.

The Marriage of a Critically Ill Person

Islam has forbidden the marriage performed between a healthy person and another who is on his or her deathbed. The reason is that the spouse who's in good health is accused of attempting to take a share of the other's inheritance thus denying those who have an original right to it from their full share.

When a person is on his deathbed, his assets are to be placed in escrow to protect him from squandering all of it, a direct result of being sick and not completely aware.

So if such a person marries, the marriage is annulled under all circumstances. And if the marriage is consummated, the woman gets her designated dowry but she gets no part of the man's inheritance. And if there is no consummation, she gets nothing at all.

If the man happens to divorce his wife in an irrevocable manner while on his deathbed, she still inherits from him, since he is accused of attempting to deny her from her share in the inheritance. But he doesn't inherit anything from her.

But if the divorce is revocable, she inherits from him and he inherits from her with the condition that he dies before the waiting period ('idda) is concluded.